



Select Board

Meeting Agenda

The Provincetown Select Board will hold a special meeting on Wednesday, January 30, 2019, at 4 pm in the Judge Welsh Room, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657

1. Communication Round Table,: (Votes May Occur)
 - A. Improving Internal and External Communications for the Town of Provincetown
 - Areas of discussion to include but not limited to internal, external, intergovernmental, and community.

Cheryl Andrews
Chair, Select Board

Approved:

Posted by the Town Clerk: www.provincetown-ma.gov, 1/28/19 3:50 pm dv



Provincetown Select Board
AGENDA ACTION REQUEST
Wednesday, January 30, 2019

1

COMMUNICATION ROUND TABLE

Improving Internal and External Communication

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent/Votes May Occur

Additional Information

- Please see attached draft outline for Provincetown Communication Handbook and supporting documents.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Elizabeth Paine

From: Lise King
Sent: Thursday, January 10, 2019 1:39 PM
To: Elizabeth Paine
Subject: outline for communications roundtable

Proposal for Topics on Communications Roundtable *Improving Internal and External Communications for the Town of Provincetown*

Identify areas in need of improvement*, and source recommendations for solutions including the following:

*(note that evaluation of communication forms** in all groups listed below include effectiveness of technical processes, adaptive capacity, and perceived usability and efficacy)*

- Internal: inter-office, interdepartmental – for personnel and operational benefits
- External: town government communications to residents and visitors to convey practical information and improve government–constituent dialogue processes
- Intergovernmental: local, state, federal
- Community: how can/should town hall participate in creating better inter-community communication to improve cohesiveness for intrinsic (emotional-social) and practical benefits (i.e. storm preparation and response)?

**Survey town staff on where they would like to see improvements in inter-office communications and Town Hall-constituent communications. Survey town residents, visitors on where they would like to see improvements in communications from Town Hall and within the community.*

***communication forms include formal and informal, old and new media – corporate/utilities, town-organized, and public-organized.*

Title: Provincetown Communications Handbook – [Draft Outline & Topic Headings]

Introduction:

The Provincetown Communications Handbook is being developed as a tactic of the Provincetown Five Year Strategic Plan pursuant to the Communications Goal. This outline identifies the heading and information that will be further detailed in the initial draft of the plan. It is not expected to be fully comprehensive rather an outline key topics in each area. In developing this outline we reviewed about a half dozen of the best community communications handbooks from around the country.

In order to produce a robust handbook, we are seeking input (e.g. missing items, special topics, early lead items) from the Select Board at our roundtable, staff, with input from all departments will develop an initial draft of current procedures (which are many and varied), and then we would look to come back to the Select Board with greater detail, including opportunities for community input, in approximately 90 days (given competing priorities, workloads and Town Meeting). The initial draft will further explain our current use and activities, which will become the foundation of a comprehensive review, providing us a solid basis making further improvements. The goal is for a final Communications Handbook to be approved and adopted by the fall of 2019.

I. Information about the Town of Provincetown

- 1) Walk in or make an appointment
- 2) Call or email
- 3) “Front Doors” (e.g. Town Clerk, Town Manager, Select Board, Community Development, Tourism)
- 4) Internet/Website
- 5) Written correspondence
- 6) Notification and Alerts
- 7) Community outreach

II. Boards and Commissions

Process and procedures for participating on Boards and or Committees

- 1) Town Boards and Commissions Handbook
- 2) Specific Boards and Regulations
 - a. Town Board Handbook and Regulations
 - b. Select Board Orientation Handbook
- 3) Inter-communications (TBD)
- 4) Requirements of a resident who requests to be on a Board
- 5) Applying to be on a Board
- 6) Term Limits (if applicable)
- 7) Training Requirements
 - a. Conflicts of Interest
 - b. Open Meeting Law
 - c. Public Records

Open Meeting Law

The Town of Provincetown follows the Open Meeting Law for public meetings.

