

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

It is difficult to do a pure side by side comparison between the current Charter for the Town of Provincetown and the proposed Charter prepared by the elected Charter Commission because the Charter has been reorganized to make it more logical and easy to access, and duplication has been removed. For example, Town Boards are addressed in three different Chapters in the current Charter and only one in the proposed Charter. The Removal Chapter in the current Charter has been broken up and distributed to the relative Chapters for each topic - the removal of the Town Manager is now addressed in the Town Manager Chapter, for example. And we have expanded the Finance Chapter to include matters addressed in other Chapters in the current Charter as well as adding topics not addressed in the current Charter. A straight comparison of the Table of Contents is as follows:

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>TABLE OF CONTENTS 1990 Revision Commentary Preamble</p> <p>Chapter 1. THE FRAME OF GOVERNMENT Section 1. Powers of the Town Section 2. The Provincetown Charter</p> <p>Chapter 2. THE TOWN MEETING AND ELECTIONS Section 1. Preparation of the Warrant Section 2. Preliminary Hearings and Reports Section 3. Conduct of the Town Meeting Section 4. Elections</p> <p>Chapter 3. TOWN BOARDS Section 1. Membership on Town Boards\ Section 2. Meetings of Town Boards Section 3. Rules of Procedure Section 4. Prohibited Activities</p> <p>Chapter 4. THE BOARD OF SELECTMEN Section 1. Composition Section 2. General Powers Section 3. Written Records Section 4. Powers of Appointment Section 5. Investigatory Powers</p> <p>Chapter 5. THE MODERATOR AND ELECTED TOWN BOARDS Section 1. The Moderator Section 2. The Charter Enforcement Commission Section 3. The Housing Authority</p>	<p>TABLE OF CONTENTS Preamble</p> <p>Chapter 1. THE TOWN AND THE CHARTER Section 1. Powers of the Town Section 2. The Provincetown Charter Section 3. Definitions of Terms within the Charter Section 4. Charter Compliance Commission</p> <p>Chapter 2. TOWN MEETING, THE MODERATOR, AND TOWN ELECTIONS Section 1. Town Meeting Section 2. The Moderator Section 3. Preparation of the Warrant and Preliminary Hearings and Reports Section 4. Conduct of the Town Meeting Section 5. Elections</p> <p>Chapter 3. THE BOARD OF SELECTMEN Section 1. Composition, Compensation and Vacancies Section 2. General Powers and Responsibilities Section 3. Written Records and Communication to the Town Section 4. Powers of Appointment Section 5. Investigatory Powers Section 6. Limitations and Public Ceremonies</p> <p>Chapter 4. THE TOWN MANAGER Section 1. Town Manager Position Section 2. Qualifications Section 3. Powers and Duties Section 4. Resignation or Removal of the Town Manager</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Section 4. The Board of Library Trustees Section 5. The School Committee</p> <p>Chapter 6. APPOINTED TOWN BOARDS Section 1. The Council on Aging Section 2. The Airport Commission Section 3. The Art Commission Section 4. The Board of Assessors Section 5. The Building Committee Section 6. The Conservation Commission Section 7. The Finance Committee Section 8. The Board of Health Section 9. The Historical Commission Section 10. The Licensing Board Section 11. The Personnel Board Section 12. The Planning Board Section 13. The Board of Registrars of Voters Section 14. The Water and Sewer Board Section 15. The Zoning Board of Appeals Section 16. Other Town Boards</p> <p>Chapter 7. THE TOWN MANAGER Section 1. Qualifications Section 2. Powers and Duties Section 3. Resignation Section 4. The Acting Town Manager</p> <p>Chapter 8. PUBLIC SAFETY Section 1. Residency Requirements Section 2. The Police Department Section 3. The Fire Department</p> <p>Chapter 9. FINANCIAL PROCEDURES Section 1. The Annual Budget Section 2. The Capital Improvement Program Section 3. Publication of Financial Information Section 4. Collections and Disbursements Section 5. Lapse of Appropriations</p> <p>Chapter 10. TERMINATION OF SERVICE</p>	<p>Section 5. The Acting Town Manager</p> <p>Chapter 5. THE TOWN BOARDS Section 1. Formation of Town Boards Section 2. Merger and Dissolution of Town Boards Section 3. Rules of Town Boards Section 4. Membership on Town Boards Section 5. Meetings and Officers of Town Boards Section 6. Rules Specific to the Regulatory Town Boards Section 7. Rules Specific to Appointed Town Boards Section 8. Rules Specific to Elected Town Boards</p> <p>CHAPTER 6. FINANCE Section 1. The Finance Department Section 2. The Finance Committee Section 3. Financial Procedures - The Long Term Financial Plan. Section 4. Financial Procedures - The Annual Budget. Section 5. Financial Procedures - Specific to the School Committee Section 6. Financial Procedures - The Capital Improvements Program. Section 7. Financial Procedures - Publication of Financial Information. Section 8. Financial Procedures - Collections and Disbursements Section 9. Financial Procedures - Lapse of Appropriations Section 10. Financial Procedures - Annual Audit</p> <p>CHAPTER 7 PUBLIC SAFETY Section 1. Residency Requirements Section 2. The Police Department Section 3. The Fire Department Section 4. The Department of Public Works Section 5. The Provincetown Public Pier Corporation and the Shellfish Constable Section 6. Emergency Management</p> <p>CHAPTER 8 TRANSITION PROVISIONS <i>Section 1. Effective Date</i> <i>Section 2. Town Boards - General</i> <i>Section 3. Charter Compliance Commission</i> <i>Section 4. Impact on Existing Laws, Agreements, or Litigation</i></p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
Section 1. Elected Officials Section 2. Appointed Officials Section 3. The Town Manager Section 4. Non-Union Paid Town Employees Chapter 11. TRANSITIONAL PROVISIONS Section 1. Effective Date Section 2. Town Boards Section 3. The Town Manager and Paid Employees Section 4. Laws, Contracts and Litigation Section 5. Records and Property	

The following indicates where topics in the proposed Charter came in the Current Charter:

PROPOSED PROVINCETOWN CHARTER	CURRENT PROVINCETOWN CHARTER
Chapter 1. THE TOWN AND THE CHARTER Section 1. Powers of the Town Section 2. The Provincetown Charter Section 3. Definitions of Terms within the Charter Section 4. Charter Compliance Commission Chapter 2. TOWN MEETING, THE MODERATOR, AND TOWN ELECTIONS Section 1. Town Meeting Section 2. The Moderator Section 3. Preparation of the Warrant and Preliminary Hearings and Reports Section 4. Conduct of the Town Meeting Section 5. Elections Chapter 3. THE BOARD OF SELECTMEN Section 1. Composition, Compensation and Vacancies Section 2. General Powers and Responsibilities Section 3. Written Records and Communication to the Town Section 4. Powers of Appointment Section 5. Investigatory Powers Section 6. Limitations and Public Ceremonies	Chapter 1. THE FRAME OF GOVERNMENT Section 1. Powers of the Town Section 2. The Provincetown Charter Chapter 5. THE MODERATOR AND ELECTED TOWN BOARDS -- Section 2. The Charter Enforcement Commission Chapter 5. THE MODERATOR AND ELECTED TOWN BOARDS -- Section 1. The Moderator Chapter 2. THE TOWN MEETING AND ELECTIONS Section 1. Preparation of the Warrant Section 2. Preliminary Hearings and Reports Section 3. Conduct of the Town Meeting Section 4. Elections Chapter 4. THE BOARD OF SELECTMEN Section 1. Composition Section 2. General Powers Section 3. Written Records Section 4. Powers of Appointment Section 5. Investigatory Powers

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>Chapter 4. THE TOWN MANAGER Section 1. Town Manager Position Section 2. Qualifications Section 3. Powers and Duties Section 4. Resignation or Removal of the Town Manager Section 5. The Acting Town Manager</p> <p>Chapter 5. THE TOWN BOARDS Section 1. Formation of Town Boards Section 2. Merger and Dissolution of Town Boards Section 3. Rules of Town Boards Section 4. Membership on Town Boards Section 5. Meetings and Officers of Town Boards Section 6. Rules Specific to the Regulatory Town Boards Section 7. Rules Specific to Appointed Town Boards Section 8. Rules Specific to Elected Town Boards</p>	<p>Chapter 7. THE TOWN MANAGER Section 1. Qualifications Section 2. Powers and Duties Section 3. Resignation Section 4. The Acting Town Manager Chapter 10. TERMINATION OF SERVICE -- Section 3. The Town Manager</p> <p>Chapter 3. TOWN BOARDS Section 1. Membership on Town Boards Section 2. Meetings of Town Boards Section 3. Rules of Procedure Section 4. Prohibited Activities Chapter 5. ... ELECTED TOWN BOARDS Section 3. The Housing Authority Section 4. The Board of Library Trustees Section 5. The School Committee Chapter 6. APPOINTED TOWN BOARDS Section 1. The Council on Aging Section 2. The Airport Commission Section 3. The Art Commission Section 4. The Board of Assessors Section 5. The Building Committee Section 6. The Conservation Commission Section 7. The Finance Committee Section 8. The Board of Health Section 9. The Historical Commission Section 10. The Licensing Board Section 11. The Personnel Board Section 12. The Planning Board Section 13. The Board of Registrars of Voters Section 14. The Water and Sewer Board Section 15. The Zoning Board of Appeals Section 16. Other Town Boards Chapter 10. TERMINATION OF SERVICE Section 1. Elected Officials Section 2. Appointed Officials</p> <p>Chapter 6. APPOINTED TOWN BOARDS -- Section 7. The Finance Committee</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>CHAPTER 6. FINANCE</p> <p>Section 1. The Finance Department</p> <p>Section 2. The Finance Committee</p> <p>Section 3. Financial Procedures - The Long Term Financial Plan.</p> <p>Section 4. Financial Procedures - The Annual Budget.</p> <p>Section 5. Financial Procedures - Specific to the School Committee</p> <p>Section 6. Financial Procedures - The Capital Improvements Program.</p> <p>Section 7. Financial Procedures - Publication of Financial Information.</p> <p>Section 8. Financial Procedures - Collections and Disbursements</p> <p>Section 9. Financial Procedures - Lapse of Appropriations</p> <p>Section 10. Financial Procedures - Annual Audit</p> <p>CHAPTER 7 PUBLIC SAFETY</p> <p>Section 1. Residency Requirements</p> <p>Section 2. The Police Department</p> <p>Section 3. The Fire Department</p> <p>Section 4. The Department of Public Works</p> <p>Section 5. The Provincetown Public Pier Corporation and the Shellfish Constable</p> <p>Section 6. Emergency Management</p>	<p>Chapter 9. FINANCIAL PROCEDURES</p> <p>Section 1. The Annual Budget</p> <p>Section 2. The Capital Improvement Program</p> <p>Section 3. Publication of Financial Information</p> <p>Section 4. Collections and Disbursements</p> <p>Section 5. Lapse of Appropriations</p> <p>Chapter 8. PUBLIC SAFETY</p> <p>Section 1. Residency Requirements</p> <p>Section 2. The Police Department</p> <p>Section 3. The Fire Department</p>
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The detailed comparison is as follows:

