

TOWN OF PLYMOUTH

PRELIMINARY REPORT

OF THE

CHARTER COMMISSION

ELECTED MAY 15, 2021



Commissioners:

William Abbott, Chair	David Malaguti
Laurence Pizer, Vice Chair	Frank Mand
William Keohan, Clerk	David Peck
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INTRODUCTION

There follows in this document the Preliminary Draft of the proposed Charter of the Town of Plymouth, MA prepared by the Plymouth Charter Commission pursuant to the requirements of MGL c. 43B.

The Plymouth Charter Commission was elected by the voters of Plymouth, MA at its regular annual Town Election on May 15, 2021. Following its organizational meeting on May 27, 2021, the Commission set about its work of gathering information and discussing various alternative forms of municipal government that would fit the particular attributes of Plymouth.

The Commission held its first working session on June 10, 2021, and its first public hearing, after duly published notice, on June 24, 2021, such date being within 45 days of the election date of the Commission. During the sixteenth months after their election, the Commission continued to meet on a regular basis and solicited a wide variety of information on the alternative forms of municipal government, such information being in the form of written materials and also including In-person discussions with residents and office holders of Plymouth and with officials from a wide range of communities in Massachusetts having particular similarities to many of the characteristics of Plymouth. In early 2022 the Commission, after extensive discussions, decided by a vote of 6-3 to make the center of its new Charter a strengthened and balanced Town Meeting form of government, sharing appropriate powers with a strong non-partisan Town Manager who would be responsible to a Select Board which would set strategic policy and work with an elected Planning Board on long-range planning for the Town. The Commission recognizes that these three basic structures of municipal government, a Town Meeting, Town Manager, and Select Board, are the basis of its present government. Notwithstanding, the Commission believes that the new proposed Charter makes substantial changes to the make-up and functioning and relationships of all the present components of Plymouth's government, and adds many additional features so that overall Plymouth's government will operate more efficiently, with better balance, more transparency and open communications, and increased accountability, while stressing democratic participation.

To that end the Commission has prepared this Preliminary Report of its proposed Charter, and by unanimous vote has presented it for publication in full in Plymouth's local newspaper, the Old Colony Memorial, on September 14, 2022, and will provide sufficient copies of said Preliminary Report to the Plymouth Town Clerk to permit its distribution to any registered voter requesting same. Thereafter, on September 16, as required by MGL c. 43B, this Preliminary Report will be sent to the Massachusetts Attorney General and Department of Housing and Community Development. Further, a public hearing will be held on this Preliminary Report, tentatively scheduled for October 3, 2022 (see Charter Commission's webpage for hearing date when confirmed at <https://www.plymouth-ma.gov/charter-commission>).

Thereafter, the Commission will continue to follow the requirements set forth in MGL c. 43B, and it is expected that the final version of the Charter, taking into account further public input and comments of the Attorney General, and if recommended by the Commission, will be on the Plymouth town-wide ballot at the regular annual Town election in May 2023.

William Abbott, Chair, Plymouth Charter Commission

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PREAMBLE

We, the people of the Town of Plymouth, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, do hereby combine ourselves together into a civil body politic, for our better ordering and preservation and by virtue hereof do enact, constitute, and frame, this home rule charter for the general good of the Town.

It is the mission of the government of the Town of Plymouth:

1. To promote direct and inclusive democracy for all the citizens of Plymouth, and to encourage their participation in the governance of the Town.
2. To provide its citizens with an efficient and benevolent government that supports the creation and maintenance of equitable housing, provides education and employment opportunities, ensures public health and safety and is in harmony with, balanced by and protective of our natural environment, including the Rights of Nature.
3. To provide the infrastructure required to support an exceptional quality of life for its citizens: including facilities, public works, parks and open space.
4. To provide for long-range planning to assess the status of the purposes above, and proactively provide for adaptations to meet those goals.

To this mission, we the people of Plymouth, assert our willingness to have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations provided for in this Charter, to live and grow in freedom, dignity and tranquility.

CHAPTER 1

POWERS OF THE TOWN

Section 1 Incorporation

1-1-1 The present Town of Plymouth, Massachusetts, within its territorial limits as now or may hereafter be established by law, is hereby continued as a body politic and corporate under the name Town of Plymouth.

Section 2 Scope of Town Powers

1-2-1 The town shall possess, exercise and enjoy all powers possible under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this Charter.

Section 3 Form of Government

1-3-1 This Charter provides for the representative Town Meeting-Select Board-Town Manager form of government.

Section 4 Construction of Charter

1-4-1 The powers of the town under this Charter shall be construed liberally in favor of the town and the specific mention of particular powers in this Charter shall not be construed as limiting in any measure the general powers of the town as stated in this chapter.

Section 5 Intergovernmental Relations

1-5-1 Consistent with any constitutional or statutory provision, the Town of Plymouth may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, civil divisions, subdivisions or agencies of the Commonwealth, other states or the United States government.

Section 6 Definitions

1-6-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this Charter shall have the following meanings:

a) By-law - The word "by-law" shall mean any by-law of the town duly adopted by the Town Meeting or continued in effect as provided herein.

b) Charter - The word "Charter" shall mean this Charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the State Constitution.

c) Commonwealth - The word "Commonwealth" means the Commonwealth of Massachusetts.

- d) COPC - refers to Committee of Precinct Chairs
- e) Days - Unless otherwise provided by law, bylaw, or this charter, when a time limit is less than seven (7) days, the word "days" shall refer to business days, not including Saturdays, Sundays, and legal holidays. When the time limit is seven (7) days or more, every day shall be counted. When the last day falls on a Saturday, Sunday or legal holiday, the period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal holiday.
- f) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- g) Financial Interest - The words "financial interest" shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions. The "financial interest" of a Town Agency shall be defined as any particular warrant article and related motions or votes, which specifically refer to said Town Agency.
- h) Majority Vote - The words "majority vote" shall mean a majority of those present and voting in any body, provided that a quorum of the body is present.
- i) Multiple-Member Body - The words "multiple-member body" shall mean any board, commission or committee or subcommittee thereof consisting of two or more persons authorized to act collectively, whether elected or appointed but shall not include Town Meeting.
- j) Quorum - The word "Quorum", unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body notwithstanding any vacancies, which might then exist.
- k) Select Board - The words "Select Board" shall mean the Board of Selectmen as used for all purposes in the State Constitution, and general and special laws and in the Town by-laws and rules and regulations.
- l) Select Person - the words "Select Person" shall mean a person elected to and currently serving on the Select Board. The definition of Select Person includes both At-Large Members and District Members of the Select Board pursuant to Chapter 3, Section 1, of this Charter.

- m) Town - The word "Town" or "town" shall mean the Town of Plymouth.
- n) Town Agency - The words "Town Agency" shall mean any board, commission, committee, department or office of the Town government, whether elected, appointed or otherwise constituted.
- o) Town Officer - The words "town officer" or "Town Officer" shall mean an elected or appointed official of the Town who in the performance of his or her duties of office exercises some portion of the sovereign power of the town, whether great or small. A person may be a town officer whether or not the Town compensates that person.
- p) Voters - The word "Voters" shall mean registered voters of the Town.
- q) Website - The word "Website" shall mean the electronic site officially owned and maintained by the Town of Plymouth and containing information concerning Town business.

CHAPTER 2

THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING

Section 1 Division of the Town into Precincts

2-1-1 The town shall be divided into voting precincts, as prescribed by state law.

(a) In every year ending in a nine (9), there shall be appointed a Precinct Advisory Committee of 10 members, 5 of whom shall be appointed by the Select Board and 5 of whom shall be appointed by the Committee of Precinct Chairs described in Section 2-6-4. The Town Clerk or the Town Clerk's designee shall serve as a nonvoting member ex officio. The Select Board shall not appoint multiple members from the same precinct, and the Committee of Precinct Chairs shall not appoint multiple members from the same precinct.

(b) Upon request of the COPC, or upon its own initiative, the Select Board and COPC may appoint the Precinct Advisory Committee as provided in subsection (a), as early as 5 years prior to the decennial precinct review.

(c) The Precinct Advisory Committee shall study the Town's precincts and population prior to the release of the final results of the decennial federal census, shall review the final results of the decennial federal census upon receipt, and shall propose any changes in precincts that the Committee deems necessary to the Select Board. The Precinct Advisory

Committee shall hold one or more public hearings to solicit public input.

Section 2 Composition, Membership, and Eligibility

2-2-1 The town shall have a representative Town Meeting which shall consist of representative Town Meeting members who are elected for three-year (3) overlapping terms. The number of representative Town Meeting members shall be determined as follows: Each precinct shall elect (9) members; this provision shall be implemented by each precinct electing three (3) members in each annual town election occurring after the effective date of this Charter. Should the number of precincts in the town change, the total number of regular Town Meeting members shall increase or decrease accordingly.

2-2-2 Any registered voter of the town shall be eligible for election to Town Meeting membership.

2-2-3 The Town Clerk shall serve as clerk of the representative Town Meeting. The Town Clerk shall cause notice of all Town Meetings to be posted in the town hall, in the town's libraries and posted on the town's website and take reasonable efforts to post to the town's social media. The Town Clerk shall mail copies of the notice to the place of residence or provided mailing address or provided email address of all representative Town Meeting members, citing the place, date and time of the meeting.

2-2-4 (a): The Select Board shall ensure that a video recording of all Town Meeting sessions is created, along with a text record that includes time stamps at the beginning of each warrant article.