- 1) Brief overview
- 2) Applications specific to boards and agendas
- 3) What to do if you think something/someone has violated The Open Meeting Law

Public Records

- 1) Brief overview
- 2) Applications specific to boards and agendas

Select Board Communication Updates

- 1) Bi-Weekly
- 2) Monthly
- 3) Strategic Plan
- 4) Single/One-time topic

Meeting Agendas

Setting the Agenda

- 1) Definition of Agenda
- 2) Creating an Agenda
- 3) Deadline Requirements
- 4) Public Hearing
 - a. Regulatory
 - b. Select Board
 - c. Traffic
 - d. Other Public Hearings
- 5) Public Outreach and Notifications
 - a. Abutter notification (as required)
 - b. Agendas posted on the Town website
 - c. Residents can receive alerts with links to agendas through the Town website
- 6) Participating in a Meeting
 - a. Meeting attendance
 - b. Letter writing
 - c. Hiring Professional/Representation

Public Hearing Outreach and Notifications

- 1) Regulatory
- 2) Traffic
- 3) Select Board/Other Public Hearings

Meeting Records

- 1) Written Minutes
- 2) Video Recording

III. Community Outreach

Public Notifications and Awareness

Detailed information will include:

- 1) Notifications
 - a. Department Protocols for producing and issuing notifications
 - b. Emergency situations (e.g. Sewer, Fire, Storm, Flood, Other Catastrophes)
 - c. Alerts (including emergency alerts)
 - i. When notifications are used
 - ii. What information is included

iii. What type are sent

2) Regular Communications

- a. Social Media
- b. Town Talk Radio Show
- c. Town Manage Monthly Coffee Hour at the Library (*new*)
- d. Community Partnerships (e.g. Provincetown Business Guild and the Provincetown Chamber of Commerce)

Community Meetings & Outreach

1) Types of Forums

- a. Town Meeting Warrant Review
- b. Town Topics -Issues forum held in winter
- c. Development of Community Interest (DCI)
Private Town Project
- d. Project of Community Interest (PCI)(*new*)
Public Town Project

2) Outreach and Public Notification

- a. Snail Mail
- b. Posting on Website
- c. Social Media
- d. Additional Locations

Community Information

- 1) Annual Town Report
- 2) Bi-Monthly Report
- 3) Bi Annual Strategic Plan Update
- 4) Website (Revamp Spring 2019)
 - a. What you can find on the site
 - b. Meeting agendas & minutes
 - c. Calendar
 - d. Document requests
 - e. Public records requests

IV. Town Meeting

1) Town Meeting Types

- a. Annual Town Meeting (ATM)
- b. Special Town Meeting (STM)

2) Definition of a Town Warrant

- a. The Clerk's Office is responsible for the coordination of the Town Warrant

3) Establishing the Warrant

- a. Procedures
- b. What is included (eg. operating budget, capital items, by-laws, etc)
- c. Who can put an article on the Warrant

4) Preparations

- a. Select Board Level
- b. Finance Committee

- c. Board & Committee Level
- d. Department Level
- e. Public Level
- 5) Deadline Requirements
 - a. Town Clerk - e.g. Thursday prior to the Banner deadline; 3 weeks prior to the meeting
 - b. Newspaper - e.g. Minimum of one posting in the newspaper at least 14 days prior to ATM/STM
- 6) Distribution of Warrant
 - a. Publication in the Banner
 - b. Town Meeting Times
 - c. Posting on website
 - d. Distribution in other locations
- 7) The Meeting
 - a. Who attends (Specific to Staff level and Board level)
 - b. Role of Town Moderator
 - c. Quorum required to conduct the meeting
 - d. Procedure of the meeting
- 8) Town Meeting Follow Up
 - a. Approval of Bylaw Changes by Attorney General
 - b. Budget Procedures
 - c. Publication and promulgation
 - d. Other

V. Intergovernmental

(Reference: Town Charter Regulations - attached)

- a. Chapter 3, section 6
- b. Chapters 1, 3 and 4

Preamble

We, the people of the Town of Provincetown, Massachusetts, in order to implement the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts, and to reaffirm the customary and traditional liberties of our local government, do adopt the following Charter for this Town.