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>PREAMBLE</p> <p>We, the people of the town of Provincetown, Massachusetts, in order to reaffirm the customary and traditional liberties of our local government, and to take the fullest advantage of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts, do hereby adopt the following home rule charter for this town.</p>	<p>Preamble</p> <p>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.</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Chapter 1. THE FRAME OF GOVERNMENT</p> <p><i>Section 1: Powers of the Town</i></p> <p>1-1-1 The present town of Provincetown, Massachusetts, within its territorial limits, as now or shall hereafter be established by law, is hereby continued as a body politic and corporate under the name of "Town of Provincetown".</p> <p>1-1-2 The town shall possess, exercise, and enjoy all powers possible under the Constitution of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this charter.</p> <p>1-1-3 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 the charter shall not be construed as limiting in any measure the general powers of the town as stated in the charter.</p> <p>1-1-4 The town shall exercise any of its powers or perform any of its functions and participate in the financing thereof, by contract or otherwise, jointly or in cooperation with any municipality, county, state, or the United States, or any governmental division or agency.</p>	<p>Chapter 1. THE TOWN AND THE CHARTER</p> <p><i>Section 1. Powers of the Town</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p><i>Section 2: The Provincetown Charter</i></p> <p>1-2-1 To the extent that any specific provision of this charter shall conflict with any provisions expressed in general terms, the specific provision shall prevail.</p> <p>1-2-2 In this charter the following words, unless a different</p>	<p><i>Section 2. The Provincetown Charter</i></p> <p>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.</p> <p>b. All Town Employees shall act in accordance with this Charter.</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>meaning is required by context or is specifically prescribed, shall have the following meanings: (a) "Good Cause": any ground which is put forward in good faith and which is not arbitrary, irrational, unreasonable, or irrelevant to the duties with which the employee is charged, including incapacity other than temporary illness, inefficiency, insubordination, or misconduct. (b) "Town employee": a person performing services for or holding an office, position, employment or membership in a municipal agency of the town of Provincetown, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis. (c) "Town board": a town board, committee, commission or council, including the board of selectmen, but not including the board of fire engineers, created by the Massachusetts General By-Laws, a vote of the town meeting, the board of selectmen, or this charter.</p> <p>1-2-3 In computing time under this charter every calendar day shall be counted.</p> <p>1-2-4 This charter may be replaced, revised, or amended in accordance with the Constitution of the Commonwealth of Massachusetts or the Massachusetts General Laws.</p> <p>1-2-5 If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the charter which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.</p> <p>1-2-6 The provisions of this charter shall not be waived by the board of selectmen, the town manager, or any other town board or person.</p>	<p>c. This Charter has precedence over the Town of Provincetown General Bylaws.</p> <p>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.</p> <p>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.</p>
	<p><i>Section 3. Definitions of Terms within the Charter</i></p> <p>a. "Ad Hoc" or "Temporary" Boards are Town Boards that are created to serve for a limited time. Temporary Boards may only be</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>advisory, not regulatory, and must be reauthorized each year within thirty (30) days of the annual Town Election.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e. "Good Cause" in relation to a removal action means incapacity other than temporary illness, inefficiency, insubordination, conflict of interest or other misconduct.</p> <p>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.</p> <p>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.</p> <p>h. "Regulatory Boards" are those Town Boards authorized by Massachusetts General Laws to establish and enforce rules or</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>regulations related to activities within their purview.</p> <p>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.</p> <p>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.</p> <p>k. "Town Staff" are hired employees who report to the Town Manager.</p> <p>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.</p> <p>m. "Writing" as used in this Charter includes email.</p>
<p>Section 2: <i>The Charter Enforcement Commission</i></p> <p>5-2-1 There shall be a charter enforcement commission consisting of five members and elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.</p>	<p>Section 4. <i>Compliance with the Charter and the Charter Compliance Commission</i></p> <p>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</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>5-2-2 A vacancy on the commission may be filled by the remaining members of the commission, but only until the next annual election.</p> <p>5-2-3 The commission shall take action only after receiving a written petition filed by a voter or voters alleging a violation of this charter by reason of an act or failure to act of the town manager, the acting town manager, the moderator, the board of selectmen, the school committee, or the finance committee, or members of those committees.</p> <p>5-2-4 The petition shall state the specific section of this charter which is subject of the violation, the officer or board who is responsible for the violation, and the act or failure to act resulting in the violation.</p> <p>5-2-5 The petition shall be filed by deliver to the town clerk, who shall note the date of its receipt on the petition and mail a copy to each member of the commission within one week of its receipt.</p> <p>5-2-6 Within three weeks of the receipt of a petition by the town clerk, the commission shall vote whether to dismiss the petition without further action, and if the commission so votes, the chairman shall notify the town clerk.</p> <p>5-2-7 If the commission does not vote to dismiss the petition, the chairman shall set a time and date for the hearing, and shall mail notice of the hearing to the town clerk who shall post and publish the notice, and to the petitioner and the officer or board named in the petition. The hearing date shall be not less than three weeks nor more than eight weeks from the date of the receipt of the petition by the town clerk.</p> <p>5-2-8 At the hearing the commission shall allow any person to address the commission as to the merits of the petition.</p> <p>5-2-9 Within three weeks of the hearing, the commission shall</p>	<p>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.</p> <p>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.</p> <p>c. The Town Manager, as the administrative officer of the Town under the Board of Selectmen, 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.</p> <p>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.</p> <p>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.</p> <p>f. The Board of Selectmen shall be responsible to ensure that the Town Manager complies with the Charter.</p> <p>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</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>vote whether there has been a violation of this charter as alleged in the petition, and shall mail a notice of its vote to the town clerk, who shall post a copy of the vote for a period of four weeks, and to the petitioner and the officer or board named in the petition.</p> <p>5-2-10 If the commission shall vote that there has been a violation of this charter as alleged by the petition, and if following its vote there continues to be a violation, the commission may file a petition with the Superior Court.</p> <p>5-2-11 The town may establish a fund to enable the commission to pay the costs and expenses, including attorney's fees, related to the filing of a complaint with the Superior Court.</p> <p>5-2-12 Sections 5-2-3 through 5-2-11 shall not limit the right to seek enforcement of this charter as otherwise provided by law.</p>	<p>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. Said 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.</p> <p>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.</p> <p>i. The foregoing sections shall not limit the right to seek enforcement of this Charter as otherwise provided by law.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Chapter 2 THE TOWN MEETING AND ELECTIONS</p>	<p>Chapter 2. TOWN MEETING, THE MODERATOR, AND TOWN ELECTIONS</p> <p><i>Section 1. Town Meeting</i> [This is a new section]</p> <p>a. The legislative powers of the Town shall be exercised by decision of the Town's registered voters at an Annual Town Meeting and Special Town Meetings. The only matters not to be addressed at Town Meeting are the election of such officers and the determination of such matters as are required by law or this Charter to be elected or determined by ballot.</p> <p>b. An Annual Town Meeting shall be held to consider and act upon, with or without amendments, all proposed operating and capital improvement budgets, bond issues, and other financial proposals of the town. In addition, the Town Meeting shall address any other matters included in the Warrant.</p> <p>c. The Board of Selectmen may call a Special Town Meeting under the authority provided by Massachusetts General Laws. The Board of Selectmen shall call a Special Town Meeting upon the request, in writing, upon a form approved by the Secretary of the Commonwealth, of two hundred (200) registered voters for a specific reason or reasons stated on the form. A Special Town Meeting shall be held not later than forty-five (45) days after the receipt of said request.</p>
<p>CHAPTER 5 Section 1: The Moderator</p> <p>5-1-1 There shall be a moderator elected for a term of three years.</p> <p>5-1-2 The moderator shall receive for his or her services compensation on a per diem basis as may annually be provided for that purpose by appropriation.</p> <p>5-1-3 The moderator shall appoint members to the finance committee and personnel board, subject to the provisions of</p>	<p>Section 2. The Moderator</p> <p>a. There shall be a Moderator, elected for a term of three (3) years, whose principal duty is to preside over Town Meeting.</p> <p>b. The Moderator shall be the appointing authority for the Finance Committee, whose principal responsibility is to advise Town Meeting on the financial impact of proposed matters on the Warrant. The other responsibilities of the Finance Committee are</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>section 3-1-2 of this charter.</p>	<p>addressed in Chapter 5.</p> <p>c. The Moderator may receive compensation on a per diem basis as provided by appropriation at the Annual Town Meeting.</p>
<p>CHAPTER 2 Section 1: Preparation of the Warrant</p> <p>2-1-1 The board of selectmen shall prepare the warrant for all town meetings.</p> <p>2-1-2 The board of selectmen shall include in the warrant all articles submitted by the town manager, the board of selectmen, or any town board.</p> <p>2-1-3 The board of selectmen shall include in the warrant for an annual town meeting all articles submitted which are supported by a petition signed by ten registered voters of the town.</p> <p>2-1-4 The board of selectmen shall include in the warrant for a special town meeting all articles submitted which are supported by a petition signed by one hundred registered voters of the town.</p> <p>2-1-5 The board of selectmen shall also include in the warrant for a special town meeting all subjects the insertion of which shall be included in the request for the special town meeting.</p> <p>2-1-6 The board of selectmen shall include all proposed operating expenditures in a single article on the warrant, and all regular proposed capital improvement expenditures in a single article in the warrant.</p> <p>2-1-7 The warrant shall be closed thirty days prior to the date of the meeting, shall be published in a newspaper of general</p>	<p>Section 3. Preparation of the Warrant and Preliminary Hearings and Reports</p> <p>a. The Board of Selectmen shall prepare a Warrant for all Town Meetings listing the articles for decision by Town Meeting.</p> <p>b. The Board of Selectmen shall include in the Warrant for an Annual Town Meeting the following:</p> <ol style="list-style-type: none"> 1) all proposed operating expenditures in a single article in the Warrant, 2) all proposed capital improvement expenditures in a single article in the Warrant, 3) all articles submitted by the Town Manager, the Board of Selectmen, or any Town Board, and 4) all articles submitted which are supported by a petition signed by ten (10) registered voters of the Town. <p>c. The Board of Selectmen shall include in the Warrant for a Special Town Meeting:</p> <ol style="list-style-type: none"> 1) all matters relevant to the reason the Special Town Meeting was called by the Board of Selectmen, 2) all articles submitted by the Town Manager or any Town Board, and 3) all articles submitted which are supported by a petition signed by one hundred (100) registered voters of the Town. <p>e. The Warrant for the Annual Town Meeting shall be opened at least sixty days (60) prior and closed thirty (30) days prior to the</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

circulation within the town at least seven days prior to the meeting and shall be posted in at least ten public places in the town at least seven days prior to the annual town meeting, and at least fourteen days prior to a special town meeting.

2-1-8 At least fourteen days prior to the date of the town meeting, a copy of the warrant shall be mailed by the board of selectmen to the moderator, town counsel, and each town board.

2-1-9 At least seven days prior to the annual town meeting, copies of the town report shall be made available for distribution at the town hall, and at least seven days prior to any town meeting copies of the finance committee report shall be made available at the town hall.

Section 2: Preliminary Hearings and Reports

2-2-1 Prior to the town meeting on whose warrant is a petitioned article concerning the natural environment, the conservation commission shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the conservation commission shall state the numbers of its members in favor of and opposed to the article, and its chairman, or his or her designee, shall explain the view of the majority to the meeting.

2-2-2 Prior to the town meeting on whose warrant is a petitioned article concerning public health, the board of health shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the board of health shall state the numbers of its members in favor of and opposed to the article, and its chairman or his or her designee, shall explain the view of the majority to the meeting.