2-2-4 (b): The Town Clerk shall ensure that detailed minutes of all Town Meetings shall be created. Such minutes shall contain, at a minimum, the warrant articles, and the action taken on each warrant article. The Town Clerk's Minutes shall be deemed the official Minutes of the Town Meeting.

2-2-4 (c) The Town shall be the custodian of both the video records and the minutes specified in subsections (a) and (b), and such records shall be stored in a location that is accessible for unrestricted public viewing.

2-2-5 Representative Town Meeting members shall serve without compensation or monetary allowance for any expenses incurred in the performance of their duties.

2-2-6 Representative Town Meeting members shall occupy sections assigned to them by the Town Clerk in a section of the hall which has been reserved exclusively for them.

2-2-7 Any representative Town Meeting member who is unable to attend a representative Town Meeting session shall provide written or electronic notice of his or her anticipated absence, and the expected duration of the absence, to the Town Clerk prior to such session.

2-2-8 After the final adjournment of every Town Meeting, the Town Clerk shall post a complete attendance record and voting record on the Town's website.

2-2-9 The Town Clerk shall publish the contact information provided by all Town Meeting Members, including: address, phone number, email address, and the Town Meeting Member shall receive a printed copy of Finance Committee report during his or her term of office unless the member indicates otherwise; provided statutory authority for withholding any of the information shall not be affected by this section.

Section 3 Powers

2-3-1 The representative Town Meeting shall exercise all legislative powers of the town.

2-3-2 The representative Town Meeting shall consider and act upon all proposed by-laws that are brought before Town Meeting by action taken in accordance with applicable law, this Charter, and all applicable bylaws.

2-3-3 The representative Town Meeting shall have the power to consider and act upon, pursuant to its legislative authority, with or without amendments, all proposed operating and capital improvement budgets, bond issues, and all other financial proposals of the town and such other matters as prescribed by law and all matters that appear on the town warrant, except as otherwise provided by general law.

Section 4 Procedures

2-4-1 The Representative Town Meeting shall be scheduled to meet at least three (3) times in each calendar year. The first such meeting, the Spring Annual Representative Town Meeting, shall be convened during the period of March through April, at a time fixed by by-law.

The Spring Annual Representative Town Meeting shall be concerned primarily with the determination of all matters that concern raising, appropriating, or transferring funds, including, but not limited to, the adoption of an annual operating budget covering all town

agencies. The second such Town Meeting shall be held during the last four calendar months of each calendar year, at a time fixed by by-law.

A third non-mandatory Town Meeting shall be scheduled for January of the calendar year following the Spring Annual Meeting; provided, however, that the third Town Meeting may be waived by a joint majority vote of the Select Board and the COPC (Committee of Precinct Chairs). The vote to waive such meeting shall be taken no later than thirty (30) days prior to such January Town Meeting.

The second and third Town Meetings shall be deemed to have all the powers and standing of an Annual Town Meeting.

The budget, as adopted at the spring annual representative Town Meeting, may be reopened by a citizen-petitioned article pursuant to G.L. c.39, § 10, or any other applicable law.

As provided by G.L. c.39, §10, (i) the Select Board may, at any time upon at least fourteen days prior notice, call a special Town Meeting, and (ii) the Select Board shall call a special Town Meeting upon the request in writing of two hundred registered voters, such meeting to be held not later than forty-five days after receipt of such request, and the Select Board shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition.

2-4-2 The quorum necessary for the conduct of representative Town Meeting business shall be two-thirds (2/3) of the total number of elected representative Town Meeting members. A majority of those present may adjourn any meeting forthwith to a stated date, time, and place, but no Town Meeting shall adjourn over the date of an election of Town Meeting Members.

2-4-3 The representative Town Meeting shall always operate in open session and secret ballots shall not be allowed.

2-4-4 The order of consideration of the articles on the warrant may be changed only by a two-thirds (2/3) vote of those present and voting.

2-4-5 The representative Town Meeting may adopt rules and regulations relating to its procedures and its methods of operation which shall be implemented by the Moderator, and other persons as applicable.

2-4-6 An electronic roll call vote shall be required for all final main motions on every warrant article and on any matters with respect to the following subjects: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law; provided, however, that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority. In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call.

2-4-7 An electronic roll call vote shall be required for all motions to close debate; provided, however, that in the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in the minority. In the event that the electronic voting system is unavailable, or determined in the Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an electronic roll call.

Section 5 Attendance of Representative Town Meeting Members

2-5-1 Representative Town Meeting members shall attend all representative Town Meeting sessions. Each calendar day during which any portion or portions of a representative Town Meeting or meetings is/are conducted shall be deemed to be a single "representative Town Meeting session".

2-5-2 During each representative Town Meeting session, the Town Clerk shall cause the attendance to be taken prior to the commencement of the session. A record of those in attendance shall be kept open until the end of each representative Town Meeting session to enable latecomers to be recorded as present. The attendance record shall be public and be made part of the representative Town Meeting proceedings.

2-5-3 A representative Town Meeting member who moves from the town shall cease to be a Town Meeting member and a representative Town Meeting member who moves from the precinct from which the representative was elected to another precinct may serve only until the next annual Town Meeting. The Town Clerk may also declare the seat vacant if the registrars of voters, under sections 47B, 48 and 49 of chapter 51 of the General Laws or any other applicable law, determine that the representative Town Meeting member is illegally or incorrectly registered to vote in that precinct.

Section 6 Caucuses

2-6-1 The representative Town Meeting members from each precinct shall, within fourteen (14) days following each town election, meet and elect from among their own precinct's representative Town Meeting members, a chairperson, vice-chairperson, and clerk, to serve for a term of one (1) year, and shall file a notice of such organization with the Town Clerk. If the Town Clerk fails to receive a notice of organization within twenty-one (21) days following a town election, the Town Clerk shall immediately call a meeting of the representative Town Meeting members from such precincts that have failed to organize, for the purposes of organizing.

2-6-2 Each precinct delegation shall hold a caucus meeting for the purpose of reviewing the subject matter of the upcoming representative Town Meeting. Caucus meetings may be held in conjunction with other precinct delegations. In addition, the precinct chairperson shall be able to call caucus meetings of the precinct delegation for any purpose in furtherance of Town Meeting or to discuss town and precinct matters, as needed.

2-6-3 Each precinct chairperson shall arrange for the posting of notices of caucus meetings in town hall and on the town's website. The Open Meeting Law as established by Massachusetts General Laws Chapter 30A, Section 20, shall apply to caucus meetings held under this section.

2-6-4 The precinct chairpersons shall meet together within twenty (20) days following each town election, and shall organize as a Committee of Precinct Chairs, electing a Chairperson, Vice Chairperson and a Clerk.

Section 7 Committee of Precinct Chairs

2-7-1 The Committee of Precinct Chairs described in Section 2-6-4 shall function as a Town Meeting standing committee, whose purpose is to establish legislative branch continuity between Town Meetings and provide a voice for the legislative branch as a co-equal branch of government.

2-7-2 In furtherance of its purpose and mission, the Committee shall keep Town Meeting Members informed about warrant articles, make recommendations concerning Town Meeting rules and procedures, facilitate oversight of articles passed by Town Meeting, review Town bylaws, and participate in other such activities as the Town Meeting or the Committee shall deem appropriate to support Town Meeting. The Town Manager shall provide support personnel to assist the Committee in carrying out its assigned duties.

2-7-3 The Committee shall make recommendations to Town Meeting on all warrant articles that it deems to be non-financial in nature.—The Committee Chair will present the recommendations of the Committee of Precinct Chairs to Town Meeting.

2-7-4 The Committee may, with a two-thirds vote, request that the Select Board call a Special Town Meeting within thirty (30) days.

2-7-5 The Committee shall make appointments to the Finance Committee as provided in Section 2-12-1, to the Charter Review Committee as provided in Section 8-6-1 and to other committees as provided by bylaw or vote of Town Meeting.

2-7-6 The Committee shall from time to time appoint subcommittees of itself or committees of Town Meeting Members to fulfill its duties under this section.

2-7-7 At least quarterly, the Committee shall report on its activities to all Town Meeting Members, the Town Moderator, and the Select Board. The Committee shall meet jointly with the Select Board at least quarterly. The Committee and the Select Board may schedule additional joint meetings, with a majority vote of the Committee and a majority vote of such Board.

Section 8 Moderator

2-8-1 Election of Town Moderator

A Moderator shall be elected at the annual Town Meeting in the year that the incumbent Moderator's term expires. The incumbent Moderator shall preside over the spring annual Town Meeting, during which representative Town Meeting members shall elect one registered voter to serve as Moderator of all Town Meetings, except as otherwise provided by law, for a term of three years or until a successor is elected and qualified. The Town Clerk, or the Assistant Town Clerk in the absence of the Town Clerk, or a person so designated by the Town Clerk, shall preside over the Town Moderator voting procedure during the annual Town Meeting. The list of candidates for the position of Moderator, as filed pursuant to Section 5-5-1 of this Charter, shall be announced at the beginning of such Town Meeting by such person presiding over the Town Moderator voting procedure. Voting shall be open during the first hour of Town Meeting and election results shall be announced after the conclusion of the annual Town Meeting. The newly elected Moderator shall take office at the conclusion of the Town Meeting at which the Moderator is elected.

2-8-2 The Moderator shall have no vote on Town Meeting business, unless the representative Town Meeting members present, and voting are equally divided.

2-8-3 The Moderator shall preside at all representative Town Meeting sessions and shall perform such other duties as may from time to time be assigned to the office through by-law or vote of the representative Town Meeting.