Chapter 1. THE TOWN AND THE CHARTER

Section 1. Powers of the Town

- a. The Town of Provincetown, Massachusetts, within its territorial limits as established by law, is a body politic and corporate under the name of "Town of Provincetown", referred to herein as the Town. The Town shall possess and exercise all powers possible under the Constitution of the Commonwealth of Massachusetts as though expressly enumerated in this Charter.
- b. The Town of Provincetown operates under a Board of Selectmen/Town Manager form of Government. The elected Board of Selectmen and the Town Manager are the executive body of the Town and Town Meeting is the legislative body of the Town.
- c. The powers of the Town under this Charter shall be construed liberally in favor of the Town and its residents, and the specific mention of powers in the Charter shall not be construed as limiting the general powers of the Town. However, to the extent any specific provisions of this Charter conflicts with any provisions expressed in general terms, the specific provision shall prevail.
- d. The Town may exercise its powers and perform its functions, including financing, jointly or in cooperation with any municipality, County, State, or the United States, or any governmental division or agency.

Section 2. The Provincetown Charter

- a. This Charter may be replaced, revised, or amended only in accordance with the Constitution of the Commonwealth of Massachusetts and the Massachusetts General Laws.
- b. All Town Employees shall act in accordance with this Charter.
- c. This Charter has precedence over the Town of Provincetown General Bylaws.
- d. Each provision of this Charter is severable; therefore in the event any provision or its application is held by a properly constituted authority to be invalid, the remainder of the Charter provisions and applications shall continue in effect.
- e. Every five (5) years the Board of Selectmen shall appoint an Ad Hoc or Temporary Committee to review the Charter and make recommendations to be brought before Town Meeting.

Section 3. Definitions of Terms within the Charter

- a. "Ad Hoc" or "Temporary" Boards are Town Boards that are created to serve for a limited time. Temporary Boards may only be advisory, not regulatory, and must be reauthorized each year within thirty (30) days of the annual Town Election.
- b. "Advisory Boards" are Town Boards that may only establish rules that apply to the actions that they take themselves. Their purpose is to advise the Board of Selectmen, the Town Manager, and/or the voters; they do not have legal authority to direct other individuals or Boards.
- c. "Appointing Authority" is the person or Board with authority to appoint members of a Town Board. Authority to appoint members also includes the authority to remove members for good cause as determined by the Appointing Authority in accordance with Chapter 5.
- d. "Day" means calendar day except as otherwise indicated. If the final day falls on a weekend or legal holiday, the time is extended to the next workday of the Town Government.
- e. "Good Cause" in relation to a removal action means incapacity other than temporary illness, inefficiency, insubordination, conflict of interest or other misconduct.
- f. "Overlapping Terms" means Board Members' terms of service are arranged so that the term of at least one regular member shall expire each year.
- g. "Public Hearings" are hearings that are held to give the public an opportunity to speak to certain matters or to address a mandated determination, such as the Public Hearings held prior to Town Meeting regarding Warrant Articles. "Adjudicatory Hearings" are Public Hearings that are held to adjudicate a disputed matter, such as the removal of the Town Manager or consideration of a petition by the Charter Compliance Commission.
- h. "Regulatory Boards" are those Town Boards authorized by Massachusetts General Laws to establish and enforce rules or regulations related to activities within their authority.
- i. "Town Board" means any elected or appointed body of the Town, either created by the Massachusetts General Laws, a vote of the Town Meeting, the Board of Selectmen, or this Charter. Town Boards may be titled as Boards, Commissions, or Committees. "Town Board" includes the Board of Selectmen, but not, by law, the Board of Fire Engineers or the Provincetown Public Pier Corporation.
- j. "Town Employee" means a person performing services for the Town, or holding an office, position, employment or membership in a municipal agency of the Town of Provincetown, whether by election, appointment, or contract of hire; whether serving with or without compensation or as a volunteer; whether on a full, regular, part-time, intermittent or consultant basis. All Town Employees are subject to the Open Meeting law requirements and Ethics and Conflict of Interest standards of Massachusetts General Laws and this Charter.
- k. "Town Staff" are hired employees who report to the Town Manager.

l. The "Warrant" is a document issued by the Board of Selectmen to call a Town Meeting. The Warrant lists an agenda of items to be voted on by the registered voters of the Town who are present at the Town Meeting.

m. "Writing" as used in this Charter includes email.