2-2-3 Prior to the town meeting on whose warrant is a petitioned article concerning land use or development, the planning board shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the planning board shall state the numbers of its members in favor of and opposed to the article, and

date of the Town Meeting. The Warrant shall be posted on the Town's website within two (2) business days of closing, and shall be provided to the registered voters of the Town by publication in a newspaper of general circulation within the Town at least fourteen (14) days prior to Town Meeting, and in printed form in the office of the Town Clerk. As an alternative to publication in a local newspaper, the Warrant may be mailed at least fourteen (14) days prior to a Town Meeting to the last known address on file of the registered voters of the Town.

f. A copy of the Warrant shall be provided by the Board of Selectmen to the Moderator, Town Counsel, and each Town Board within seven (7) days after the Warrant is closed.

g. When an article on the Town Meeting Warrant addresses the following topics, the Town Board identified below shall hold a Public Hearing, soliciting comments from the Public on the article and voting whether its members are in favor of or opposed to the article, and prior to the article coming to a vote at Town Meeting, the Town Board shall report the votes of its members and explain the view of the majority to the Town Meeting:

- 1) the Conservation Commission for matters relating to the natural environment,
- 2) the Board of Health for matters relating to public health,
- 3) the Planning Board for matters relating to land use or development,
- 4) the Charter Compliance Commission for matters concerning the Charter,
- 5) the Finance Committee for matters concerning the expenditure of town funds, and
- 6) any Town Board for an article submitted by that Town Board.

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>its chairman, or his or her designee, shall explain the view of the majority to the meeting.</p> <p>2-2-4 Prior to the town meeting on whose warrant is a petitioned article concerning this charter, the charter enforcement commission shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the charter enforcement commission shall state the numbers of its members in favor of and opposed to the article and its chairman, or his or her designee, shall explain the view of the majority to the meeting.</p>	<p>h. At least seven (7) days prior to any Town Meeting, the Finance Committee shall provide a Report detailing their votes on each Warrant article concerning the expenditure of Town funds. The Finance Committee Report shall be posted on the Town website and made available for distribution in the Town Clerk's office at the Town Hall. Sufficient copies for the expected attendance shall also be made available at the Town Meeting the day it opens.</p>
<p>Section 3: <i>Conduct of the Town Meeting</i></p> <p>2-3-1 The annual town meeting shall be held on the first Monday in April of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the annual town meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.</p> <p>2-3-2 The board of selectmen may call a special town meeting as provided by the Massachusetts General Laws.</p> <p>2-3-3 The board of selectmen shall call a special town meeting upon the request, in writing, upon a form approved by the Secretary of the Commonwealth, of two hundred registered voters. A special town meeting shall be held not later than forty-five days after the receipt of said request.</p>	<p>Section 4. <i>Conduct of the Town Meeting</i></p> <p>a. An Annual Town Meeting shall be held on the first Monday in April of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the Annual Town Meeting as listed in the Warrant. Pursuant to Massachusetts General Law Chapter 39, Section 10, the Annual Town Meeting may be postponed due to an emergency at the discretion of the Moderator, but must be rescheduled.</p> <p>b. The Annual Town Meeting and any Special Town Meetings that are called shall be open to all registered voters of the Town.</p> <p>c. Non-voters may request to speak to certain articles on the Warrant by contacting the Moderator at least three business days prior to the Town Meeting. The Moderator shall allow such a request if he or she determines that it is reasonable.</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>2-3-4 Except as otherwise delegated to the board of selectmen by chapter 4, the legislative powers of the town shall be exercised by annual town meetings and special town meetings open to all registered voters of the town.</p> <p>2-3-5 The town meeting shall consider and act upon, with or without amendments, all proposed operating and capital improvement budgets, bond issues, and other financial proposals of the town.</p> <p>2-3-6 The moderator shall preside at all sessions of the town meeting, and a temporary moderator shall be elected by the town meeting in the absence of the moderator.</p> <p>2-3-7 In all procedural matters, the town meeting shall follow the latest revised edition of Town Meeting Times: A Handbook of Parliamentary Law, by Johnson, Trustman, and Wadsworth, except as otherwise provided by the Massachusetts General Laws, the Provincetown General By-Laws, or this charter.</p> <p>2-3-8 The quorum for the conduct of business by any annual town meeting or special town meeting shall be one hundred registered voters.</p> <p>2-3-9 The order of consideration of articles as printed in the warrant shall be changed only by a two-thirds vote of the town meeting.</p> <p>2-3-10 Prior to a vote on an article concerning the expenditure of</p>	<p>d. The quorum for the conduct of business by any Town Meeting shall be one hundred (100) registered voters. If quorum is lost during the Meeting, the Meeting may continue unless and until quorum is challenged .</p> <p>e. Registered voters must be seated in an area designated by the Moderator. The Moderator may agree to establish a remote site in addition to the main site of Town Meeting. The remote site must be able to communicate with the main Town Meeting site by some continuous visual and audio communication. If a remote site is established, the Moderator shall appoint a person to serve at the remote site as the Moderator's assistant, confirming registration and counting votes. Voters at the remote site shall be counted toward quorum.</p> <p>f. The Moderator shall preside at all sessions of the Town Meeting. A temporary Moderator shall be elected by the Town Meeting in the absence of the Moderator. In the event the Moderator recuses himself or herself, the Town Clerk shall serve as the Moderator. If this does not occur automatically, it may be requested by a majority of the registered voters in attendance.</p> <p>g. In all procedural matters, the Town Meeting shall follow the latest revised edition of Town Meeting Times: A Handbook of Parliamentary Law, by Johnson, Trustman, and Wadsworth, except as otherwise provided by the Massachusetts General Laws, the Provincetown General By-Laws, or this Charter.</p> <p>h. The order of consideration of articles as printed in the Warrant shall be changed only by a two-thirds vote of the Town Meeting.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>town funds, the finance committee shall state the number of its members in favor of and opposed to the article, and its chairman, or his or her designee, shall explain the view of the majority to the meeting.</p> <p>2-3-11 Prior to a vote on an article submitted by a town board, the town board shall state the numbers of its members in favor of and opposed to the article, and its chairman, or his designee, shall explain the view of the majority to the meeting.</p> <p>2-3-12 If action required by sections 2-2-1, 2-2-2, 2-2-3, 2-2-4, 2-3-10, or 2-3-11 has not been taken with respect to an article, the article may be considered and acted upon only by a majority vote of town meeting.</p> <p>2-3-13 No session of an annual or special town meeting shall be held on a holiday.</p>	<p>i. If action required by Section 3, Paragraph g, of this Chapter relating to review and recommendation of Warrant articles by Town Boards, has not been taken with respect to an article, the article may be considered and acted upon only after a majority of Town Meeting votes to consider it.</p> <p>j. No session of a Town Meeting shall be held on a legal or religious holiday.</p>
<p>Section 4: Elections</p> <p>2-4-1 The board of registrars, together with such assistant registrars as may be required and regularly designated, shall conduct and supervise all local elections in accordance with the laws of the Commonwealth of Massachusetts and local laws not inconsistent therewith.</p> <p>2-4-2 The regular elections to any office shall be by official ballot held on the first Tuesday in May of each year.</p> <p>2-4-3 Any registered voter of the town shall be eligible for election to any office, but no person shall concurrently hold more than one elected office.</p> <p>2-4-4 Elections to any office shall be nonpartisan, and election ballots for town officers shall be printed without any party mark, emblem, or designation whatsoever.</p>	<p>Section 5. Elections</p> <p>a. The Board of Registrars, together with such assistant registrars as may be required and regularly designated, shall conduct and supervise all local elections in accordance with the laws of the Commonwealth of Massachusetts and with local laws which are not inconsistent with State law.</p> <p>b. The regular elections to any office shall be by official ballot held on the third Tuesday in June of each year.</p> <p>c. Any registered voter of the Town shall be eligible for election to any office, but no person shall hold more than one elected office concurrently.</p> <p>d. Elections to any office shall be nonpartisan, and election ballots for Town officers shall be printed without any party mark, emblem, or designation whatsoever.</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>2-4-5 A person duly elected to an office shall take up the duties of his or her office immediately following his or her certification after being sworn to the faithful performance of his or her duties by the town clerk.</p>	<p>e. Following certification of the election by the Board of Registrars, a person duly elected to an office shall take up the duties of that office immediately after being sworn to the faithful performance of his or her duties by the Town Clerk.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Chapter 4 THE BOARD OF SELECTMEN</p> <p><i>Section 1: Composition</i></p> <p>4-1-1 There shall be a board of selectmen consisting of five members elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.</p> <p>4-1-2 If a member of the board of selectmen dies, resigns, or ceases to be a registered voter, a vacancy shall result which shall be filled in accordance with G.L. c. 41, s. 10.</p> <p>4-1-3 A member of the board of selectmen shall not hold any other appointed or elected, paid or non-paid, position in town government, including any temporary, or ad-hoc committee created at town meeting, or otherwise.</p>	<p>Chapter 3. THE BOARD OF SELECTMEN</p> <p><i>Section 1. Composition, Compensation and Vacancies</i></p> <p>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.</p> <p>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.</p> <p>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.</p>
<p><i>Section 2: General Powers</i></p> <p>4-2-1 The board of selectmen shall be the primary policy making, planning, and goal setting agency of the town.</p> <p>4-2-2 The board of selectmen shall make provisions for traffic regulation and control.</p> <p>4-2-3 The board of selectmen shall insure that the Provincetown General By-Laws shall be up to date and republished at least every five years and that copies shall be available.</p> <p>4-2-4 The board of selectmen shall be recognized as the head of town government for all ceremonial purposes.</p> <p>4-2-5 The board of selectmen shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, or this charter, except as provided</p>	<p><i>Section 2. General Powers and Responsibilities</i></p> <p>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.</p> <p>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.</p> <p>c. The Board of Selectmen has the responsibility to protect the assets of the Town.</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>herein.</p> <p>4-2-6 The board of selectmen shall exercise the powers and duties which are not vested in a town officer or another town board by the Massachusetts General Laws, the Provincetown General By-Laws, or this charter.</p> <p>4-2-7 Notwithstanding any other provisions of this charter, the board of selectmen shall be the issuing authority for all fishing and shellfishing grants, permits and licenses that are issued under the provisions of chapter one hundred and thirty of the General Laws and over which the state's division of marine fisheries has any power of review or administrative control.</p>	<p>d. The Board of Selectmen makes provisions for traffic regulation and control following consultation with the Police Chief.</p> <p>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.</p> <p>f. The Board of Selectmen shall ensure that the Provincetown General Bylaws are current.</p>
<p>Section 3: <i>Written Records</i></p> <p>4-3-1 The board of selectmen shall keep a written record of their official acts and shall cause the record to be made available to those requesting it.</p> <p>4-3-2 Any policy, plan, or goal adopted by the board of selectmen shall be made in writing.</p> <p>4-3-3 No person shall be accountable for failure to carry out an order emanating from the board of selectmen unless it shall be made in writing.</p>	<p>Section 3. <i>Written Records and Communication to the Town</i></p> <p>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.</p> <p>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.</p> <p>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.</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>Section 4: Powers of Appointment</p> <p>4-4-1 The board of selectmen shall establish an employment contract with the town manager for a period of time not to exceed three years, to provide the conditions of employment, including but not limited to, duties, termination and severance pay, disability, salary, performance evaluation, hours of work, outside activities, moving expenses, home sale and purchase expenses, automobile use and expenses, vacation, sick leave, military leave, disability insurance, health insurance, life insurance, retirement, dues and subscriptions, professional development, general expenses, civic club membership, indemnification and bonding.</p> <p>4-4-2 Said contract shall be in accordance with and subject to the provisions of the General By-Laws and this charter, and the compensation to be paid to the town manager shall be within the amount appropriated by the town.</p> <p>4-4-3 Nothing contained in this section shall affect the appointment and removal powers of the town over the town manager, nor shall it grant tenure to the town manager.</p> <p>4-4-4 The board of selectmen shall appoint a town manager, a secretary to the board of selectmen, and members of those town boards designated in chapter 6 of this charter, subject to the provisions of section 3-1-2 of this charter.</p>	<p>Section 4. Powers of Appointment</p> <p>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.</p> <p>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.</p> <p>c. The Board of Selectmen shall appoint a Secretary to the Board of Selectmen.</p>
<p>Section 5: Investigatory Powers</p> <p>4-5-1 The board of selectmen may investigate and may authorize the town manager to investigate the affairs of the town and the conduct of any town department or town board, including any claim against the town.</p> <p>4-5-2 For the purposes of this section, the board of selectmen may subpoena witnesses, administer oaths, take testimony, and</p>	<p>Section 5. Investigatory Powers</p> <p>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.</p> <p>b. Any criminal matter shall be referred to the Police or the</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>require the production of evidence.</p> <p>4-5-3 The report of the investigation shall be placed on file in the office of the town clerk, and a report summarizing the investigation shall be printed in the next town report.</p>	<p>Attorney General's Office for action after an initial investigation to determine if criminal behavior may have occurred.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
	<p><i>Section 6. Limitations and Public Ceremonies</i></p> <p>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.</p> <p>b. The Board of Selectmen, and individual members thereof, shall deal with employees who are under the direction and supervision</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>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.</p> <p>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.</p> <p>d. The Board of Selectmen shall represent the Town for all ceremonial purposes.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Chapter 7. THE TOWN MANAGER</p>	<p>Chapter 4. THE TOWN MANAGER</p> <p><i>Section 1. Town Manager Position</i> [This is a new section]</p> <p>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.</p>
<p><i>Section 1: Qualifications</i></p> <p>7-1-1 The town manager shall be a person especially fitted by education, training, or previous experience in public administration, to perform the powers and duties of the office.</p> <p>7-1-2 The town manager shall be a resident of Provincetown, or shall become a resident within six months following his or her appointment.</p> <p>7-1-3 The town manager shall be employed under an employment contract prepared by the board of selectmen as provided in this charter.</p>	<p><i>Section 2. Qualifications</i></p> <p>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.</p> <p>b. The Town Manager shall reside in Provincetown or shall become a resident within six months of being hired.</p> <p>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.</p> <p>d. The Town Manager's salary shall be set within the amount</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>7-1-4 The town manager shall execute a bond in favor of the town for the faithful performance of his or her duties in such sum and with such surety as shall be fixed or approved by the board of selectmen, who shall not waive the requirement of a performance bond.</p> <p>7-1-5 The town manager shall not hold any other public office, nor engage in another business or occupation during his or her term, and shall devote his or her full time to the office of town manager.</p> <p>7-1-6 The town manager shall not have served in an elective office in the town government for at least six months prior to his or her appointment.</p>	<p>appropriated for that purpose by the Town.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>Section 2: Powers and Duties</p> <p>7-2-1 The town manager shall be responsible for the administration of all town functions including those related to the assessment and collection of taxes, the receipt and disbursement of monies, accounting of funds, the auditing of accounts, streets, parks, wharves, cemeteries, public grounds, the municipal water system, the disposal of sewage and waste, the providing of recreation, the town clerk, the town library, veterans' services, licensing, parking, civil defense, disaster relief, the police department, the fire department, the rescue squad, public health, public safety, the inspection of buildings and businesses, and such other matters as shall be assigned by this charter, the general by-laws, or vote of the board of selectmen.</p>	<p>Section 3. Powers and Duties</p> <p>a. The Town Manager shall be responsible for the administration of all Town functions, including but not limited to:</p> <ol style="list-style-type: none"> 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