2-8-4 Following the raising of a point of order at any Town Meeting, a motion to appeal the ruling on such point of order shall be allowed by the Moderator and shall be decided by a two-thirds (2/3) vote of the Town Meeting.

2-8-5 Promptly following the annual Town Meeting election of Town Moderator, the Moderator shall appoint an Assistant Moderator for a term commencing at the first Town Meeting following such election, or at such time as a vacancy occurs, and ending on the date that the Moderator's term expires. Such appointment shall be subject to the approval of the Town Meeting. The Assistant Moderator shall substitute for the Moderator in the event that the Moderator is absent from a Town Meeting session, is recused due to a conflict of interest, or at the discretion and request of the Moderator, and shall carry out the duties of the Moderator excluding any exercise of appointing authority. In the event that the Moderator

cannot carry out the duties of his or her office by reason of death or disability, then the Assistant Moderator shall carry out all of the duties of the office of Moderator. The Assistant Moderator position shall be uncompensated except in the event of the death or disability of the Moderator.

2-8-6 The Town Manager shall provide support personnel to assist the Moderator in carrying out the Moderator's assigned duties.

2-8-7 Residents and taxpayers of the town may speak on any article in a warrant subject to such procedural rules as the Moderator or Town Meeting may impose. Town Meeting may override the Moderator's rulings under this section by following the procedure outlined in Section 2-8-4.

Section 9 Compulsory Attendance

2-9-1 All town officers, the Town Manager, the town engineer, chairpersons of elected and appointed boards, commissions, and the Finance Committee, and all department heads or those officials' designated representatives, shall attend all representative Town Meeting sessions. They shall have all the privileges of representative Town Meeting members, except the power to vote, unless they have been elected to the office of representative Town Meeting member. The absence of any such person shall not invalidate the actions of the representative Town Meeting.

Section 10 Filling of Vacancies in Precinct Town Meeting Members

2-10-1 The Town Clerk shall notify forthwith any precinct of any vacancy which occurs in a precinct delegation.

2-10-2 The person who received the highest number of votes among the unsuccessful representative Town Meeting member candidates at the most recent election in the precinct shall fill the vacancy until the next regular election. If such person declines, or is unable to fill the vacancy, or if thirty (30) days pass without the candidate taking his or her oath of office, the person who received the next highest number of votes among the unsuccessful representative Town Meeting member candidates at the most recent election shall fill the vacancy.

If the vacancy cannot be filled in this manner, the precinct caucus delegation shall vote to fill the vacancy. If necessary, the Town Clerk shall call members of the precinct caucus delegation together by written notice and shall conduct the election.

Section 11 Conflict of Interest

2-11-1 Notwithstanding any general or special law to the contrary, representative Town Meeting members are prohibited from voting on any article in which the member and/or an immediate family member has a financial interest. Representative Town Meeting members are also prohibited from voting on articles involving a financial interest of a business or organization other than the Town in which the member serves as an officer, partner, or employee.

Such representative Town Meeting member shall notify the Town Clerk, in writing, prior to the representative Town Meeting session or during such session at such time as such member becomes so aware, as to any articles giving rise to such financial interest.

When such financial interest is attributed to a budget line item, the Town Meeting member is prohibited from voting on the budget line item but is not prohibited from voting on any other line item or from voting on the overall budget appropriation.

For purposes of this Section 2-11-1, "immediate family member" shall be defined as the representative Town Meeting member, his or her spouse and each of their parents, children, brothers, and sisters.

2-11-2 For the purposes of Section 11 of Chapter 2 of this Charter, the "financial interest" of a representative Town Meeting member shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions, which are hereby incorporated by reference.

Section 12 Finance Committee

2-12-1 There shall be a Finance Committee of 15 members, 5 of whom shall be appointed by the Moderator for 3-year overlapping terms and 10 of whom shall be appointed by the Committee of Precinct_Chairs for 3-year overlapping terms. There shall be no more than 3 members from each precinct of the town; provided, however, that in the event that the number of incumbent members from a particular precinct increases due to redistricting or

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the change in residency of that member or another, no incumbent member need be removed, and may serve out their respective terms. The Finance committee shall choose from its members a chairperson and fill the other offices as it may create. Should a vacancy occur, it shall be filled by the appointing authority responsible for initially appointing the position - the Moderator or Committee of Precinct Chairs, respectively. The appointment shall be for the remainder of the unexpired term of the person causing the vacancy. Persons not registered to vote in the Town of Plymouth, Town of Plymouth employees, Town Meeting and persons holding an elective office of the Town other than the office of Town Meeting Member, shall not be eligible for appointment to, or service on, the Finance Committee.

2-12-2 (a) The Finance Committee shall conduct 1 or more public hearings on the proposed operating and capital budget and shall issue its recommendations in a detailed written report that shall be electronically posted to the Town's website, and mailed by US mail to Town Meeting Members, in both cases no later than fourteen (14) days prior to the scheduled date of the Town Meeting. In preparing its report, the committee may require any Town department, board or office to furnish it with appropriate financial reports and budgetary information.

2-12-2 (b) If the Finance Committee has failed to consider a warrant article, the Town Meeting may consider that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so.

2-12-2 (c) If the article proponent has not appeared at a meeting of the Finance Committee to explain their article and answer reasonable questions with respect thereto, or with the permission of the Chair of the Committee, instead submitted a written explanation, the Town Meeting may act on that article, provided that two-thirds of the Town Meeting Members in attendance vote to do so.

2-12-2 (d) In the event that the Finance Committee fails to timely issue its recommendations as required by 2-12-2(a), the scheduled Town Meeting shall convene and then adjourn to a date that would allow the Finance Committee to electronically post copies of its detailed written report no later than 14 days prior thereto; provided, however, that two-thirds of the Town Meeting Members in attendance may instead vote to waive the 14-day posting requirement and proceed with the scheduled Town Meeting. 2-12-3 The Finance Committee shall present the proposed budget to the representative Town Meeting. The municipal

budget presentation shall be organized in a format that allows separate votes by the representative Town Meeting to encourage full transparency of recorded votes. The school budget may be presented in detail at a departmental level, but only the overall school budget shall be subject to a single vote by the representative Town Meeting.

2-12-4 The Finance Committee may appoint such subcommittees as it may deem advisable.

2-12-5 The Finance Committee shall have authority at any time to investigate the Town's accounts and management, and the books, records and accounts of all departments of the Town shall be open to the inspection of the Finance Committee or any of its authorized subcommittees and any person employed by it.

Section 13 Warrant Article Oversight Committee

2-13-1 There shall be a Town Meeting Warrant Article Oversight Committee to track the status of articles passed by any Town Meeting.

2-13-2 The Committee shall be comprised of five members as follows: the Committee of Precinct Chairs shall annually appoint three of its members to the Warrant Article Oversight Committee within 30 days following the close of the Town Meeting. The other members shall be the Town Manager or designee, and the Town Clerk or designee. Appointments to the Committee shall be made within 30 days following the Town Meeting.

2-13-3 In furtherance of its purpose, the Committee may interview a member of a multiple-member body or a Town Department Head and/or request any information that is within the scope of responsibility of that person in relation to Town Meeting Warrant Articles.

2-13-4 The Committee shall provide two status reports to all representative Town Meeting members regarding the status of implementation of Town Meeting Warrant Articles and any information regarding their implementation or challenges to implementation.

Each report shall contain an appendix prepared by the Town Manager that includes any articles still not implemented from prior Town Meetings and the most recent updates that may be available from prior reports on their status. The report shall be maintained and updated at least annually.

Such reports shall be filed as follows:

First Report: 180 days following Town Meeting

Second Report: 300 days following Town Meeting

2-13-5 At least twice a year, the Committee and the Select Board shall meet in a joint session to review the most recent Committee report and discuss any issues relating to implementation of Town Meeting Warrant Articles.

CHAPTER 3

THE EXECUTIVE BRANCH: THE SELECT BOARD, THE TOWN MANAGER AND PLANNING BOARD

Section 1 The Select Board: Composition and Terms

3-1-1 A Select Board of seven (7) members shall be elected as follows:

a) **At-Large Members:** There shall be four (4) at large members elected for three-year (3) overlapping terms.

b) **District Members:** There shall be three (3) district members elected for three-year terms. These members shall be elected during the same election year, with the inaugural term as specified in Section 9-1-1 and elected every three years thereafter.

c) **Election:** The regular election for the office of Select Board Members shall be held in accordance with Chapter Five of this Charter.

d) **Vacancies:** Vacancies in the office of at-large Select Board members shall be filled by special election in accordance with G.L. c. 41, § 10 and any other applicable law. Vacancies in the office of district Select Board members shall be filled by special election in accordance with G.L. c. 41, s. 10, and any other applicable law; provided, however, that two hundred (200) registered voters of the town and 20 percent of the total number of registered voters shall be replaced by "100 registered voters of the district or 10 per cent of the total number of registered voters of the district"; the applicable language shall be as follows:

If there is a failure to elect or a vacancy occurs in the office of district Select Board member the remaining Select Board Members may call a special election to fill the vacancy and shall call such election upon the request in writing of one-hundred registered voters of district, or ten per cent of the total number of registered voters of the district, whichever number is the

lessor; provided, that such request is filed with the board or board member at least than one hundred days prior to the date of the next annual election.

e) Districts shall be initially determined as provided in Chapter 9 of Article 9-1-1 and may be revisited following the same procedure and timeframe used for determination of the town's precincts. Revisions made to precincts must also address adjustments to districts, as needed, to ensure, to the extent possible, that each district is composed of adjoining precincts that are to the extent possible, equal in the number of residents.