Section 4. Compliance with the Charter and the Charter Compliance Commission

a. There shall be a three member Charter Compliance Commission elected by the voters for three-year overlapping terms with the responsibility to educate the Town about the Charter and to encourage compliance with the Charter. A vacancy on the Commission that may be filled by a majority vote of the remaining members of the Commission, but only until the next annual election, and quorum is based on the filled positions.

b. The Commission shall provide its written interpretation of the Charter on the written request of any resident or official of the Town. The Commission's interpretation is advisory only and for educational purposes and shall not be the basis for any legal action. A copy of the request and the proposed response shall be provided to the Board of Selectmen and the Town Manager for review prior to being issued.

c. The Town Manager, as the administrative officer of the Town, shall be responsible to ensure that all Town Departments, Boards, Officers and Employees comply with the Charter. Whenever the Town Manager determines that any Town Department, Board, Officer or Employee is failing to comply with the Charter, it is the responsibility of the Town Manager to meet with them to discuss why they are not complying.

d. Whenever the Town Manager determines that any Town Department, Officer or Employee is continuing to fail to comply with the Charter after that failure has been discussed with them, the Town Manager shall determine the appropriate response.

e. Whenever the Town Manager determines that any Town Board is continuing to fail to comply with the Charter after that failure has been discussed with them, the Town Manager shall refer the matter to the Board of Selectmen to determine the appropriate response.

f. The Board of Selectmen shall be responsible to ensure that the Town Manager complies with the Charter.

g. Any registered voter of the Town may petition the Town Manager to ensure faithful compliance with the Charter by any Town Department, Officer or Employee, except with respect to matters related to employment, or to petition the Board of Selectmen to ensure faithful compliance with the Charter by the Town Manager or a Town Board. The petition shall be filed with the Town Clerk and shall state the provision or provisions of the Charter in question. The Town Clerk shall deliver a copy of the petition to the Town Manager, the Board of Selectmen and the Charter Compliance Commission within one business day of receipt.

h. Following receipt of a petition by a registered voter and prior to taking action thereon, the Town Manager and/or the Board of Selectmen shall consult with the Charter Compliance Commission for such input as may be appropriate. The Charter Compliance Commission will provide a recommended response if requested. The Charter Compliance Commission may also provide a

recommendation regarding future implementation of the Charter, such as a proposed modification, if requested. The Town Manager and the Board of Selectmen shall take such action with respect to the petition as is deemed appropriate.

i. The foregoing sections shall not limit the right to seek enforcement of this Charter as otherwise provided by law.

Chapter 3. THE BOARD OF SELECTMEN

Section 1. Composition, Compensation and Vacancies

- a. There shall be a Board of Selectmen consisting of five members elected for three-year overlapping terms. The Board collectively is the executive branch of Town Government.
- b. Each member of the Board of Selectmen may receive an annual stipend as set forth in the Provincetown Bylaws, subject to appropriation by Town Meeting.
- c. If a member of the Board of Selectmen dies, resigns, is convicted of a felony while serving, or ceases to be a registered voter, the resulting vacancy may be filled by special election in accordance with Massachusetts General Laws.