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>7-2-2 The town manager, with the approval of the board of selectmen, may organize such functions into such departments or offices as he or she prefers, and establish, reorganize, consolidate, or abolish any department or office under his or her discretion and supervision.</p> <p>7-2-3 The town manager, with the approval of the board of selectmen, may transfer the powers and duties from one department or office to another and, with the approval of the finance committee, may transfer the appropriation of one such department or office to another.</p> <p>7-2-4 The town manager shall hire all town employees, except the secretary to the board of selectmen.</p> <p>7-2-5 The town manager shall hire the following town employees with the approval of the board of selectmen:</p> <ul style="list-style-type: none"> (a) accountant; (b) assessor; (c) assistant town manager; (d) clerk; (e) licensing agent; (f) police chief; (g) tax collector; (h) town counsel; and (i) treasurer. <p>7-2-6 All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness</p>	<p>Rescue Squad,</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 1) Assistant Town Manager 2) Finance Director 3) Police Chief 4) Town Clerk <p>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.</p> <p>f. The Town Manager shall ensure that all Town employees are informed of and comply with training required by the Conflict of</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>demonstrated by examination and other evidence of competence.</p> <p>7-2-7 The town manager shall appoint members to those town boards designated in Chapter 6 and Chapter 8 of this charter, subject to the provisions of section 3-1-2 of this charter.</p> <p>7-2-8 The town manager shall be the commissioner of public safety.</p> <p>7-2-9 The town manager shall establish, maintain, and keep current a complete inventory of all town property and town equipment.</p> <p>7-2-10 The town manager shall be responsible for purchasing for all town departments and offices, and if so requested, for the school committee or the board of library trustees.</p> <p>7-2-11 The town manager shall be responsible for the development and annual revision of a capital improvements program in accordance with this charter.</p> <p>7-2-12 The town manager shall prepare and present to the board of selectmen all annual and capital budgets of the town except the budget of the school committee.</p>	<p>Interest Law, Chapter 268A of the Massachusetts General Laws, and any supplemental ethical standards determined appropriate by the Town Manager.</p> <p>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.</p> <p>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.</p> <p>i. The Town Manager shall appoint members to Town Boards designated in the Chapter on Town Boards of this Charter.</p> <p>j. The Town Manager is the Commissioner of Public Safety, as further discussed in the Chapter on Public Safety of this Charter.</p> <p>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.</p> <p>l. The Town Manager shall maintain and keep current an inventory of all Town property and Town equipment.</p> <p>m. Annually, the Town Manager shall develop and revise a five-year Capital Improvements Program, in accordance with the Finance Chapter of this Charter.</p> <p>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</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>7-2-13 The town manager shall attend all meetings of the board of selectmen, except when excused, and shall have the right to speak but not to vote.</p> <p>7-2-14 The town manager shall keep the board of selectmen fully informed regarding all operations, fiscal affairs, general problems and administrative actions, and shall submit periodic reports to the board of selectmen.</p> <p>7-2-15 The town manager shall have such other powers and duties as may be conferred or assigned by vote of the board of selectmen, vote of the town meeting, the Provincetown General By-Laws, or this charter.</p>	<p>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.</p> <p>o. The Town Manager shall:</p> <ol style="list-style-type: none"> 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>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.</p>
<p><i>[From Chapter 10 - REMOVAL Section 3: The Town Manager]</i></p> <p>10-3-1 The first six months of the term of the town manager shall be considered a trial period, and during this period the board of selectmen may remove the town manager by an affirmative vote of at least three members.</p> <p>10-3-2 After the town manager has been in office longer than six months, the board of selectmen may initiate his or her removal by adopting a resolution to that effect and delivering a copy to the town manager in person or by registered mail to his or her place of residence.</p>	<p><i>Section 4. Resignation or Removal of the Town Manager</i></p> <p>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.</p> <p>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</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>10-3-3 No such resolution shall be adopted within ninety days following any town election that has resulted in a change in the incumbents on the board.</p> <p>10-3-4 The adoption of the resolution shall serve to suspend the town manager for a period of no more than forty days.</p> <p>10-3-5 Within five days following the adoption of such resolution, the town manager may file with the board of selectmen, the board personnel board and the town clerk a written request for a public hearing before the personnel board.</p> <p>Section 3: Resignation</p> <p>7-3-1 The town manager shall provide the board of selectmen with thirty days written notice of his or her intention to resign.</p> <p>7-3-2 If a town manager resigns, the town treasurer shall pay to him or her from the funds appropriated to pay the assistant town manager severance pay of an amount equal to the compensation which he or she would have received had he or she continued in office for four weeks.</p>	<p>Contract to hire the Town Manager.</p> <p>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.</p> <p>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.</p>
<p>Section 4: The Acting Town Manager</p> <p>7-4-1 If the office of the town manager shall become vacant, then the assistant town manager shall become the acting town manager, and if there is no assistant town manager then the town clerk shall become the acting town manager.</p>	<p>Section 5. The Acting Town Manager</p> <p>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.</p> <p>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</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>shall become the Acting Town Manager, and the Assistant Town Clerk shall become the Acting Town Clerk.</p> <p>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.</p> <p>d. No member of any other elected Board, including the Board of Selectmen, may serve as Acting Town Manager.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Chapter 3. TOWN BOARDS</p> <p><i>Section 1: Membership on Town Boards</i></p> <p>3-1-1 All appointing authorities of the town shall file with the town clerk a copy of each notice of appointment to a town board, or any rescinding of appointments thereto, and the same shall be a public record.</p> <p>3-1-2 The chairman of any town board shall notify the appointing authority in writing when a vacancy occurs on the town board. The appointing authority shall fill the vacancy within sixty days of the receipt of the notice of vacancy. In the event of the failure of the appointing authority to fill the vacancy within the allowed time, the moderator shall then be charged with filling the vacancy within sixty days. In the event of the failure of the moderator to fill the vacancy within the allowed time, the town board shall fill the vacancy. In the event of the failure of the town board to fill the vacancy within sixty days for the sole reason that the board lacks a quorum to act, the appointing authority shall thereafter fill the vacancy and the appointment process set forth in this section shall be repeated until such time as the vacancy is filled.</p> <p>3-1-3 A member or alternate member of any town board, who is absent from three consecutive meetings without informing the chairman, shall automatically cease to be a member of the board.</p> <p>3-1-4 The chairman of a town board who is absent from three consecutive meetings without informing the appointing authority and without appointing an acting chairman for such meetings shall automatically cease to be a member of such board.</p> <p><i>Section 2: Meetings of Town Boards</i></p> <p>3-2-1 At least forty-eight hours before any meeting of a town board is to be held, an agenda containing all items which are scheduled to come before the town board at the meeting shall be posted on the town bulletin board.</p> <p>3-2-2 A quorum for a meeting of any town board shall</p>	<p>Chapter 5 THE TOWN BOARDS</p> <p><i>Section 1. Formation of Town Boards</i></p> <p>a. Town Boards may be established by Town Meeting whether by adoption of a bylaw, by vote of Town Meeting, or otherwise in accordance with the General Laws, and such boards shall have the duties and provided by such law or vote.</p> <p>b. Town Boards may also be created by a majority vote of the Board of Selectmen, but such Boards shall be Ad Hoc or Temporary Advisory Boards, unless and until ratified by a majority vote of Town Meeting. Ad Hoc or Temporary Advisory Boards must be reauthorized by the Board of Selectmen each year within thirty (30) days of the annual Town Election or they are automatically dissolved. Ad Hoc or Temporary Boards are only advisory and cannot be established to carry out a requirement of State law.</p> <p>c. The Town shall have a School Committee per Massachusetts General Laws Chapter 43, Section 33 and Chapter 71, Sections 36A, 52, 63, and 68, in order to make all reasonable rules and regulations, consistent with law, for the management of the public schools of the Town.</p> <p>d. The Town Clerk is responsible to maintain a current list of active Town Boards and their duties and responsibilities as provided by either State law, Town Meeting vote, or, for Temporary Boards, by the vote of the Board of Selectmen.</p> <p><i>Section 2. Merger and Dissolution of Town Boards</i></p> <p>a. Unless otherwise prohibited by State law, the Appointing Authority of two or more Town Boards may merge those Boards by majority vote, after an opportunity for comment by the Chairs of both of the Boards and after receiving the recommendation of the</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

be a majority of the maximum complement of the town board. No action of a town board shall be valid and binding unless taken or ratified by an affirmative vote of the majority of the members attending the meeting, unless another quantum of vote is allowed or required by the Massachusetts General Laws.