Section 2 Select Board: General Powers and Duties

3-2-1 The executive powers of the town shall be vested in the Select Board which shall be the chief executive body of the town. The Select Board shall have all of the powers and duties given to boards of selectmen or Select Boards as may be authorized by the laws of the commonwealth, this Charter, and bylaws or other Town Meeting votes, except those powers granted to the Town Manager under this Charter. The Select Board shall be the chief goal setting, policy-making and long-range planning agency of the town and shall make recommendations on major courses of action to the representative Town Meeting and create Town Meeting warrants for such recommendations. The Select Board shall act only by the issuance and adoption of policy guidelines and directives to be implemented and followed by all town agencies, boards, committees, and their respective officers and employees, appointed by or under its authority. The Town Manager shall be the officer responsible for the implementation of policy directives and guidelines adopted by the Select Board. The daily administration of the affairs of the town shall be the exclusive responsibility of the Town Manager, and no individual member of the Select Board, nor a majority of them, shall at any time, attempt to become involved in the day-to-day administration of the affairs of the town.

3-2-2 The Select Board shall have the power to enact rules and regulations to implement its policies.

3-2-3 The Select Board shall review the annual proposed operating and capital budgets submitted by the Town Manager and make recommendations with respect thereto as it deems advisable. The Town Manager shall present the budget, including a breakdown by department, incorporating the recommendations of the Select Board, to the Finance Committee.

3-2-4 The Select Board shall act as the licensing authority of the town and shall have the power and responsibility to issue licenses, to make all necessary rules and regulations regarding the issuance of licenses, to attach conditions and impose restrictions in the public interest, and to enforce, or cause to be enforced, laws, rules and regulations relating to all businesses for which it issues licenses.

3-2-5 The Select Board shall have the power to approve all collective bargaining agreements to which the town is the contracting agency and may designate one (1) Select Person to participate in the negotiating of collective bargaining agreements.

3-2-6 The Select Board, and individual members thereof shall be responsible through the Town Manager, for the efficient and orderly operation of all agencies of the town except those under the direction of another elected town agency. Furthermore, neither the Select Board nor its individual members shall give orders to any employee who is under the direction and supervision of the Town Manager.

3-2-7 The Select Board may investigate or authorize the Town Manager, or another town officer or any agency, to investigate the conduct of any town department, office or agency. A detailed written report of any such investigation shall be filed in the Town Manager's office, and to the extent permitted by law, including the public records law, a report summarizing such investigation shall be printed in the next published annual town report.

3-2-8 The Select Board shall meet jointly with the School Committee, Planning Board and Finance Committee of the Town for the purpose of sharing information, including discussing the Town's progress towards implementing the goals of the Master Plan. The Select Board shall schedule such joint meeting(s), which shall be held no less than twice (2) a year. At least one of these meetings, which shall also include the Finance Committee, shall be held at the beginning of the annual budget process and shall be for the purpose of reviewing projections and other information relevant to the development of the annual budget. In addition to the aforesaid meetings, the Select Board and Planning Board shall hold joint meetings not less than twice per year, with no other boards present, to consider the Town's Master Plan and other planning initiatives.

Section 3 Appointments

3-3-1 The Select Board shall appoint a Town Manager, town counsel, registrars of voters, election officers, constables, and members of all multiple-member boards, committees, and commissions except as otherwise provided in this Charter and/or the town by-laws.

In furtherance of this section, not less than every three years, the Select Board shall review the appointment of outside independent legal counsel and/or the employment of one or more attorneys as employee(s) of the Town, at a duly noticed public meeting, where the review is clearly noticed on the meeting agenda. The review process shall include at a minimum an opportunity for public comment.

Section 4 Town Manager: Appointment and Removal

3-4-1 The Select Board shall appoint a Town Manager by an affirmative vote of five (5) members of the Board.

3-4-2 The Town Manager shall be appointed solely on the basis of executive and administrative qualifications. The Town Manager shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training, and previous experience in municipal administration. The Town Manager shall have had at least five (5) years of full-time paid experience as a City or Town Manager, Assistant City or Town Manager, Town Administrator or Assistant Town Administrator, or the equivalent level of experience. The town may, from time to time, establish such additional qualifications as deemed necessary and appropriate. The Town Manager shall not be subject to a personnel by-law, if any. In addition to other terms as set forth in this Charter generally and in this Section 4 of Chapter 3 specifically, the Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term of office, unless such action is approved in advance, in writing, by the Select Board. With the approval of the Select Board, the Town Manager may serve as the town's representative to regional boards, commissions, and the like, but the Town Manager may not receive additional compensation from the town for such services. To the extent permitted by law, the terms of the Town Manager's employment shall be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters (excluding tenure) as are customarily included in an employment contract.

3-4-3 The Select Board may discipline or discharge the Town Manager at any time by an affirmative vote of five (5) members of the Select Board. Within seven (7) days thereafter, the Town Manager may appeal the decision of the Select Board by filing a written request for a public hearing with the Select Board. If such a request is filed, the Select Board shall conduct a public hearing within fourteen (14) days of the written request, and act upon the appeal within seven (7) days after the public hearing.

3-4-4 (a) The Town Manager shall designate, by letter filed with the Select Board and Town Clerk, a qualified officer of the Town as Temporary Town Manager to perform the duties of the Town Manager during a temporary absence or disability. The Select Board may not revoke such designation until at least 30 days have elapsed, whereupon it may appoint another officer as Temporary Town Manager to perform the duties of the Town Manager. In the event of failure of the Town Manager to make such designation, or if the person so designated is for any reason unable to serve or is deemed not qualified by the Select Board, the Select Board may designate some other qualified officer as Temporary Town Manager to perform the duties of the Town Manager until the Town Manager returns. The powers of a Temporary Town Manager shall be limited to matters not admitting of delay. No Temporary Town Manager shall have authority to make any permanent appointment to, or removal from, any office or position, unless such appointment or removal is authorized by a majority of the Select Board.

3-4-4 (b) The Select Board shall designate a qualified person to serve as Acting Town Manager and to perform the duties of the office during any vacancy of the Town Manager exceeding thirty (30) days caused by the Town Manager's absence, illness, suspension, removal, or resignation. The term of appointment of an Acting Town Manager shall not exceed one hundred eighty (180) days.

Section 5 Town Manager: Powers and Duties

3-5-1 The Town Manager shall be the chief administrative officer of the town. The Town Manager shall be responsible to the Select Board for the effective management of all town affairs placed in the Town Manager's charge by this Charter, the Select Board, by-law, or vote of the representative Town Meeting. The Town Manager shall be responsible for the implementation of town policies established by the Select Board.

The Town Manager shall have the following authorities and responsibilities:

General:

- a. supervise all town departments under the jurisdiction of the Select Board and direct the operations of the town;
- b. establish, reorganize, consolidate, or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board;
- c. administer, either directly or through designated persons, all provisions of general and special laws applicable to the town, and all by-laws and regulations established by the Select Board;
- d. coordinate the operational and strategic planning for the town;
- e. represent the town at local, state, and regional meetings, and undertake public relations activities for the Select Board;
- f. have authority to examine, without notice, the activities of any agency under the Town Manager's control, or the conduct of any officer or employee thereof;
- g. have access to all town books and records necessary for the performance of the duties of Town Manager;
- h. conduct periodic operational and staffing evaluations of selected town departments, and provide a written report of the assessments performed to the Select Board and to the representative Town Meeting; and
- i. perform any other duties required by town by-laws, the Select Board, or vote of the representative Town Meeting.

Personnel, hiring, and bargaining:

j. unless otherwise provided herein and in Section 2 of Chapter 6 of this Charter, and except as may be otherwise provided in Civil Service Law, appoint, suspend, or remove all department heads, a Board of Assessors, and all officers, subordinates, and employees of the town, including those under grant funding, except employees of the school department.

The Town Manager shall appoint a Town Clerk, whose duties shall be as specified in general or special legislation.

In the case of an employee who works with a multiple-member board or the Plymouth Public Library Corporation, the Town Manager shall act in accordance with this Section only after consultation with that multiple-member board, or the Plymouth Public Library Corporation, as the case may be.

Except as may be otherwise provided in Civil Service Law, appointments, suspension, or removals of Department and Division Heads, or equivalents regardless of title, shall take effect on the fifteenth (15) day after the Town Manager files notice of the action with the Select Board unless the Board shall within that period, by a vote of four members veto the action. The Select Board may, by a majority vote, waive this fifteen (15) day period, whereupon the action shall become effective forthwith. This same authority to veto the actions of the Town Manager provided herein to the Select Board shall accrue to the Planning Board in the case of the appointment, suspension or removal of the Director of Planning and Development. The above-referenced fifteen-day period and any veto by the Select Board shall not apply to a decision to place an employee on paid administrative leave.

k. fix the compensation of all town officers and employees appointed by the Town Manager within the limits of existing appropriations and personnel bylaws;

l. administer and enforce collective bargaining contracts, and personnel rules, regulations, and by-laws adopted by the town;

m. negotiate collective bargaining contracts on behalf of the Select Board, unless the Town Manager specifically designates another negotiator or negotiating team;

Financial:

n. administer all grants received by the town;

o. submit to the Select Board a written proposed operating budget for the ensuing fiscal year, providing in detail the estimated revenue from all sources and all expenditures, including debt services, for the previous, current, and ensuing year;

p. submit annually to the Select Board a five-year (5) capital improvements program, including a list of all capital improvements proposed for the next five (5) fiscal years with supporting data, cost estimates, methods of financing, recommended time schedules, and the effect on the operating budget or revenues for each proposed capital improvement;

q. keep full and complete records of the financial and administrative activities of the town and render a detailed written report on all operations as often and for such periods as may be required by the Select Board;

r. approve all warrants or vouchers for payment of town funds submitted by the Town Accountant;

Property, facilities, and procurement:

s. develop and maintain a complete inventory of real and personal property of the town, except school property, at least annually.

t. procure from the school department, a detailed written report of the complete inventory of real and personal school property for annual submission to the Select Board. The school department shall be obligated to prepare the detailed written report;

u. have full jurisdiction over the lease, rental, disposal, and use of all Town property, except schools, after approval of the Select Board, and shall be responsible for the maintenance and repair of all Town property;

v. be the Chief Procurement Officer under the provisions of G.L. c. 30B, responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department;

w. have access to all town books and records necessary for the performance of the duties of Town Manager;

x. conduct periodic operational and staffing evaluations of selected town departments, and provide a written report of the assessments performed to the Select Board and to the representative Town Meeting;

y. perform any other duties required by town by-laws, the Select Board or vote of the representative Town Meeting, and;

z. be responsible for Town government communications, including, but not limited to, developing a comprehensive communication strategy, coordinating the announcements and messages from department heads, communicating regularly with residents via accessible and practicable media avenues, ensuring that the Town's

website is kept up-to-date, and soliciting recommendations for greater communication from residents.