Section 2. General Powers and Responsibilities

- a. The Board of Selectmen shall exercise the powers and duties prescribed by the Massachusetts General Laws, this Charter, and the Provincetown General Bylaws. The Board of Selectmen may delegate powers and duties to the Town Manager or to another Town Board. The Board of Selectmen shall enforce the laws and orders of the Town, including this Charter.
- b. The Board of Selectmen is the primary policy-making, planning, and goal-setting agency of the Town. The Board of Selectmen directs the Town Manager, who shall administer the day-to-day affairs of the Town in accordance with such goals, policies, or plans. The Board of Selectmen may refer matters or issues to the Town Manager for advice or recommendation.
- c. The Board of Selectmen has the responsibility to protect the assets of the Town.
- d. The Board of Selectmen makes provisions for traffic regulation and control following consultation with the Police Chief.
- e. The Board of Selectmen is the issuing authority for all fishing and shell-fishing grants, permits, and licenses that are issued under the provisions of Massachusetts General Laws Chapter 130 and over which the State's Division of Marine Fisheries has any power of review or administrative control.
- f. The Board of Selectmen shall ensure that the Provincetown General Bylaws are current.

Section 3. Written Records and Communication to the Town

- a. Any goal, policy, plan, or official act adopted by the Board of Selectmen shall be in writing and included in its entirety in the minutes of the Meeting at which it was adopted. The Town Manager shall ensure that a file containing a complete list of the Board of Selectmen's current policies and goals shall be posted on the Town's website for public reference. No person shall be accountable for failure to carry out an order issued by the Board of Selectmen unless it was made in writing, and either forwarded to that individual or generally distributed to all registered voters.
- b. The Board of Selectmen shall compile and publish an Annual Town Report for each calendar

year which shall include reports from all elected and appointed Town Officials, including the Moderator and all Department Heads, and the Town Boards. The Annual Town Report shall be available at least 14 days before the Annual Town Meeting.

c. Within sixty (60) days after the Annual Town Election, the Board of Selectmen shall hold a Meeting for the purpose of stating the Board's goals for the coming fiscal year, referred to as the Annual Goal Setting Meeting.

Section 4. Powers of Appointment

a. The Board of Selectmen shall select, and enter into a contract with, a Town Manager. If the Town Manager position becomes vacant for any reason, the Board of Selectmen shall promptly hire a new Town Manager.

b. The Board of Selectmen has the authority to appoint and remove members of Town Boards designated in the Chapter on Town Boards of this Charter to be appointed by the Board of Selectmen, subject to the provisions of that Chapter.

c. The Board of Selectmen shall appoint a Secretary to the Board of Selectmen.

Section 5. Investigatory Powers

a. The Board of Selectmen may investigate the alleged misconduct of the Town Manager, any Town Board, or any member of a Town Board. The Board of Selectmen may direct the Town Manager to investigate the affairs of the Town, the conduct of any Town Department or Town Employee, and any claim against the Town.

b. Any criminal matter shall be referred to the Police or the Attorney General's Office for action after an initial investigation to determine if criminal behavior may have occurred.

c. Investigations shall be based only upon factual allegations that can be confirmed or denied. If allegations are received from an individual, that person must be identified and the allegations must be in writing and must be specific. Any anonymous allegation or one of general behavior shall not be responded to.

d. The individual who is the subject of an investigation shall be informed in writing of the investigation and shall have the right to a Public Hearing.

e. The Board of Selectmen shall identify sanctions if the conduct is determined to be inappropriate. Sanctions may include an oral reprimand and guidance for future action at a Board of Selectmen open meeting, removal in accordance with procedures set forth in this Charter, or referral to an appropriate body for action.

f. A report of the investigation shall be posted on the Town's website by the Town Clerk after review by Town Counsel for any matters protected by the State's privacy laws, which shall be deleted prior to posting. A summary of the investigation shall be printed in the next Town Report.

Section 6. Limitations and Public Ceremonies

a. Unless specifically provided in State law, a member of the Board of Selectmen may not hold any other position in Town Government, whether appointed or elected, paid or unpaid, including on any Temporary or Ad-hoc committee created by the Board of Selectmen or at Town Meeting. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision.

b. The Board of Selectmen, and individual members thereof, shall deal with employees who are under the direction and supervision of the Town Manager solely through the Town Manager. Furthermore, neither the Board of Selectmen nor its individual members shall give direct orders to any such employee.

c. Except as otherwise specified in this Chapter, the Board of Selectmen shall be subject to the same rules as apply to all other Town Boards, including that members have no authority in their individual capacities except as delegated by majority vote of the Board.

d. The Board of Selectmen shall represent the Town for all ceremonial purposes.