3-2-3 If a member of a town board is absent or excuses himself from voting on a certain issue, an alternate shall assume the powers of a member. If two alternates are present but only one is needed, the one shall be selected by lot.

3-2-4 All town boards shall annually elect a chairman and other necessary officers; establish a quorum requirement for their meetings as provided in section 3-2-2; and maintain minutes including a record of votes, copies of which shall be a public record filed regularly with the town clerk, and kept in a place convenient to the public at all times.

Section 3: Rules of Procedure

3-3-1 In all procedural matters, meetings of town boards shall follow the latest revised edition of *Robert's Rules of Order*, except as provided in section 3-3-2.

3-3-2 The board of selectmen, the charter enforcement commission, the conservation commission, the board of health, the licensing board, the personnel board, the planning board, and the zoning board of appeals shall adopt rules and regulations governing the conduct of adjudicatory hearings. An adjudicatory hearing is a hearing in which the legal rights, duties or privileges of specifically named persons are required by law to be determined after an opportunity for a hearing.

3-3-3 A copy of all rules and regulations adopted by an officer, department, or town board, shall be filed in the office of the town clerk and made available for review by any person who requests such information.

Section 4: Prohibited Activities

3-4-1 A person shall not be a member of a town board unless he or she is a registered voter of the town of Provincetown.

3-4-2 A paid town employee shall not be a member of a

Charter Compliance Commission whether merger would be in conflict with any provision of this Charter. The Finance Committee cannot be merged with any other Board.

b. Boards that were created by a vote at Town Meeting can only be dissolved by a vote at Town Meeting. Prior to any vote to dissolve a Board, the Charter Compliance Commission shall be asked whether dissolution shall negatively impact on the Town's Home Rule status or this Charter.

c. Boards that were created by a vote of the Board of Selectmen can be dissolved by a majority vote of the Board of Selectmen after an opportunity for the Public to comment on the potential impact of abolishing the Board.

d. In the event that an appointed, non-regulatory Town Board shall have failed to convene a meeting for the period of one year, or shall have had no members for one year, the Town Clerk shall notify the Appointing Authority, the Board of Selectmen and the Charter Compliance Commission. If that Town Board does not convene a meeting for a period of six months immediately following that notice, then it shall be automatically dissolved.

Section 3. Rules of Town Boards

a. The Town shall maintain a Handbook for Members of Town Boards describing their general responsibilities as members. In the event of a conflict, this Charter shall prevail over any contradiction in the Handbook.

b. A copy of all rules and regulations adopted by a Town Board – including procedures for Public Hearings - shall be filed with the Town Clerk and posted on the Town website.

Section 4. Membership on Town Boards

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

town board which is any way related to his employment.

3-4-3 A paid town employee with supervisory duties shall not be a member of a town board which is in any way related to his employment during his or her term of office or for at least one year after leaving office.

3-4-4 An elected member of a town board shall not serve on that town board for more than three consecutive terms. An appointed member of a town board shall not serve on that town board for more than four consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to the board after two years have elapsed from the ending date of his or her previous service.

3-4-5 A member of a town board shall be a volunteer and shall not receive compensation for service on the board except reimbursement for vouchered expenses pertaining to town business.

3-4-6 A member of a town board shall not be paid for any work done for the town, or be allowed to bid on any town contract for a job, which is in any way related to the board on which he or she serves or on which he or she has served within the past year.

3-4-7 A member of the board of assessors, the finance committee, the personnel board, or the school committee shall not receive any payment from the town except reimbursement for vouchered expenses pertaining to town business.

3-4-8 Town employees and members of town boards shall be governed by the ethical standards set forth in Chapter 268A of the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

3-4-9 No person shall serve simultaneously as a member/alternative member of more than one of the following regulatory town boards: conservation commission, board of health, historic district commission, licensing board, planning board or

a. Unless otherwise specified in Massachusetts General Laws or this Charter, each Town Board consists of five regular members and two alternate members. New members shall not participate in a Board meeting until they have been sworn in by the Town Clerk. Alternate members shall have the right in order of seniority on the Board to vote at a Board meeting in place of a regular member who is absent.

b. A paid Town Employee may not be a member of any Town Board that oversees matters in any way related to his or her employment, during the time of his or her employment. Potential responsibility to review actions or decisions by one's supervisor is considered to be "related to employment". In addition, a paid Town Employee with supervisory duties may not be a member of any Town Board in any way related to his or her employment for at least one year after leaving that employment.

c. Members of a Town Board may not receive compensation for service on the Board except reimbursement for expenses pertaining to Town business. A voucher must be submitted for such expenses. By majority vote of Town Meeting and under authority of this Charter, the Town may establish or suspend an annual stipend for members of the Board of Selectmen, the amount of which shall be specified in the Bylaws.

d. Members of Town Boards shall be governed by the ethical standards set forth in the Massachusetts General Laws Chapter 268A, as supplemented by this Charter. In general, a member of a Town Board may not serve as a paid consultant or contractor for the Town for work which is in any way related to the Board on which they serve or on which they have served within the past year.

e. Members of the Town Boards listed below may not serve as a paid consultant or contractor for the Town while serving on the Board and for one year after serving, even if the work is not related

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>zoning board of appeals.</p> <p>3-4-10 Notwithstanding any provisions of this charter to the contrary, the town may, by by-law, establish an annual stipend for members of the board of selectmen.</p> <p>Chapter 5 THE MODERATOR AND ELECTED TOWN BOARDS</p> <p>Section 1: The Moderator</p> <p>5-1-1 There shall be a moderator elected for a term of three years.</p> <p>5-1-2 The moderator shall receive for his or her services compensation on a per diem basis as may annually be provided for that purpose by appropriation.</p> <p>5-1-3 The moderator shall appoint members to the finance committee and personnel board, subject to the provisions of section 3-1-2 of this charter.</p> <p>Section 2: The Charter Enforcement Commission</p> <p>5-2-1 There shall be a charter enforcement commission consisting of five members and elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.</p> <p>5-2-2 A vacancy on the commission may be filled by the remaining members of the commission, but only until the next annual election.</p> <p>5-2-3 The commission shall take action only after receiving a written petition filed by a voter or voters alleging a violation of this charter by reason of an act or failure to act of the town manager, the acting town manager, the moderator, the board of selectmen, the school committee, or the finance committee, or members of those committees.</p> <p>5-2-4 The petition shall state the specific section of this charter which is subject of the violation, the officer or board who is responsible for the violation, and the act or failure to act resulting in the violation.</p> <p>5-2-5 The petition shall be filed by deliver to the town</p>	<p>to the Board on which they serve or have served:</p> <ol style="list-style-type: none">1) the Board of Assessors,2) the Charter Compliance Commission,3) the Finance Committee,4) the Personnel Board, or5) the School Committee. <p>f. Members of Town Boards, including the Officers, have no authority in their individual capacities except as delegated by majority vote of the Board, except that administrative matters, such as the posting of Agendas, may be handled by Officers without prior approval.</p> <p>Section 5. Meetings and Officers of Town Boards</p> <p>a. A quorum for a meeting of a Town Board shall be a majority of the number of positions available to the Board, not including Alternates. State law allows for a larger number of positions, but the Town has chosen to designate a smaller number, it is the number of positions that the Town has chosen which shall be the basis for determining quorum. Vacancies shall not affect the number required for a quorum. Alternates count toward quorum only if they are taking the place of an absent Member.</p> <p>b. Unless another number is required by the Massachusetts General Laws or this Charter, no action of a Town Board shall be valid and binding unless ratified by an affirmative vote of the majority of the Members present, not including Alternates unless they are taking the place of an absent Member.</p> <p>c. At its first meeting after the Annual Town Election, and any time a position is open, each Town Board shall elect a Chair, a Vice Chair and other necessary officers. Since the term of the Finance Committee continues until July 15th to cover to the end of the fiscal year, their election would occur at that time. The names of the elected Officers shall be reported to the Town Clerk whenever an</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

clerk, who shall note the date of its receipt on the petition and mail a copy to each member of the commission within one week of its receipt.

5-2-6 Within three weeks of the receipt of a petition by the town clerk, the commission shall vote whether to dismiss the petition without further action, and if the commission so votes, the chairman shall notify the town clerk.

5-2-7 If the commission does not vote to dismiss the petition, the chairman shall set a time and date for the hearing, and shall mail notice of the hearing to the town clerk who shall post and publish the notice, and to the petitioner and the officer or board named in the petition. The hearing date shall be not less than three weeks nor more than eight weeks from the date of the receipt of the petition by the town clerk.

5-2-8 At the hearing the commission shall allow any person to address the commission as to the merits of the petition.

5-2-9 Within three weeks of the hearing, the commission shall vote whether there has been a violation of this charter as alleged in the petition, and shall mail a notice of its vote to the town clerk, who shall post a copy of the vote for a period of four weeks, and to the petitioner and the officer or board named in the petition.

5-2-10 If the commission shall vote that there has been a violation of this charter as alleged by the petition, and if following its vote there continues to be a violation, the commission may file a petition with the Superior Court.

5-2-11 The town may establish a fund to enable the commission to pay the costs and expenses, including attorney's fees, related to the filing of a complaint with the Superior Court.

5-2-12 Sections 5-2-3 through 5-2-11 shall not limit the right to seek enforcement of this charter as otherwise provided by law.

Section 3: The Housing Authority

5-3-1 There shall be a housing authority consisting of five members, one member appointed by the Commonwealth and four members elected for five year overlapping terms so arranged

election takes place.

d. It is the responsibility of the Officers of a Board to educate their Members about the authority and responsibility of the Board.

e. No member of a Town Board may serve as Chair for more than six consecutive years, unless at the end of the sixth year (and each successive year) no other member is willing to serve as Chair.

f. All Town Boards have the authority to conduct Public Hearings after adopting appropriate procedures.

Section 6. Rules Specific to the Regulatory Town Boards

a. Regulatory Town Boards are those Boards authorized by Massachusetts General Laws to establish regulations applicable to activities within their authority. The following are identified as the Regulatory Town Boards for the Town of Provincetown:

- 1) the Conservation Commission,
- 2) the Board of Health,
- 3) the Historic District Commission,
- 4) the Licensing Board,
- 5) the Planning Board,
- 6) the Water and Sewer Board, and
- 7) the Zoning Board of Appeals.

b. Members of Regulatory Town Boards must be registered voters in the Town of Provincetown, unless otherwise allowed or directed by State law.

c. Members of Regulatory Town Boards may serve for only three three-year overlapping full terms. When a member is appointed to complete the term of another, it shall count as a full term if it exceeds 18 months. Members may be re-appointed after an absence of one year.

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

that the term of at least one member shall expire each year.

5-3-2 The housing authority shall exercise the powers and duties prescribed by G.L. c. 121B, the Provincetown General By-Laws, or this charter.

Section 4: The Board of Library Trustees

5-4-1 There shall be a board of library trustees consisting of five members elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.

5-4-2 The board of library trustees shall exercise the powers and duties prescribed by G.L. c. 78, s 11, the Provincetown General By-Laws, or this charter.

Section 5: The School Committee

5-5-1 There shall be a school committee consisting of five members and elected for three year overlapping terms so arranged that the term of at least one member shall expire each year.