Section 6 Department of Public Works

3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager. The Director of the Department of Public Works shall be especially fitted by education, training, and experience to perform the duties of the office.

3-6-2 The Department of Public Works shall be responsible for:

- (a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm drains, bridges and other public way related structures;
- (b) the maintenance, repair and cleaning and custodial services of all buildings and grounds owned or leased by the town;
- (c) the development and maintenance of all cemeteries, parks and recreation facilities;
- (d) snow and ice removal;
- (e) providing for and supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of the same;
- (f) the supervision, care and replacement of trees;
- (g) the design, construction, operation and maintenance of all water and sewer facilities;
- (h) other functions as the Town Manager assigns; and
- (i) the master planning of all infrastructure elements under their jurisdiction including, but not limited to, public roadways, sidewalks, storm drains, bridges, cemeteries, parks and recreation; facilities, solid waste and wastewater facilities all of which shall be coordinated and consistent with the comprehensive master plan provided for in section 13-4 of chapter 3.

3-6-3 Nothing in this Section 3-6 shall limit or restrict the authority of the Town Manager to establish, reorganize, consolidate, or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board as provided in Section 3-5-1(b) of this Charter.

Section 7 Board of Health

3-7-1 A Board of Health of five (5) members shall be appointed by the Select Board for three-year (3) overlapping terms. Members of the Board of Health shall be especially fitted by education, training and experience to perform the duties of the office.

3-7-2 The Board of Health shall exercise such powers and duties as prescribed by the General Laws, this Charter and town by-laws.

Section 8 Establishment and Scope of the Department of Finance

3-8-1 There shall be a Department of Finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies except the School Department. The Department of Finance shall include the functions of Accountant, Treasurer, Collector, Assessors and Procurement.

3-8-2 The Department of Finance shall be responsible for, and shall include, the following functions:

coordination of all financial services and activities of town government;

maintenance of all accounting records and other financial statements for all town government offices and agencies;

payment of all financial obligations on behalf of the town;

investment of town funds and management of debt;

receipt of all funds due to the town from any source;

maintenance of the system of property valuation;

rendering of advice, assistance, guidance and recommendations to all other town offices, agencies in any financial or fiscal affairs; and

monitoring throughout the fiscal year of the expenditure of funds by town offices and agencies; general supervision of the purchase of all goods, services, materials and supplies by the town.

3-8-3 Nothing in this Section 3-8 shall limit or restrict the authority of the Town Manager to establish, reorganize, consolidate, or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board as provided in Section 3-5-1(b) of this Charter.

Section 9 Director of Finance

3-9-1 The Town Manager shall appoint a Director of Finance. The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office.

3-9-2 At the discretion of the Town Manager, the Director of Finance may serve as the head of any division within the department. The Town Manager also may designate a person to serve as head of more than one (1) division within the department.

3-9-3 The Director of Finance shall be responsible to the Town Manager for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the division head and the Town Manager, shall have the authority to direct and assign all personnel serving in that department.

3-9-4 The Director of Finance shall be responsible to the Town Manager and shall have the following specific powers and duties, subject to the direction of the Town Manager:

coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by-law, code and/or accepted practice;

accountability for planning, organizing and providing administrative direction for all financial functions; working with the Town Manager and the Select Board in developing strategic financial plans and policies;

compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Manager.

The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all estimated income from the proposed property tax levy and from every other source by category; and general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by the representative Town Meeting.

Section 10 Conservation Commission

3-10-1 The Select Board shall appoint a Conservation Commission of seven (7) members for three-year (3) overlapping terms.

3-10-2 The Commission shall exercise such powers and duties as prescribed by general law, this Charter, and town by-laws.

Section 11 Zoning Board of Appeals

3-11-1 The Select Board shall appoint a Zoning Board of Appeals of five (5) members and two (2) associate members for three-year (3) overlapping terms.

3-11-2 The board shall exercise such powers and duties as prescribed by general law, this Charter, and town by-laws.

Section 12 Establishment and Scope of the Department of Planning and Development

3-12-1 There shall be a Department of Planning and Development responsible for the planning of the land use, environmental, community planning, and economic planning and development

functions of the town. The Department of Planning and Development shall supervise and coordinate all planning and development activities of all town government offices and agencies.

The Department of Planning and Development shall include the functions of comprehensive planning, subdivision control, zoning appeals, preservation of natural open space, community development, economic development, design review, redevelopment, and planning of new buildings and facilities.

3-12-2 The Department of Planning and Development shall be responsible for, and shall have, the following specific duties:

development and maintenance of a Comprehensive Master Plan

coordination of all land use planning and development activities of town government;

administration of subdivision control rules and regulations;

preservation of natural open space, and land acquisition and management;

conservation administration and enforcement;

redevelopment, revitalization and rehabilitation activities;
administration of design review, historic district review, and zoning board of appeals, review and
planning of affordable housing;
administration of economic development;
maintenance of all land use planning, development, and related records and reports for all town
government offices and agencies;
rendering of advice, assistance, guidance, and recommendations to all other town offices and
agencies on land use, environmental, community and economic planning, and development matters; and
cooperation with, and participation in, regional area planning.

3-12-3 Nothing in this Section 3-12 shall limit or restrict the authority of the Town Manager to establish, reorganize, consolidate, or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board as provided in Section 3-5-1(b) of this Charter.

3-12-4 Compliance with Master Plan

- A) Proposed By-law, Ordinance, or Rule/Regulation. Any proposed change or addition to any by-law, ordinance, or rule/regulation that relates to any area within the purview of the Department of Planning and Development (specifically land use, environmental, community planning, and economic planning and development functions of the town) shall be presented to the Director of Planning and Development at least 30 days prior to implementation. The Director or the Director's nominee shall issue a recommendation regarding the proposed action, which shall specifically address whether the proposed action aligns with the Master Plan. The Director's or designee's recommendation shall be presented to the Planning Board which shall vote to adopt, amend, or reject such recommendation. Such recommendation, along with the action of the Board, shall be provided to the Town Manager prior to implementation of the proposed action.

- B) Town Meeting Warrant Article. Proposed Town Meeting Warrant Articles relating to any area within the purview of the Department of Planning and Development (specifically land use, environmental, community planning, and economic planning and development functions of the town) shall be presented to the Director of Planning and Development for review and commentary. The Director or the Director's designee shall issue commentary regarding the Warrant Article, which shall specifically address whether the proposed action aligns with the Master Plan. The Director's or designee's commentary shall be presented to the Planning Board which shall vote to adopt, amend, or reject such commentary. Such commentary, along with the action of the Board shall be printed in the Town Meeting Warrant and provided for Town Meeting review.
- C) Planning Board Approvals. For all projects that are within the purview of the Department of Planning and Development, the Director of Planning and Development or the Director's designee shall issue commentary regarding the project, which shall specifically address whether the proposed action aligns with the Master Plan. Such commentary shall be presented to the Planning Board, which shall vote to adopt, amend, or reject such commentary. Such commentary, along with the action of the Board, shall be included in any project approval decisions issued by the Board.

Section 13 Planning Board

3-13-1 The town shall elect a Planning Board of five (5) members for five-year (5) overlapping terms. The Planning Board may appoint one (1) associate member for a three (3) year term, with full power as a Planning Board member.

3-13-2 The Planning Board shall exercise such powers and duties as prescribed by general law, this Charter, and applicable town by-laws.

3-13-3 In conjunction with the Select Board, the Planning Board shall serve as the long-range planning body of the town with respect to the planning of the physical, environmental, community, and economic development of the town. The Planning Board shall be responsible, through the Director of Planning and Development, for the efficient and orderly operation of all Planning Board functions and all related activities.

3-13-4 The Planning Board shall develop and maintain a Comprehensive Master Plan (CMP) which, in coordination with the town's zoning bylaws, shall be the guidance document for

departmental duties under Section 3-12-2, above, and for the Board's recommendations to the representative Town Meeting. The CMP shall be updated at least every ten (10) years to address current issues concerning the physical, environmental, community and economic development of the town, including planning strategies for Open Space Preservation, Land Acquisition, Village Centers Development, Economic Development, Housing, and Historic Preservation. The Board shall report annually to the representative Town Meeting to inform the town of all updates to the CMP and any implementation measures that may require Town Meeting approval. The Planning Board's recommendations on zoning by-law amendments to the representative Town Meeting shall be consistent with the CMP. The Planning Board shall solicit public comment and participation throughout the Comprehensive Master Planning Process and shall adopt the CMP and/or annual CMP updates only after a duly noticed public hearing.