Chapter 4. THE TOWN MANAGER

Section 1. Town Manager Position

The Town Manager is the chief administrator of the Town and is responsible for Town operations. The Town Manager is hired by the Board of Selectmen and operates under its policy guidance, as specified in Chapter 3 of this Charter.

Section 2. Qualifications

- a. The Town Manager shall be hired on the basis of education and experience. The minimum education requirement for a candidate for the position of the Town Manager is a bachelor's degree, preferably in Public Administration, from an accredited degree-granting college or university. In addition, the candidate must have at least three years compensated service in public administration at a managerial level. If the educational qualification is waived by the Board of Selectmen, the professional qualification must include at least nine years compensated service in public administration with at least six at a managerial level.
- b. The Town Manager shall reside in Provincetown or shall become a resident within six months of being hired.
- c. The Town Manager shall be employed subject to a contract prepared by the Board of Selectmen. The contract shall be in accordance with and be subject to this Charter and the General Bylaws. If there is any conflict or omission between the contract and this Charter, the Charter shall prevail. Nothing in the contract shall limit the right of the Town to remove the Town Manager, as specified in this Chapter or the Bylaws, nor shall the contract grant tenure to the Town Manager.
- d. The Town Manager's salary shall be set within the amount appropriated for that purpose by the Town.
- e. The Town Manager shall execute a bond in favor of the Town for the faithful performance of duties and indemnification of the Town in such sum and with such surety as directed by the Board of Selectmen. The Board of Selectmen may not waive the requirement of a performance bond.
- f. The Town Manager shall not hold any other public office, or engage in any other business or occupation while serving as Town Manager. Any further restrictions on outside activities may be included in the Contract by the Board of Selectmen.
- g. The Town Manager shall not have served in any elected or appointed office in Town government for at least one year before being considered as a candidate for the position.
- h. The Contract shall include a six month probationary period and shall include a procedure for the removal of the Town Manager after the probationary period.

Section 3. Powers and Duties

- a. The Town Manager shall be responsible for the administration of all Town functions, including but not limited to:

- 1) assessing and collecting taxes,
- 2) receiving and disbursing monies, accounting funds, and auditing accounts,
- 3) evaluating and maintaining the quality of streets, parks, wharves, and cemeteries,
- 4) evaluating and maintaining the water system, the disposing of sewage and waste,
- 5) maintaining the conditions of town buildings, such as the Town Hall, the Library, etc.,
- 6) controlling licensing, parking, civil defense, public health, and disaster relief,
- 7) administering the Police Department, Fire Department, and Rescue Squad,
- 8) and such other duties and responsibilities as provided for by this Charter, the Town Bylaws, or the majority vote of the Board of Selectmen.

b. With the approval of the Board of Selectmen, the Town Manager may organize operational functions into departments or offices, and establish, consolidate, or abolish departments, offices, or positions within the purview of the Town Manager. The Town Manager may also remove an employee who has become redundant.

c. With the approval of the Board of Selectmen, the Town Manager may transfer powers and duties from one Department or Office to another. With the approval of the Finance Committee, the Town Manager may transfer the appropriations of one Department or Office to another.

d. The Town Manager may hire, promote and remove all Town Staff, except the secretary to the Board of Selectmen. Any action with regard to the following positions shall be subject to confirmation by the Board of Selectmen, except that if the Board of Selectmen fails to confirm or object within fifteen (15) days of the notice of such proposed action, such failure shall constitute implied confirmation:

- 1) Assistant Town Manager
- 2) Finance Director
- 3) Police Chief
- 4) Town Clerk

e. The Town Manager shall consult a Human Resources expert on any matter relating to personnel issues that involve discrimination, harassment, or Americans with Disabilities Act issues.

f. The Town Manager shall ensure that all Town employees are informed of and comply with training required by the Conflict of Interest Law, Chapter 268A of the Massachusetts General Laws, and any supplemental ethical standards determined appropriate by the Town Manager.