5-5-2 Prior to submitting the school budget to the town manager, the school committee shall conduct a public hearing on the school budget and shall have preliminary summaries of its recommendations available at said hearing, which recommendations shall be distributed to those requesting them.

5-5-3 On or before the tenth day of December of each year, the school committee shall submit the school budget to the town manager.

Chapter 6 APPOINTED TOWN BOARDS

Section 1: The Council on Aging

6-1-1 There shall be a council on aging as provided by G.L. c. 40, s 8B, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-1-2 The council on aging shall exercise the powers

d. No person shall serve as a member/alternate member of more than one of the Regulatory Town Boards simultaneously.

e. Since failure of a Regulatory Town Board to act is an abdication of responsibility under the Home Rule laws, in the event that there are an inadequate number of members appointed to provide quorum for any Regulatory Town Board, the responsibilities of that Board shall fall to the Board of Selectmen.

Section 7. Rules Specific to Appointed Town Boards

a. The Moderator is the Appointing Authority for the Finance Committee and the Personnel Committee. The Town Manager is the Appointing Authority for the Conservation Commission and the Historical Commission. The Board of Selectmen is the Appointing Authority for all other appointed Town Boards. Appointment by the Board of Selectmen shall be by majority vote.

- b. No person shall be appointed to a Town Board:
- 1) unless determined to be qualified by the Appointing Authority, or able to become qualified by serving and there are sufficient number of members already serving on the Board who are qualified to carry out the responsibilities of the Board,
 - 2) if appointment would be contrary to the Conflict of Interest laws, or
 - 3) based on political party consideration, with the exception of the Board of Registrars or as otherwise provided by State law.

c. If the Appointing Authority determines that there are an inadequate number of registered voters who are willing to serve as members or alternates on appointed non-regulatory Boards, then the Appointing Authority may appoint part-time residents to serve as alternates, as long as the majority of members are registered voters. Individuals who are not registered voters shall be

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.</p> <p>Section 2: The Airport Commission</p> <p>6-2-1 There shall be an airport commission as provided by G.L. c. 90, s 51E consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.</p> <p>6-2-2 The airport commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.</p> <p>Section 3: The Art Commission</p> <p>6-3-1 There shall be an art commission as provided by G.L. c. 41 s 82, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.</p> <p>6-3-2 The art commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.</p> <p>Section 4: The Board of Assessors</p> <p>6-4-1 There shall be a board of assessors as provided by G.L. c. 41,§24, consisting of five regular members and one alternate member. The assessor appointed by the town manager pursuant to Charter §7-2-5 shall be a regular member of the board of assessors and said assessor shall not be subject to the provisions of Chapter 3, Article 4 of this charter. The remaining members shall be appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.</p> <p>6-4-2 The board of assessors shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.</p> <p>6-4-3 The term limits established by §3-4-4 of this</p>	<p>appointed to a non-regulatory Town Board only if they can commit to being present for a majority of the meetings of the Board.</p> <p>d. A member or alternate member of any Town Board who is absent from three consecutive meetings without informing the Chair shall automatically cease to be a member of the Board. The Chair shall notify the Appointing Authority and the Town Clerk in writing. The Appointing Authority shall then follow the procedure below for filling vacancies on Appointed Town Boards.</p> <p>e. Vacancies on appointed Boards shall be filled as follows:</p> <ol style="list-style-type: none">1) The Appointing Authority shall fill the vacancy within sixty days of the receipt of the notice of vacancy.2) In the event of the failure of the Appointing Authority to fill the vacancy within the allotted time, and when the Moderator is not the Appointing Authority, the Moderator shall fill the vacancy within thirty days.3) In the event of the failure of the Appointing Authority/Moderator to fill the vacancy within the allotted time, the Board may fill the vacancy, unless the Board lacks the quorum to act. <p>f. There is no time limit for service on an appointed, non-regulatory Board.</p> <p>g. An appointed member of a Town Board may be removed for Good Cause as outlined below:</p> <ol style="list-style-type: none">1) A written notice to remove shall be sent by the Town Clerk by registered mail to the last known address of the member who is proposed to be removed. The notice shall include a statement by the Appointing Authority of the reasons for the removal which must be based on a finding of Good Cause.2) Within one week of receiving the written notice, the member may resign or may request a closed meeting with the Appointing Authority by delivering written notice to
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

charter shall not apply to members of the board of assessors.

Section 5: The Building Committee

6-5-1 There shall be a building committee, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-5-2 The building committee shall interview prospective architects and general contractors, review blueprints and contracts, and oversee the payment of vouchers, for any construction work to be done by the town. The building committee shall make recommendations to the board of selectmen, but shall have no independent authority.

Section 6: The Conservation Commission

6-6-1 There shall be a conservation commission as provided by G.L. c. 40 s 8C, consisting of five regular members and one alternate member appointed by the town manager with the approval of the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-6-2 The conservation commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 7: The Finance Committee

6-7-1 There shall be a finance committee as provided by G.L. c. 39 s 16, consisting of seven regular members and two alternate members appointed by the moderator for three-year overlapping terms so arranged that the terms of at least three regular members shall expire each year, provided that no more than one alternate member's term expires in any given year.

6-7-2 The finance committee shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

6-7-3 A member of the finance committee shall not be a member of any other town board.

the Town Clerk. If the member does neither, the Town Clerk shall send out a written notice identifying a date and time within fourteen (14) days for a Public Hearing on the proposed removal.

- 3) If the closed meeting takes place, within seven (7) days following adjournment of the closed meeting, the member may resign or may request a Public Hearing by delivering notice to the Town Clerk. The Public Hearing shall be held within fourteen (14) days of the request. If the member fails to resign or to request a Public Hearing, the Appointing Authority shall decide whether to remove the member for Good Cause. The decision shall be by a majority vote if the Appointing Authority is a multi-member body.
- 4) The member who is proposed to be removed may be represented by counsel at his or her own expense at the closed meeting as well as at the Public Hearing. The member and the Appointing Authority shall be entitled to present evidence, call witnesses, and examine any witness at the Public Hearing.
- 5) Within ten days after the Public Hearing is adjourned, the Appointing Authority shall decide whether to remove the member for Good Cause. The decision shall be by a majority vote if the Appointing Authority is a multi-member body.
- 6) A notice of the decision whether or not to remove the member and the reasons therefor shall be sent by the Town Clerk by registered mail to the last known address of the member.
- 7) This procedure does not grant any rights when a member who has been appointed to a fixed term is not reappointed when the term expires.

h. The Appointing Authority shall file a copy with the Town Clerk of each notice of appointment or rescission of an appointment to a Town Board, and the same shall be a public record.

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

Section 8: The Board of Health

6-8-1 There shall be a board of health as provided by G.L. c. 111, consisting of five regular members, one of whom shall be a professional health practitioner, and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-8-2 The board of health shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 9: The Historical Commission

6-9-1 There shall be an historical commission as provided by Section eight D, of Chapter forty of the General Laws consisting of five regular members and two alternate members appointed by the town manager with the approval of the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-9-2 The historical commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 10: The Licensing Board

6-10-1 There shall be a licensing board, consisting of five regular members and two alternate members appointed by the board of selectmen for three-year overlapping terms so arranged that the term of a least one regular member shall expire each year.

6-10-2 The licensing board shall act as the licensing authority with respect to all licenses issued by the town to operate a business or any part of a business.

Section 11: The Personnel Board

6-11-1 There shall be a personnel board as provided by G.L., c. 41 s 108C, consisting of five regular members and one alternate member appointed by the moderator for three-year overlapping terms so arranged that the term of at least one regular

Section 8. Rules Specific to Elected Town Boards

a. Elected members of Town Boards serve for three-year overlapping terms, each term beginning the day after the member is elected and ending at the close of the Town Election day three years later.

b. Vacancies on elected Town Boards shall be filled in accordance with Massachusetts General Law Chapter 41, Section 11.

c. Members of elected Town Boards shall be registered voters in the Town throughout their terms. Failure to remain a registered voter shall result in the automatic removal of the member.

d. No paid Town Employee may simultaneously serve as a paid Town Employee and on an elected Town Board. No member of an elected Town Board may become a paid Town Employee while serving on the Board.

e. Members of elected Town Boards and elected individuals, such as the Moderator, can be removed from service on such Boards only by the recall process delineated below:

- 1) Any fifty (50) registered voters of the Town may file with the Town Clerk an affidavit naming an elected Official sought to be recalled along with a list of the specific grounds for recall.
- 2) No recall petition can be issued against an Official within three (3) months after that Official takes office, nor within six (6) months of the end of their term. In the case of an Official subjected to a Recall Election but not recalled, no further Recall Petition shall be accepted within the six (6) months following the Recall Election.
- 3) After confirming that the affidavit meets the requirements above, the Town Clerk shall issue dated Recall Petition blanks bearing the Town Clerk's signature and official seal, addressed to the voters who swore to the affidavit, in a manner consistent with the requirements of the

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

member shall expire each year.

6-11-2 In conjunction with and subject to the approval of the town manager, the personnel board shall formulate and from time to time amend, rules for all town positions, except those of the school department.

6-11-3 The personnel board shall exercise the powers and duties prescribed by the Massachusetts General laws, the Provincetown General By-Laws, and this charter.

Section 12: The Planning Board

6-12-1 There shall be a planning board as provided by section eighty-one A of chapter forty-one of the General Laws consisting of five regular members and one alternate member appointed by the board of selectmen for three year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-12-2 The planning board shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter

6-12-3 The planning board shall make recommendations to the town manager, the board of selectmen, and to the town meeting on all matters concerning the physical, economic, and environmental development of the town.

6-12-4 The board shall develop and periodically update a master or comprehensive plan, subject to the approval by the town meeting, which shall be utilized as the basis of all major developments in the town, and shall report annually to the town meeting on the status of the plan.

Section 13: The Board of Registrars of Voters

6-13-1 There shall be a board of registrars of voters as provided by G.L. c. 51, s 15, appointed by the board of selectmen.

6-13-2 The board of registrars of voters shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

6-13-3 The board of registrars of voters shall submit an annual written report at the Town Meeting which shall set forth

Commonwealth. The Recall Petitions shall state the name of the Official sought to be recalled, the specific grounds for recall, and the demand for Election of a successor. Upon request, the Town Clerk may issue any reasonably required number of Recall Petition blanks but no fewer than enough to collect the signatures of at least ten percent (10%) of the registered voters. Additional Recall Petition blanks may be issued when all of those originally issued have been filled with voters' signatures. A copy of the Recall Petition shall be kept by the Town Clerk.

- 4) Unless otherwise permitted by the Commonwealth, signatures must be obtained on the issued Recall Petition blanks, not copies. The Recall Petitions must be signed by no fewer than ten percent (10%) of the registered voters, and must legibly state the home street address and the house or unit number of the residence of each signer. The signed Recall Petitions must be returned to the Town Clerk within twenty (20) days after the initial issuance of the Recall Petition blanks.
- 5) Within twenty-four (24) hours of receipt, the Town Clerk shall confirm the authenticity of each signature on the Recall Petitions and refer the Recall Petitions to the Board of Registrars of Voters to certify the signatures. Then the Town Clerk shall submit the Recall Petitions to the Board of Selectmen.
- 6) The Board of Selectmen shall give written notice of receipt of the certificate to the Official identified in the Recall Petition. The Official may choose to resign by submitting a written resignation to the Town Clerk. Resignation shall be effective at 11:59 p.m. of the fifth (5th) calendar day following receipt by the Town Clerk of the written resignation.
- 7) If the Official has not submitted a written resignation within five (5) days, the Selectmen shall order a Recall Election to be held on a date not less than seventy-five (75) or more than eighty-five (85) calendar days after the date of the Town Clerk's certificate. However, if any other

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

the following:

- (a) the population of the town according to the previous United States census and most recent local census;
- (b) the number of citizens entitled to vote at the preceding regular town election;
- (c) the number of citizens including absentee voters, who actually voted at the preceding regular town election;
- (d) the number of new voter registrations enrolled upon the voting lists during the preceding year; and
- (e) the number of voter names removed from the registration rolls during the preceding year due to (1) death, (2) removal from the town, or (3) other causes.