3-13-5 The Planning Board shall make recommendations to the representative Town Meeting and to the Select Board on all matters concerning the planning of the physical, environmental, community, and economic development of the town as prescribed by general law, this Charter, and applicable town by-laws, and specifically with reference to the consistency of such matters with the current CMP.

3-13-6 At the request of the Planning Board any town board or agency dealing with significant public improvements relating to the physical, environmental, community or economic development of the town, shall report the status of such plans or development to the Planning Board so as to be evaluated and included in the CMP and in the Planning Board's recommendations to the representative Town Meeting and the Select Board.

3-13-7 The Planning Board shall appoint a Master Plan Task Force and may appoint other committees to assist and advise the Board in performing its duties under this Charter. Failure of the Board to appoint such committees shall not relieve the Board of its responsibilities to fulfill all the duties enumerated under this Charter.

3-13-8 An Open Space Committee comprised of nine (9) members to report directly to Town Meeting and to act in an advisory capacity to the Planning Board and to the Land Use and Acquisition Committee with respect to the preservation of natural open space in order to protect the environment and to ensure appropriate access to public lands, The Open Space Committee shall be appointed as follows: Five (5) members shall be appointed by the

Planning Board, two (2) by the Select Board, and two (2) by the Conservation Commission. The Open Space Committee shall report its activities and recommendations directly to Town Meeting at least once each calendar year.

3-13-9 A Land Use and Acquisition Committee comprised of seven (7) members to act in an advisory capacity to the Select Board with respect to the acquisition of real estate by the Town pursuant to the provisions of Chapter 60 or Chapter 61 of the Massachusetts General Laws, shall be appointed as follows:

one (1) member shall be appointed by the Select Board,
two (2) by the Planning Board,
two (2) by the Conservation Commission,
one (1) by the Agricultural Commission, and
one (1) by the Open Space Committee.

The Land Use and Acquisition Committee, the Open Space Committee and all department heads, along with the Select Board, shall be notified by the Town Manager and sent direct notice of intent to sell for, or to convert to another use, any parcel of land taxed under the provisions of Chapter 61 of the General Laws.

Section 14 Director of Planning and Development

3-14-1 There shall be a Director of Planning and Development appointed by the Town Manager with veto authority by the Planning Board as delineated in Chapter 3. The Director shall be a professionally qualified person of proven ability, especially fitted by education, training and experience to perform the duties of the office.

At the discretion of the Town Manager, the Director of Planning and Development may serve as the head of any division within the Department of Planning and Development. The Town Manager may also designate one person to serve as the head of more than one division within the Department.

3-14-3 The Director of Planning and Development shall be responsible to the Planning Board for the effective operation of all Planning Board functions and all related activities. The Director shall coordinate and provide overall supervision of all activities of the Department of Planning and Development, and shall have, in consultation with the division head and the

Town Manager, the authority to direct and assign all personnel serving in the Department of Planning and Development.

3-14-4 The Director of Planning and Development shall be responsible for, and shall have, the

following specific duties:

coordination of the land use, environmental, community, and economic planning and development functions of all town departments and agencies;

supervision of the following functions: planning, preservation of natural open space, land acquisition, community development, economic development, design review, subdivision control, affordable housing, and zoning appeals;

assuring that each function is operating efficiently and in accordance with the applicable statute,

by-law, code, and/or accepted practice;

accountability for long-range planning and organizing;

provision of administrative direction for all functions of the Department of Planning and Development; and

working with the Planning Board, Town Manager, and Select Board in developing strategic plans and policies.

Section 15 Building Committee

3-15-1 There shall be a Building Committee composed of nine members. One member shall be appointed by the Planning Board, and two members by the school committee, each of which shall serve for one year. Six members shall be appointed by the Select Board for three year overlapping terms, of which one shall be an attorney, one shall be a registered engineer or architect, and one shall be employed in the construction industry or a related trade or occupation.

3-15-2 Upon the request of the Town Manager or a department head, the Building Committee shall meet with various town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the Select Board and the representative Town

Meeting and the School Committee when applicable. Whenever this work is authorized by the representative Town Meeting, the Building Committee shall be responsible for the oversight of all work relating thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

3-15-3 Upon request of the Building Committee the Town Manager may provide support personnel to assist the Building Committee in carrying out its duties.

Section 16 Appointments Advisory Committee

3-16-1 The Town Manager shall appoint an Appointments Advisory Committee to assist with recruitment, evaluation, and recommendation of candidates for appointment to multiple-member bodies. There shall be five (5) members who shall serve for 3-year overlapping terms. The Town Manager shall provide administrative support to assist the Appointments Advisory Committee in performance of its duties under this section.

3-16-2 Duties of the Appointments Advisory Committee shall include notice, posting and active recruitment and advertising of vacancies, creation of a standardized application process and protocol for review of applicants, and timely submission of recommended candidates to the appointing authority.

3-16-3 In making appointments to multiple-member bodies, the appointment authority shall seek to appoint individuals with relevant education, expertise, or experience. Desired qualifications for vacant positions shall be determined by the appointing authority and communicated to the Appointments Advisory Committee. The Town Manager shall work with the Appointments Advisory Committee to establish policies and practices to encourage a diverse pool of applicants for multiple-member bodies. At minimum, every individual seeking appointment to a Town board or committee must submit a resume and/or a letter of intent.

3-16-4 This section shall not apply to appointments made by the legislative branch, including appointments made to the Finance Committee, Committee of Precinct Chairs, and Warrant Oversight Committee, provided, however, that legislative branch appointment authorities may seek the assistance of the Appointments Advisory Committee at their discretion.

CHAPTER 4

ELECTED TOWN BOARDS AND OFFICERS

Section 1 General Provisions

4-1-1 Beginning with the first town election held after the effective date of this Charter, the town shall elect the following boards and offices:

a Select Board of seven (7) members comprised of four (4) at-large members and three (3) district members;

a school committee of seven (7) members who shall be elected for three-year (3) overlapping terms;

a housing authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms;

a planning board of five (5) members; and

a redevelopment authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms.

4-1-2 The terms of office of multiple-member boards shall overlap, except as general or special law may provide otherwise. Representative Town Meeting members shall be elected in accordance with Section 2-2-1 of this Charter.

4-1-3 During the term for which a member is elected, and for one (1) year following expiration of such term, no member of any elected board under this Charter shall be eligible to accept any paid position under such board or in the same department.

4-1-4 Vacancies in boards established under this chapter, except the Select Board, shall be filled by the Select Board, together with the remaining members of the appropriate board in accordance with the provisions of general law.

Section 2 Simultaneous Elected Offices

4-2-1 A representative Town Meeting member or elected town official representing the entire town shall not simultaneously hold another elected town office other than member of a charter commission. A person who holds multiple offices in violation of this section shall promptly inform the Town Clerk of which office that person will vacate. Election to a county,

state or federal office other than a county charter commission shall be an event disqualifying an elected town official, including, but not limited to, representative Town Meeting member, from continuing in an elected town office beginning the day the individual is sworn into the county, state or federal office.

Section 3 School Committee

4-3-1 The School Committee shall have all powers which are conferred on School Committees by law, this Charter, bylaw, or otherwise and are not inconsistent with the grant of powers conferred by the General Laws.

4-3-2 The powers and duties of the School Committee shall include the following:

(a) To appoint a superintendent of the schools who shall manage the school system in a fashion consistent with law and the policy determinations of the School Committee and, upon the recommendation of the Superintendent, the School Committee may also establish and appoint positions of assistant or associate superintendents as provided by law.

(b) To establish educational goals and policies for the schools in the Town consistent with the requirements of law and statewide goals and standards established by the State Board of Education.

(c) To propose and to oversee the administration of an annual operating budget for the School Department, subject to appropriation by the Town Meeting.

(d) To have general charge and superintendence of all school buildings and grounds and furnish all school buildings with proper fixtures, furniture, and equipment.

4-3-3 The School Committee shall report on the state of the schools directly to Town Meeting at least once each calendar year and shall meet jointly with the Select Board as directed by section 3-2-8 of this Charter.

CHAPTER 5

ELECTIONS

Section 1 Town Elections

5-1-1 The regular election for all town offices shall be by official ballot held on the third Saturday of May of each year, with the exception of Town Moderator, who shall be elected every third year by Town Meeting members at the spring annual Town Meeting.

5-1-2 The order in which names of candidates appear on election ballots for any office, including that of representative Town Meeting member, shall be determined by a drawing by lot conducted by the Town Clerk which shall be open to the public. Notification to the candidates and to the public shall be by publication in a local newspaper during the week preceding the week in which the day of the drawing is to take place.

5-1-3 Information for Voters:

Notwithstanding Section 22A of Chapter 55 of the General Laws, Section 21C of Chapter 59 of the General Laws or any other general or special law to the contrary, the official election ballot in the town of Plymouth shall include a fair and concise summary of any binding or non-binding question to be submitted solely to the voters of the town, along with a 1-sentence statement describing the effect of a yes or no vote, both prepared by town counsel and approved by the Select Board. Submission to the Town Clerk of the summary and 1-sentence statement shall be governed by section 42C of Chapter 54 of the General Laws. The Select Board shall, not less than 7 nor more than 14 days before an election at which a question is to be voted upon, publish the following in a newspaper of general circulation in the town: (1) the full text of the question; (2) a fair and concise summary of the question; and (3) the 1-sentence statement describing the effect of a yes or no vote on the question; provided, however, that failure to timely publish such information shall not affect the validity of the election. The Select Board shall also post the full text of each ballot question, the summary and the 1-sentence statement in at least 1 location in the town or on the town's official website and shall make the same available at each polling place on the day of the election. The town may, by by-law, require additional posting or publishing of such information, subject to available funds and any other conditions that may be imposed by by-law.