g. The Town Manager may suspend with pay any Town employee not subject to a collective bargaining agreement for up to fifteen days for good cause or if the Town Manager deems the suspension to be necessary to protect the interests of the Town.

h. In addition, the Town Manager may discharge any Town employee not subject to a collective bargaining agreement for good cause if the action is taken in accordance with all applicable personnel policies and laws. The discharge shall be done in person, in private, and with a person with HR expertise in attendance.

i. The Town Manager shall appoint members to Town Boards designated in the Chapter on Town Boards of this Charter.

j. The Town Manager is the Commissioner of Public Safety, as further discussed in the Chapter on Public Safety of this Charter.

k. The Town Manager is the Chief Procurement Officer of the Town, with authority to award and execute contracts for the purchase of all supplies and services for all Town Departments and offices, and, if requested, for the School Committee and for the Board of Library Trustees.

l. The Town Manager shall maintain and keep current an inventory of all Town property and Town equipment.

m. Annually, the Town Manager shall develop and revise a five-year Capital Improvements Program, in accordance with the Finance Chapter of this Charter.

n. As further described in the Finance Chapter of this Charter, the Town Manager shall present to the Board of Selectmen annual and capital budgets of the Town, except the budget of the School Committee, for submission to Town Meeting for approval. Once Town Meeting approves these budgets, the Town Manager is responsible to ensure all such funds are expended or committed according to applicable provisions of Massachusetts General Law, this Charter, and the Bylaws.

o. The Town Manager shall:

- 1) attend all meetings of the Board of Selectmen, except when excused, and has the right to speak but not to vote;
- 2) inform the Board of Selectmen about Town operations, including any needs or concerns that have come to the attention of the Town Manager, and recommend necessary and expedient solutions;
- 3) inform the Board of Selectmen of possible sources of available funding, both private and public, relating to Town needs;
- 4) inform the Board of Selectmen of vacancies in Town Offices and on Town Boards; and
- 5) accept referred matters from the Board of Selectmen for advice or action as directed by the Board of Selectmen.

p. The Town Manager shall have such other powers and duties as conferred or assigned by vote of the Board of Selectmen, vote of Town Meeting, or the Provincetown General Bylaws.

Section 4. Resignation or Removal of the Town Manager

a. The Town Manager's contract shall require notice of an intention to resign and shall address the Town Manager's right to receive accrued sick pay and vacation time at the time of resignation.

b. The first six (6) months of the Town Manager's term is a trial period, during which the Board of Selectmen may remove the Town Manager by an affirmative vote of at least three members. The trial period applies whether or not it is included in the Contract to hire the Town Manager.

c. After the Town Manager has been in office longer than six (6) months, the Board of Selectmen may initiate the removal of the Town Manager by following the procedure included in the Contract. The right to the removal process delineated in the Contract does not apply if the term of the Town Manager's Contract term (original or extended) has expired.

d. No action to remove a Town Manager can be started within ninety (90) days following any Town Election that has resulted in a change in the incumbents on the Board of Selectmen.

Section 5. The Acting Town Manager

- a. When the position of Town Manager becomes vacant for any reason, the Assistant Town Manager assumes all the powers and duties of the Town Manager as the Acting Town Manager until the Board of Selectmen hires a new Town Manager. Nothing in this Charter prohibits the Acting Town Manager from being hired by the Board of Selectmen as the Town Manager.
- b. If the position of the Assistant Town Manager is not filled, or if the Assistant Town Manager is unable to serve or to continue serving as determined by the Board of Selectmen, the Town Clerk shall become the Acting Town Manager, and the Assistant Town Clerk shall become the Acting Town Clerk.
- c. The Acting Town Manager receives the pay voted by Town Meeting for the Town Manager. If there is an Acting Town Clerk, that person shall receive the pay voted by Town Meeting for the Town Clerk.
- d. No member of any other elected Board, including the Board of Selectmen, may serve as Acting Town Manager.