Section 14: The Water and Sewer Board

6-14-1 There shall be a water and sewer board as provided by G.L. c. 41, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-14-2 The water and sewer board shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 15: The Zoning Board of Appeals

6-15-1 There shall be a board of appeals as provided by G.L. c. 40A, s 12, consisting of five regular members and five alternate members appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-15-2 The board of appeals shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 16: Other Town Boards

6-16-1 The town boards which exist as of the effective date of this charter shall continue to exist subject to section 6-16-2 and the town may from time to time establish other town boards

Election is scheduled to occur within one hundred (100) calendar days after the date of the certificate, the Selectmen shall postpone the Recall Election to the date of the pending Election. The Incumbent who has not resigned as described above, shall continue to perform the duties of the Office until the Recall Election.

- 8) If after a Recall Election has been ordered, the Official resigns or a vacancy otherwise occurs because the individual has died or no longer qualifies as a registered voter of the Town, the Recall Election shall proceed solely for the purpose of electing a successor. Candidates shall be nominated in the same manner as for an Annual Election.
- 9) Ballots used in a Recall Election shall state the following in the order indicated:
 - For the Recall of [name of Official]
 - Against the Recall of [name of Official]
- 10) Immediately at the right of each proposition there shall be a square in which the voter may vote for or against recall by making a mark. Under the propositions shall appear the word "Candidates", the directions to voters required by Massachusetts General Laws Chapter 54, Section 42, and beneath this the names of the candidates nominated. The nomination of candidates, the publication of the Warrant for the Recall Election, and the conduct of the Recall Election, shall comply with the laws governing elections.
- 11) A majority vote of at least twenty-five percent (25%) of registered voters is required to recall an elected Official. If fewer than twenty-five percent (25%) of registered voters cast a ballot, the ballots regarding the Recall shall not be counted.
- 12) If the Recall Election fails, the Official shall continue in Office for the remainder of his/her term, and is subject to Recall as before, except as provided above.

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>for particular purposes.</p> <p>6-16-2 Any town board created by vote of the town meeting shall continue to exist until dissolved by vote of the town meeting, unless the vote creating the board provides for a definite time of dissolution.</p> <p>6-16-3 Unless otherwise provided by the vote creating a town board, the board shall consist of five regular members plus one alternate and may have two alternates when formally requested to do so by the board in question and approved of by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.</p>	
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Chapter 9 FINANCIAL PROCEDURES</p>	<p>CHAPTER 6. FINANCE</p> <p><i>Section 1. The Finance Department</i> [This is a new section]</p> <p>a. There shall be a Finance Department, as provided by Massachusetts General Law, Chapter 43C, Section 11, managed by a Finance Director.</p> <p>b. The Finance Department shall include the functions, duties and responsibilities of the Assessor, the Treasurer, the Collector, and the Accountant. The Department’s functions shall include, but shall not be limited to, the following:</p> <ol style="list-style-type: none"> 1) Coordination of all financial services and related activities of the Town, 2) Provision of a liaison to provide support to the Finance Committee, 3) Supporting the Town Manager in the preparation of the annual operating and capital improvement budgets, and 4) Supporting the Town Manager in long-range financial planning, including the forecasting of revenue and expenditures and the general financial condition of the Town. <p>c. The Finance Director shall be appointed by the Town Manager, with the concurrence of the Board of Selectmen. The Finance Director shall be qualified by education, training and experience to perform the duties of the position.</p> <p>d. The Finance Director exercises administrative control and management of the department and may also serve, ex officio, as the Assessor, Accountant, Treasurer or Collector of the Town, provided that the Finance Director may serve in only one of these four positions at any one time.</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>Section 2. The Finance Committee [Moved from Chapter 6 and expanded]</p> <p>a. There shall be a Finance Committee, as provided by Massachusetts General Law, Chapter 39, Section 16. The Finance Committee shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General Bylaws, and this Charter.</p> <p>b. The Finance Committee shall consist of seven regular members and two alternate members appointed for three-year overlapping terms arranged so that the terms of at least three members shall expire at the end of the day on July 15th of each year, provided that no more than one alternate member's term expires in any given year.</p> <p>c. Finance Committee members shall be appointed by the Moderator.</p> <p>d. No person shall be eligible to serve on the Finance Committee while serving on an elected or appointed Town Board, or while a paid Town Employee.</p> <p>e. The Finance Committee shall formally consider and provide a recommendation to Town Meeting on all articles contained in any Warrant that require or request an appropriation of money, except articles on zoning. However, the Finance Committee may consider, if it sees fit, an article which does not require or request an appropriation of money.</p> <p>f. The Finance Committee shall report its recommendations, in writing, at or prior to each Town Meeting, but the omission of the Committee to consider, recommend and/or report shall not affect the validity of any vote or other action at any Town Meeting. The Finance Committee may also make such general suggestions, criticisms and recommendations, as it deems expedient. The Finance Committee shall make majority and minority reports to</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>the Town Meeting on the articles it has considered.</p> <p>g. The Finance Committee has the power and authority to examine the books and records of any town board or official, as permitted by law.</p> <p><i>Section 3. Financial Procedures - The Long Term Financial Plan.</i> [This is a new section]</p> <p>a. The Town Manager shall annually prepare a Long Term Financial Plan, covering a minimum period of five fiscal years, and including the following:</p> <ol style="list-style-type: none">1) A forecast of all Town revenues and expenditures and the assumptions made to predict them,2) A forecast of the Town's debt service levels, based on the Town's Capital Improvements Plan,3) A forecast of property tax rates and any Proposition 2½ operating overrides that may be required,4) A statement of the Town's liabilities for future retiree pensions and health benefits, including funding strategies,5) A summary of the general financial condition of the Town, including the Town's credit rating, and6) Policy recommendations to address any projected deficits or other financial challenges. <p>b. The Town Manager shall submit the Long Term Financial Plan to the Board of Selectmen and the Finance Committee on or before October 1st. The Board of Selectmen and the Finance Committee shall conduct a joint public meeting on or before October 15th, to review the Long Term Financial Plan. At the same meeting, the Board of Selectmen shall adopt financial policies for the ensuing year's budget and for the term of the Long Term Financial Plan.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

Section 1: The Annual Budget

9-1-1 For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers, and committees shall, upon his or her written request, furnish all information in their possession and submit to him or her in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

9-1-2 On or before the third Monday of December in each year, the town manager shall submit to the board of selectmen a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the two preceding years and an estimate of the expenditures for the current year.

9-1-3 The town manager shall also submit a statement showing all revenues received by the town in the two preceding fiscal years and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year.

9-1-4 The town manager shall also submit a budget message which shall:

- (a) explain the budget both in fiscal terms and in terms of work programs;
- (b) outline the proposed financial policies of the town for the ensuing fiscal year;
- (c) describe the important features of the budget;
- (d) indicate any major changes from the current year in financial policies, expenditures, and revenues, together

Section 4. Financial Procedures - The Annual Budget.

a. To enable the Town Manager to make up the annual estimate of expenditures, all Boards, Officials, Committees and Commissions shall, upon his or her written request, furnish all relevant financial information in their possession, and shall submit to the Town Manager in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective Departments or Boards during the next fiscal year.

b. On or before the third Tuesday in January each year, the Town Manager shall submit to the Board of Selectmen a careful, detailed estimate in writing of the probable expenditures of the Town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each Fund and Department. The Town Manager must also submit a statement of the expenditures of the Town for the same purposes in the two preceding years and an estimate of the expenditures for the current year.

c. The Town Manager shall also submit a statement showing all revenues received by the Town in the two preceding fiscal years and an estimate of the amount of income from all sources of revenue, including property taxes, for the ensuing year.

d. The Town Manager shall also submit a Budget Message which shall:

- 1) explain the Budget both in fiscal terms and in terms of work programs,
- 2) outline the proposed financial policies of the Town for the ensuing fiscal year,
- 3) describe the important features of the Budget,
- 4) indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes,

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>with the reasons for such changes; (e) summarize the town's debt position; and (f) include such other material as the town manager deems appropriate.</p> <p>9-1-5 The board of selectmen shall consider the tentative budget submitted by the town manager and make such recommendations relative thereto as they deem expedient and proper in the interests of the town. On or before the thirty-first day of January of each year the board of selectmen shall transmit a copy of the budget together with their recommendations relative thereto to each member of the finance committee.</p> <p>9-1-6 The board of selectmen and the finance committee shall jointly hold one or more public hearings on the proposed budget not less than twenty-one days before the town meeting at which it is to be submitted for adoption.</p> <p>9-1-7 The town manager shall present the budget, including the budget adopted by the school committee, to the town meeting.</p> <p>9-1-8 The budget shall first be subject to amendments, if any, proposed by the finance committee before any other amendments may be proposed.</p> <p>9-1-9 The town meeting shall adopt the budget, with or without amendments, at the annual town meeting.</p>	<p>5) summarize the Town's debt position and the funding status of the Town's post-employment benefits, and 6) include such other material as the Town Manager deems appropriate.</p> <p>e. The Board of Selectmen shall consider the proposed Budget submitted by the Town Manager and make such recommendations as it deems expedient and proper in the interests of the Town. On or before January 31st, the Board of Selectmen shall transmit a copy of the Budget, together with its recommendations, to the Finance Committee.</p> <p>f. The Finance Committee shall consider the proposed Budget submitted by the Board of Selectmen and make recommendations as it deems expedient and proper in the interests of the Town. On or before February 28th, the Finance Committee shall transmit a copy of the Budget, together with its recommendations relative thereto, to the Board of Selectmen.</p> <p>g. The Board of Selectmen and the Finance Committee shall jointly hold one or more public hearings on the proposed Budget not later than twenty-one (21) days prior to the Annual Town Meeting at which it is to be submitted for adoption.¹⁹⁰</p> <p>h. The Town Manager shall present the Budget, including the Budget adopted [*separately] by the School Committee, to the Town Meeting. The Budget shall first be subject to Amendments, if any, proposed by the Finance Committee before any other Amendments may be proposed.</p> <p>Section 5. Financial Procedures - Specific to the School Committee [This is a new section]</p> <p>a. The School Committee shall conduct a Public Hearing on all proposed School Budgets and shall have preliminary summaries of its recommendations available at said Hearing for distribution to</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>Section 2: The Capital Improvement Program</p> <p>9-2-1 The town manager shall prepare a five-year capital improvements program which shall include:</p> <ul style="list-style-type: none">(a) a clear summary of its contents;(b) a list of all improvements proposed to be undertaken during the next five fiscal years, together with supporting data, including:<ul style="list-style-type: none">(1) acquisition and construction, including expansion of existing facilities;(2) repairs and major maintenance; and(3) replacement program, including existing equipment and vehicles;(c) cost estimates, methods of financing, and recommended time schedules; and(d) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. <p>9-2-2 The above information may be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.</p> <p>9-2-3 The town manager shall submit the capital improvements program to the board of selectmen by the third Monday of December prior to the annual town meeting. The board of selectmen shall act thereon or before the thirty-first day of January and shall then submit it to the finance committee, which</p>	<p>those who request them. Following such Public Hearing, the School Committee shall adopt its budget.</p> <p>b. The School Committee may provide its proposed Budget to the Town Manager and the Board of Selectmen for their recommendations.</p> <p>c. The School Committee shall deliver its proposed Budget to the Town Manager by January 31st of each year.</p> <p>Section 6. Financial Procedures - The Capital Improvements Program.</p> <p>a. The Town Manager shall prepare a five-year Capital Improvements Program which shall include:</p> <ul style="list-style-type: none">1) a clear summary of its contents,2) a summary of the general condition of the Town's capital assets,3) a list of all improvements proposed to be undertaken during the next five fiscal years, together with supporting data, including:<ul style="list-style-type: none">a) acquisition, construction, and expansion of existing facilities,b) repairs and major maintenance, andc) replacement program, including existing equipment and vehicles,4) cost estimates, methods of financing, and recommended time schedules,5) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired, and6) the above information may be revised and extended each year regarding capital improvements pending or in the process of construction or acquisition. <p>b. The Town Manager shall submit the Capital Improvements</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>shall issue its recommendations as part of its printed report on the annual budget.</p> <p>9-2-4 The finance committee shall publish, in one or more newspapers of general circulation in the town, the general summary of the capital program and notice stating:</p> <p>(a) the times and places where copies of the capital improvement program are available for inspection; and</p> <p>(b) the date, time, and place, not less than seven days following such publication, when the committee shall conduct a public hearing on said program.</p> <p>9-2-5 The board of selectmen shall present the capital improvements program to the annual town meeting.</p> <p>Section 3: Publication of Financial Information</p> <p>9-3-1 The budget and the capital improvements program shall be public records, published in the town report, and copies shall be kept available for inspection at the office of the town clerk and at the public library.</p> <p>Section 4: Collections and Disbursements</p> <p>9-4-1 Except as otherwise provided by general law, all monies and fees received by the town or by any division, department, officer or employee thereof, shall, upon their receipt by such division, department, officer or employee, be paid daily</p>	<p>Program to the Board of Selectmen and the Finance Committee by the third Tuesday of January prior to the Annual Town Meeting. On or before January 31st, the Board of Selectmen shall act on it. Then they shall submit it to the Finance Committee, which shall issue its recommendations as part of its printed report on the Annual Budget.</p> <p>c. The Finance Committee shall publish, in one or more newspapers of general circulation in the Town, the general summary of the Capital Improvements Program and notice stating:</p> <p>1) the times and places where copies of the Capital Improvements Program are available for inspection, and</p> <p>2) the date, time, and place, not less than seven days following such publication, when the committee shall conduct a public hearing on the Capital Improvements Program.</p> <p>d. The Board of Selectmen shall present the Capital Improvements Program to the Annual Town Meeting.</p> <p>Section 7. Financial Procedures - Publication of Financial Information.</p> <p>The Budget and the Capital Improvements Program shall be public records, published in the Town Report and on the Town website. Copies shall be made available for inspection at the office of the Town Clerk.</p> <p>Section 8. Financial Procedures - Collections and Disbursements</p> <p>a. Except as otherwise provided by Massachusetts General Laws, all monies and fees received by the Town or by any Division, Department, Officer or Employee, shall be paid daily into the Town Treasury.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