Section 2 Elections to be Nonpartisan

5-2-1 All town elections shall be nonpartisan, and election ballots for town offices shall be printed without any party mark, emblem, vignette, or designation whatsoever.

Section 3 Time of Taking Office

5-3-1 Any person duly elected to any office or board shall take up the duties of the office immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office.

5-3-2 Elected Town Meeting Members shall present themselves within 30 days of election, to the office of the Town Clerk for the administering of the Oath of Office or make alternate arrangements with the Town Clerk. Failure to comply with the previous sentence shall result in a vacancy. An elected official cannot act in any capacity until the Oath of Office is taken.

Section 4 Nomination of Candidates for Election to Representative Town Meeting

5-4-1 The nomination of a candidate for election or reelection as representative Town Meeting member shall be made by separate nomination papers signed by not less than ten (10) registered voters of the precinct in which the candidate resides, or in accordance with the requirements of G.L. C. 43A, Section 6 to the extent applicable. Nomination papers shall be filed with the Town Clerk no later than the last day on which the nomination papers of candidates for other offices must be filed.

5-4-2 Nomination papers shall identify representative Town Meeting members seeking reelection with the phrase "Candidate for Re-election" placed next to each candidate's name.

Section 5 Nomination of Candidates for Election to Town Moderator

5-5-1 Any registered voter seeking the office of moderator shall file a declaration of intent to serve as moderator with the Town Clerk. Such declaration shall be filed no later than 60 days prior to the end of the incumbent Moderator's term, and no earlier than the first business day of the calendar year during which such term ends.

5-5-2 The COPC may provide a forum for all moderator candidates to share campaign platforms.

Section 6 Nomination of Candidates for Election to District Select Board Positions

5-6-1 The nomination of a candidate for election or reelection as District Select Board member shall be made by separate nomination papers signed by not less than fifty registered voters of the district in which the candidate resides. Nomination papers shall be filed with the Town Clerk no later than the last day on which the nomination papers of candidates for other offices must be filed.

Section 7 Nominations for Other Elected Positions

5-7-1 The nomination procedure for all other elected positions shall be as set forth in general or special law.

Section 8 Initiative

5-8-1 Any ten (10) registered voters of the town may secure the inclusion of an article in the warrant for any of the representative Town Meetings by written petition to the Select Board. At least one hundred (100) registered voters may secure the same for any special Town Meeting.

Section 9 Referendum

5-9-1 A vote of the Town Meeting under any article in the warrant shall not be operative until ten (10) days after its final passage other than the following: (a) to adjourn; (b) to appropriate money for the payment of principal and interest of bonds and notes of the town; (c) to authorize the temporary borrowing of money in anticipation of revenues and (d) to amend zoning bylaws or as otherwise provided by statute.

5-9-2 If within ten (10) days of an affirmative vote of final passage by the Town Meeting, a referendum petition is filed with the Town Clerk signed by not less than three (3) percent of the registered voters in the Town as of the date of the most recent annual Town election asking that any question involved in such a vote be submitted to the voters of the Town at an election, then the Town shall hold a referendum election for such purposes. Within 5 days after receipt of the petition the Town Clerk shall determine whether the petition contains a sufficient number of signatures and provide notice to the Select Board. of such determination. If there are sufficient number of signatures, the Select Board shall provide for a referendum election to be held no less than 35 days from its vote and provision of written

notice to the Town Clerk and no more than 90 days after the Town Clerk's determination, provided, however, that if there is another election already scheduled within 100 days of the Clerk's determination, the referendum question may appear on the ballot at such election. The referendum question shall take the following form:

"Shall the Town vote to approve the action of the [date] Town Meeting under Article [#] whereby it was voted that (here insert a brief summary of the substance of the vote)?"

5-9-3 A non-binding public opinion advisory question may be placed on the ballot at an annual or special town election by vote of the Select Board with no less than thirty-five (35) days written notice to the Town Clerk of the form of the question. A non-binding question may also appear on the ballot at a regular town election by vote of the annual Town Meeting under a warrant article for such purpose, or in conformity with the following procedure: A proposal to place a nonbinding public opinion advisory question on the ballot for a regular Town election may be presented to the Select Board no less than 100 days prior to the date of the next regular election on a petition signed by at least ten registered voters of the Town. If such Select Board shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least three (3) per cent of the registered voters in the Town requesting such action is filed with the Board of Registrars no less than 42 days prior to the date of the next annual election. Upon certification of the required number of signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular Town election held more than thirty-five days after such certification.

5-9-4 The vote on a referendum question shall be in accordance with the provisions of general law relating to special Town elections.

Section 10 Recall of Elective Officeholders

5-10-1 Voters may recall any elected officeholder as herein provided.

5-10-2 Five hundred (500) registered voters of the Town may file with the Town Clerk an initial petition signed under the penalty of perjury containing the name of the officeholder sought to be recalled and a statement of the grounds for recall. No more than fifty (50) names shall be counted from any one (1) precinct of the Town. One (1) voter shall be identified as the "lead petitioner", and the lead petitioner shall notify the Town Clerk of the names of the

registered voters listed thereon who shall be deemed to be the "first ten (10) signers" for purposes of section 5-10-3.

5-10-3 The Town Clerk shall thereupon prepare recall petition blanks and notify the lead petitioner that a sufficient number of such blanks may be picked up at the Town Clerk's office containing the number of signature lines required, plus at least two-fifths (2/5ths) more. The Town Clerk shall keep these printed forms available. The Town Clerk shall sign and affix the official seal to the recall petition blanks that are issued. Photocopies of recall petitions shall not be accepted by the Town Clerk. The recall petition blanks shall be dated and addressed to the Select Board, demanding the election of a successor to such office. The recall petition blanks shall contain the names of the first ten (10) signers, the number of recall petitions issued, the name and office of the officeholder whose recall is sought, and the grounds for recall as stated in the initial petition

5-10-4 The Town Clerk shall enter a copy of the recall petition in the town records. The recall petition shall bear the signatures and residential addresses of at least fifteen (15) percent of the registered voters as of the date of the most recent annual town election and shall be returned to the Town Clerk within twenty (20) business days after the notification to the lead petitioner of the availability of the recall petitions. All completed recall petitions containing the signatures requesting a recall election need not be submitted simultaneously.

5-10-5 The Town Clerk shall submit the recall petition to the board of registrars of voters within one (1) business day of receipt. The registrars of voters shall certify thereon the number of signatures which represent registered voters within seven (7) business days.

5-10-6 If the recall petition is certified by the board of registrars of voters as sufficient, the Town Clerk shall submit the same with a certificate so stating to the Select Board. Within three (3) business days of receipt of the certificate of sufficiency, the Select Board shall give written notice, of the receipt of the certificate to the officeholder sought to be recalled.

5-10-7 If the officeholder does not resign within five (5) business days after the date the notice is given, the Select Board shall order a special election to be held on a date fixed by them, which shall be not less than 64 days from the date of the Select Board's vote to call for the election nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient recall petition has been filed; provided, however, that if any other Town election is to occur within one hundred (100) days after the date of the certificate, the Select Board shall

postpone the holding of the special election to the date of such other election and the question of recall shall appear on the ballot at such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed.

5-10-8 An officeholder sought to be removed may be a candidate at the recall election and, unless such officeholder requests otherwise in writing, the Town Clerk shall place the officeholder's name on the ballot without nomination. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of general law relating to elections unless otherwise provided herein.

5-10-9 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term or sooner vacating of office. An incumbent having successfully survived a recall election shall not again be subject to recall during the same term of office. If recalled, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within ten (10) business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

5-10-10 The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officeholder whose recall is sought) be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall exceeds twenty (20) percent of the registered voters of the town as of the date of the last annual election. If the question of recall is not approved as provided in this section, the votes for candidates shall not be counted.

5-10-11 No person, having been removed from office by recall or having resigned from office following certification of names on an initial petition filed under Section 5-10-2, shall be appointed to any town office within two (2) years following said removal or resignation.

5-10-12 Recall proceedings shall not be initiated during the first or last one hundred eighty (180) days of any officeholder's term of office.

Section 11 Recall of Representative Town Meeting Members

5-11-1 Representative Town Meeting members shall be subject to recall as generally provided in Section 10 of Chapter 5 of this Charter, provided:

that the words "representative Town Meeting member" shall be substituted for the word "officeholder" throughout Section 10 of Chapter 5 of this Charter;

that in Section 5-10-2 the number "one hundred twenty-five (125)" shall be substituted for the number "five hundred (500)," and that names submitted shall be those of registered voters residing in the precinct of the intended recall election;

that in Section 5-10-4, the recall petition shall include the signatures and residential addresses of at least fifteen (15) percent of the registered voters residing in the precinct, and the words "ten (10) business days" shall be substituted for the words "twenty (20) business days";

that in Section 5-10-7 the words "special precinct election" shall be substituted for the words "special election";

that in Section 5-10-10 the words "of the precinct" shall be substituted for the words "of the town"; and

that any vacancy created by a recall election shall be filled in accordance with the provisions of Section 10 of Chapter 2 of this Charter.

Section 12 Recall of District Select Board Members

5-12-1 District Select Board Members shall be subject to recall as generally provided in Section 10 of Chapter 5 of this Charter, provided:

that the words "district Select Board member" shall be substituted for the word "officeholder" throughout Section 10 of Chapter 5 of this Charter;

that in Section 5-10-2 the number "two hundred fifty (250)" shall be substituted for the number "five hundred (500)," and that names submitted shall be those of registered voters residing in the district of the intended recall election;

that in Section 5-10-4, the recall petition shall include the signatures and residential addresses of at least fifteen (15) percent of the registered voters residing in the district;

that in Section 5-10-7 the words "special district election" shall be substituted for the words "special election";

that in Section 5-10-10 the words "of the district" shall be substituted for the words "of the town"; and that any vacancy created by a recall election shall be filled in accordance with the provisions of Section 10 of Chapter 2 of this Charter.

CHAPTER 6

TOWN BOARDS, COMMISSIONS, COMMITTEES, AND DEPARTMENT AND DIVISION HEADS

Section 1 General Provisions

6-1-1 All boards, commissions, and committees of the town shall organize annually as soon after the annual election as practicable, to elect necessary officers, establish quorum requirements, adopt rules of procedure, and maintain minutes. All boards, commissions, and committees of the town regularly shall file approved meeting minutes with the Town Clerk. Such minutes shall be made available for inspection to all persons requesting them.

Section 2 Delegation of Appointment, Discipline, and Removal Power

6-2-1 The powers conferred upon the Town Manager in Section 3-5-1(j) of this Charter, for all employees subject to the provisions of G.L. c.31, the Civil Service Law, (except Department and Division Heads, or their equivalents regardless of title, and school employees), may be delegated to the appropriate Department Heads. To the extent permitted by law, such powers, which shall include the ability to appoint, discipline, or discharge an employee, shall be subject to final approval by the Town Manager, without appeal or recourse to the Select Board. [Added by Chapter 336 of the Acts of 2012, Massachusetts General Court]

6-2-2 All multi-member board and committee appointments made under this charter shall be for a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12-month period, and such attendance record has been duly certified to the Town Clerk by a majority vote of such board or committee, shall upon such certification be deemed to have

resigned from the appointed position. Thereafter, the position shall be considered vacant for all purposes.

6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by a vote of the appointing authority, as defined in the establish process developed by the appointing authority.

CHAPTER 7

COMMUNICATIONS AND PUBLIC ENGAGEMENT

Section 1 Communications and Public Engagement Principles

7-1-1 Communication with residents and the larger community is a basic obligation of government and an essential component of the democratic process. The Town shall treat communication and public engagement as integral parts of effective and trusted governance, not just as an occasional process or activity. The Town shall recognize that engagement is a “multi-channel” endeavor that includes face-to-face meetings, virtual interactions, and other online communications.

7-1-2 The Town shall encourage collaboration in public engagement efforts with individual residents, other government jurisdictions and authorities, anchor institutions, community-based organizations, civic groups, business communities, corporations, and visitors and individual residents. The Town shall endeavor to provide a positive, forward- looking, public-facing, open, and transparent window to the work of Town government.

7-1-3 The Town shall strive to ensure that communications and public engagement activities are timely, effective, reliable, inclusive, and accessible in order to reach a wide range of residents and organizations, encourage informed participation in local government, and provide a high level of services for the residents of Plymouth.

7-1-4 The Town shall strive to ensure that communications align with Plymouth’s comprehensive Master Plan vision and goals.

7-1-5 The Town shall work to monitor and report its progress under this chapter in order to provide transparency, accountability, and the opportunity to communicate expectations and results to the public.

7-1-6 All Town agencies and officers, including Representative Town Meeting itself, shall make efforts to follow these principles.

Section 2 Communications and Engagement Strategy

7-2-1 The Town Manager shall be responsible for developing and implementing a comprehensive communication and engagement strategy as provided in section 3.5.1(z).

CHAPTER 8

GENERAL PROVISIONS

Section 1 Charter Amendment

8-1-1 This Charter may be replaced, revised, or amended in accordance with the provisions of general law.

Section 2 Specific Provisions to Prevail

8-2-1 To the extent that any specific provision of this Charter conflicts with any general provision, the specific provision shall prevail.

Section 3 Severability of Charter

8-3-1 If any provision of this Charter is held invalid, the other 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 invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 4 Continuation, Revision, and Republication of By-Laws

8-4-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the Town Meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Section 5 Enforceability of this Charter

The provisions of this Charter may be enforced by any applicable general or special law, including, but not limited to G.L. c.43B, § 14 and G.L. C. 231A.

All persons subject to this Charter must respect and comply with all provisions of this Charter.

8-5-1 Any person who has reason to believe that a town official or governmental body has not complied with any provision of this charter by action or failure to act may file a written complaint with the Town Clerk, setting forth the circumstances which constitute the alleged violation.

1. The written complaint shall identify the official or governmental body, specify the date and time of the alleged violation, and cite the section of the charter allegedly violated. The written complaint shall be signed by the complaining party.
2. The written complaint shall be filed within sixty (60) days of the alleged violation. Upon receiving the written complaint, the Town Clerk shall forward a copy thereof to the alleged offender (either the town official or the chairperson of the governmental body).

8-5-2 The official or chairperson of the governmental body shall file a reply with the Town Clerk.

1. The reply shall either acknowledge the alleged violation with proposed remedial action, if appropriate and feasible, or deny the alleged violation with a statement of reasons therefore.
2. If the complaint is filed against a town official, the reply shall be so filed by an said official within thirty (30) days of receipt of a copy of the complaint. In the case of a of a complaint against a governmental body, the body's chairperson shall file a reply within thirty (30) days of the receipt of the copy of the complaint or within ten (10) days after the second regularly scheduled meeting of the governmental body following receipt of the copy of the complaint, whichever is greater.
3. The Town Clerk shall forward a copy of the complaint and reply to the complainant, Town Manager and the Select Board, to the extent permissible under state and federal law, including the Public Records Law.

8-5-3 A complainant who is aggrieved by the reply may pursue any remedy available at law or in equity.

8-5-4 Subject to the exemptions of the Public Records Law, complaints and replies filed pursuant to this section will be considered public records.

Section 6 Periodic Charter Review

8-6-1 At least once every 5 years, a Charter Review Committee shall review this Charter and make a report, with recommendations, to the Town Meeting concerning any proposed amendments which the Committee may determine to be necessary or desirable. The members of the Charter Review Committee shall be appointed by a special committee consisting of the Moderator, who will serve as Chairman, one member of the Select Board and one (1) member of the Committee of Precinct Chairs.

CHAPTER 9

TRANSITION PROVISIONS

[Note: Transition provisions may be revised or expanded as the charter commission completes its deliberations.]

Section 1 Effective Date

9-1-1 This Charter shall become effective on July 1, 2023, except as provided herein.

Section 2 Transfer of Records and Property

9-2-1 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 3 Continuation of Government

9-3-1 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.

Section 4 Continuation of Administrative Personnel

9-4-1 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 5 Effect on Obligations, taxes, etc.

9-5-1 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 and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the municipality, shall be enforced and collected; and 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 6 District Implementation Committee

9-6-1 Within 90 days of the effective date of this Charter, the Town Manager shall create a District Member Implementation Committee to propose a method of devising district representation for three (3) District Select Board members. The Committee shall be selected as follows:

- COPC (Committee of Precinct Chairs) - 2 voter appointments
- Select Board - 2 voter appointments
- Moderator - 1 voter appointment
- Town Clerk or designee
- Town Manager or designee

9-6-2 The Committee shall review Plymouth's existing voting precincts and create a proposal dividing the existing precincts as equally as possible into three (3) districts for the purpose of electing three (3) District Select Board members. A district is a geographical area comprising approximately one third of the population and one third of the Town's precincts. In formulating its recommendation, the Committee shall follow all guidelines established by M.G.L. Ch. 54, sec. 6 and any other applicable state laws.

9-6-3 Within 90 days after convening, the Committee shall publish its proposal, including a preliminary map, to the Town's website and hold a public meeting to elicit public input and feedback at least 14 but no more than 21 days after the map is posted.

9-6-4 The Committee shall present its proposal for three (3) representational districts to the Select Board within four (4) months of convening. The Select Board shall act on this recommendation within 30 days of receipt, either approving or rejecting the proposal. Should the Select Board fail to enact the proposed recommendation of the Committee, the Select Board shall establish the districts within 30 days of the vote to reject. The inaugural election of district representative on the Board shall occur at the next regular Town election and every three years thereafter.

Section 7 Communications and Engagement

9-7-1 The Town Manager shall be charged with the creation of a transition plan for the implementation of Chapter 7 -- Communications and Public Engagement. The Town Manager shall solicit input into the transition plan from residents, community groups, businesses, elected and appointed Town officials, and Town Department Heads. Within 120 days of the effective date of this Charter, the Town Manager shall provide an update to the Select Board on the transition plan, including the Town Manager's anticipated strategy for fulfilling the requirements of Chapter 7.

Section 8 Consolidated Maintenance Study Committee

9-8-1 Within 90 days of the effective date of this charter, the Town Manager shall create a 5 (five) member Consolidated Facilities Management and Maintenance Study Committee to study possible consolidation of Town and School facilities management and maintenance. The directive of this study committee is to consider a full range of options as practicable, provide analysis of the potential benefits and barriers of each option, and consider which are the best fit for the Town.

9-8-2 The committee shall issue recommendations to the Selectboard within 180 days of creation. The Selectboard shall take action on the recommendations within 90 days of receipt.