into the town treasury.

9-4-2 Warrants for the payment of town funds, prepared and signed by the town accountant in accordance with general law procedures, shall be submitted to the town manager, and his or her approval thereof shall be sufficient authorization for payment by the town treasurer. At least three selectmen shall approve all warrants in the event of a vacancy in the office of town manager.

Section 5: Lapse of Appropriations

9-5-1 Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed to be abandoned if five years pass without any disbursement for or encumbrance of the appropriation.

9-5-2 In the final three months of any fiscal year, no division, department, commission, office or agency may expend, except for amounts previously encumbered, more than one-twelfth of its annual appropriation in each of those three months, except with the approval of the finance committee.

b. Warrants for the payment of Town funds, prepared and signed by the Finance Director in accordance with Massachusetts General Laws, and submitted to the Town Manager for approval, shall be sufficient authorization for payment by the Town Treasurer. At least three members of the Board of Selectmen shall approve all warrants if the Town Manager position is not filled or in the event that the payment cannot be delayed by the absence of the Town Manager.

Section 9. Financial Procedures - Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of an appropriation for a capital expenditure shall be deemed abandoned if five years have passed without any disbursement for or encumbrance of the appropriation.

Section 10. Financial Procedures - Annual Audit [This is a new section]

a. At least thirty days before the end of each fiscal year, the Board of Selectmen shall retain a Certified Public Accountant or an accounting firm to make an audit of all accounts, books, records, and financial transactions of every Department, Board, and Commission of the Town Government.

b. The Board of Selectmen shall annually conduct a joint meeting

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>with the Finance Committee to review the findings and recommendations included in the audit report.</p> <p>c. A copy of every Audit Report shall be filed with the Town Clerk, shall be a public record, and a summary thereof shall be published in the next Annual Town Report.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

CURRENT PROVINCETOWN CHARTER	PROPOSED PROVINCETOWN CHARTER
<p>Chapter 8 PUBLIC SAFETY</p> <p><i>Section 1: Residency Requirements</i></p> <p>8-1-1 The director of the department of public works, the police chief, and the fire chief shall be residents of Provincetown, or shall become residents within three months of assuming office.</p> <p><i>Section 2: The Police Department</i></p> <p>8-2-1 The town manager shall make all appointments within the police department.</p> <p>8-2-2 The town manager shall appoint the chief of police with the approval of the board of selectmen.</p> <p>8-2-3 No appointment within the police department, whether temporary or permanent in character, shall be made until a determination as to whether an applicant is a resident of the town and a veteran, in which event such applicant shall be given preference.</p> <p>8-2-4 The chief of police shall be responsible for the administrative policy of his department, subject to the direction of the town manager.</p> <p>8-2-5 The chief of police shall have the complete responsibility within his framework for the maintenance of law and order within the limits of the town.</p> <p>8-2-6 The chief of police shall have full charge and custody of all the equipment of the police department.</p>	<p>CHAPTER 7 PUBLIC SAFETY</p> <p><i>Section 1. Residency Requirements</i></p> <p>a. The Chief of Police and the Director of the Department of Public Works shall be residents of Provincetown or Truro, or shall become residents within six months of assuming office.</p> <p>b. The Fire Chief shall be a resident of Provincetown.</p> <p><i>Section 2. The Police Department</i></p> <p>a. The Town Manager shall appoint the Chief of Police with the approval of the Board of Selectmen under authority of this Charter. The parties shall enter into a Contract describing the authority, responsibilities, rights and entitlements of the Chief of Police.</p> <p>b. The Town Manager shall make all appointments within the Police Department after consultation with the Chief of Police on the suitability of proposed candidates. For all appointments within the Police Department, applicants, whether temporary or permanent, who are residents of the Town of Provincetown shall be given preference.</p> <p>c. The Chief of Police shall have responsibility within the legal authority of the Department for the maintenance of law and order within the limits of the Town. The Chief of Police is authorized to coordinate on behalf of the Town with other legal authorities within and adjoining the Town, including the Federal Government, the Commonwealth of Massachusetts, and other Towns on the Cape.</p> <p>d. There shall be an Officer of the Duty for each shift, who shall assume the duties of the Chief when the Chief is absent or</p>

Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

<p>8-2-7 The chief of police shall have complete command of all personnel assigned to the police department and shall outline and assign their police duties and working hours, with union contract.</p> <p>8-2-8 The chief of police shall submit reports as directed to the town manager, who in turn shall submit the reports to the board of selectmen at such intervals as the board may direct.</p> <p>8-2-9 The chief of police shall appoint a police officer who shall be next in command to the chief, and who shall assume the duties of chief when the chief is absent or incapacitated.</p> <p>Section 3: The Fire Department</p> <p>8-3-1 The town manager shall appoint not more than seven members of a board of fire engineers for a one year term, who shall in turn appoint a fire chief from the board of fire engineers.</p> <p>8-3-2 The fire chief shall submit reports as directed to the town manager, who in turn shall submit the reports to the board of selectmen at such intervals as the board may direct.</p>	<p>unavailable and no Acting Chief has been named by the Town Manager.</p> <p>e. The Chief of Police shall support the Field Director during a declared emergency situation.</p> <p>Section 3. The Fire Department</p> <p>a. The Town Manager shall appoint for a one-year term a Board of Fire Engineers consisting of not more than seven members. This Board shall elect a Fire Chief from within its membership.</p> <p>b. The Fire Chief shall submit reports to the Town Manager, who in turn shall submit the reports to the Board of Selectmen, as the Board may direct.</p> <p>c. The Fire Chief shall support the Field Director during a declared emergency situation.</p> <p>Section 4. The Department of Public Works [This is a new section]</p> <p>a. In accordance with the authority in this Charter, the Town Manager shall appoint a Director of the Department of Public Works (DPW) who shall be responsible for the planning, design and operation of the wastewater and water treatment and distribution system, storm drainage systems, road construction</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>and improvements, winter maintenance, cemetery maintenance, public buildings and grounds maintenance projects, equipment maintenance, and various special projects of a public works nature.</p> <p>b. The Director of DPW shall seek State and Federal grants and loans where and when applicable for DPW projects and purchases.</p> <p>c. The Director of DPW shall provide engineering assistance to other Town departments; prepares property plans, easement plans, and engineering construction drawings.</p> <p>d. In the absence of a qualified Tree Warden the Director of DPW shall act or be appointed Tree Warden until such time when a permanent replacement is assigned.</p> <p>e. The Director of DPW shall support the Field Director during a declared emergency situation.</p> <p><i>Section 5. The Provincetown Public Pier Corporation and the Shellfish Constable</i> [This is a new section]</p> <p>a. Chapter 13 of the Acts of 2000, as amended by Chapter 260 of the Acts of 2002, enacted by the Senate and House of Representatives in General Court of the State of Massachusetts, authorized the creation of a public corporation to be called the Provincetown Public Pier Corporation, referred to in this Charter as the Pier Corporation. According to the enabling Legislation, the Pier Corporation was created for the purpose of bringing sound and market-based management practices to MacMillan Pier operations, and permitting the removal or addition of structures and improvements of sites for marine and marine-related uses. The Pier Corporation is a public instrumentality separate from the Town, and is not an Authority, Board, or Committee of the Town. The Pier Corporation may be dissolved only in accordance with the procedure appearing in the Pier Corporation Act.</p>
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Proposed Charter for the Town of Provincetown - Side by Side with the Current Charter

	<p>b. As authorized by Massachusetts General Laws Chapter 130, Section 98, Provincetown has established the position of Shellfish Constable and created a Shellfish Committee to serve as an advisory Board. The Constable's function is to initiate, promote and manage shellfisheries in Provincetown; make or cause to be made studies necessary to enhance the value of such shellfisheries and shall enforce all Statutes, Ordinances, Bylaws, Rules and Regulations relative to shellfish in Provincetown.</p> <p>Section 6. Emergency Management [This is a new section]</p> <p>a. The Town Manager, as the Commissioner of Public Safety, serves as the Emergency Management Coordinator for the Town, including serving as the contact with local, State, and Federal officials.</p> <p>b. In the absence of a different designation by the Town Manager, the Chief of Police shall act as Field Director during a declared emergency.</p> <p>c. An Emergency Management Plan, including the chain of command, shall be developed by the Emergency Management Coordinator and placed on file with the Town Manager and the Board of Selectmen. Such sections determined to be a matter of public record, including the location of public shelters and the availability to the citizens of the Town of emergency management information and updates, shall be posted on the Town website.</p>
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