

## **APPENDIX E**

### **Article 23**

#### **Town By-Law “Article VII: Town Administrator”**

##### **ARTICLE VII - Town Administrator**

###### **SECTION 1.**

The Board of Selectmen, by a majority vote of its full membership, shall appoint a Town Administrator who shall be a professionally qualified person possessing the education, training, and previous experience to perform the duties of the office.

The position requires a working knowledge of municipal finance, budgets, personnel policies and practices, and an ability to analyze a variety of administrative problems to make sound recommendations as to their solution.

The educational qualifications shall consist of at least a Bachelor’s Degree in public administration or related field, with a Master’s Degree in Public Administration or Business being highly desirable.

The professional experience shall include at least five (5) years in local government, public management, or a similar field. A high level of professionalism is required, characterized by sound judgment, ability to maintain strict confidentiality and an attitude of accessibility and responsiveness to other town personnel and the public.

The Town Administrator must possess the ability to handle expected and unexpected emergencies and have a strong realization that small town government requires flexibility in what is entailed in the position.

The Town Administrator must demonstrate excellent verbal skills and feel comfortable in public speaking situations and must possess excellent writing and interpersonal skills to deal with all levels of management and government.

The Town Administrator must possess a valid Massachusetts driver’s license.

The Town Administrator must be a self-motivated organized individual that accepts the role of being the town's chief executive on day-to-day matters and willing to discharge necessary resolution to situations and matters affecting the Town of Pembroke.

###### **SECTION 2.**

The Board of Selectmen shall appoint the Town Administrator to serve a three (3) year contractual term, the first year of the initial appointment of which shall be a probationary period, in accordance with the terms of this by-law, and which may be renewed by the Board of Selectmen for successive three (3) year terms.

The Town Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during such service, unless in advance approved by the Board of Selectmen.

###### **SECTION 3.**

Under the general supervision of the Board of Selectmen, the Town Administrator functions as the town’s chief administrative and financial officer of the Town, and in cooperation with the Board of Selectmen is directly responsible for the management of staff and administration of all Town affairs not specifically reserved to another elected body, as well as for the efficient research, administration, coordination and resolution of all matters that come under the jurisdiction of the Board of Selectmen and shall be the Board of Selectmen’s liaison to all facets of the town's government and to the general public. The Town Administrator shall function independently, referring specific issues or problems to the Board of Selectmen as necessary

when clarification or interpretation of Town policy or procedures is required. The duties and responsibilities of the Town Administrator shall include, but are not intended to be limited to, the following:

#### Administration

- Administers, either directly or through a person or persons reporting to him, all provisions of general and special laws applicable to the town and all bylaws and votes of the town.
- Supervises and is responsible for the efficient administration of all departments, commissions, boards and officers, under the jurisdiction of the Board of Selectmen.
- Maintains full and complete records of his office, and provides periodic reports as requested by the Board of Selectmen.
- Advises, recommends, initiates and enforces policies and procedures established by the Board of Selectmen.
- Communicates the Board of Selectmen's policies and procedures to all departments.
- Responsible for receiving and disposition of all correspondence and communications.
- Acts as the town's public relations/consumer relations spokesperson for press releases, public statements and official correspondence; initiates appropriate responses to citizen inquiries and correspondence, hears and investigates citizen and other complaints or refers them to the proper department for attention, and makes necessary reports to the Board of Selectmen and other boards as appropriate.
- Attends all regular meetings and hearings of the Board of Selectmen.
- Attends all Executive Sessions of the Board of Selectmen.
- Attends all sessions of Town Meetings and shall be permitted to speak when recognized by the moderator.
- Makes necessary procedural preparation for weekly Board of Selectmen's meetings by establishing an agenda, scheduling a realistic time table for appointments, posting of notices of meetings, anticipating and disseminating background information relative to meeting agenda, and prepares recommendations for their decisions.
- Oversees the preparation of detailed minutes of all Board of Selectmen meetings.
- Oversees the preparation of detailed minutes of all Executive Sessions within Board of Selectmen meetings.
- Ascertains that all decisions of the Board of Selectmen are carried out.
- Prepares or writes town meeting warrant articles for presentation to the Board of Selectmen.
- Prepares motions and submits the warrants to town counsel for review.
- Works with town boards and committees in the dissemination of appropriate material for Town Meetings.
- Responsible for and works with town boards and committees in the preparation of the Town Annual Report.
- May be appointed by the Board to serve on other town, county, state or federal boards or committees
- Acts as the overseer and coordinates the management of a centralized town hall computer network system.
- Attends professional meeting and keeps abreast of current and pending developments in municipal government and works with any and all outside agencies in furthering the best interests of the town.
- Administers the preparation, publication, analyzing and acceptance of all contracted services and bids.
- Administers procedures for licenses and permits issued by the Board of Selectmen.

- Attends meetings of town boards and committees when needed.
- Keeps the Board of Selectmen apprised of actions by town boards and committees.
- Keeps the Board of Selectmen fully advised as to the needs of the town.
- Recommends to the Board of Selectmen for adoption such measures requiring action by them or by the town meeting as he may deem necessary or expedient.
- Accessible and available for consultation to boards, committees and commissions of the town, whether appointed or elected, and responsive to their request for assistance.

## Personnel

- Where applicable by town by-laws, provides general supervision to other department heads.
- In conjunction with Town Hall Department Heads, screens all candidates for employment of Town Hall and makes hiring recommendations to the Board of Selectmen.
- Insures all hiring practices are in compliance with all statutory regulations.
- Coordinates and participates in the evaluations of employee performance and goal setting.
- Interviews and makes hiring recommendations for employment applicants within the Office of Board of Selectmen as well as other town hall departments.
- Functions as town's Human Resource manager and maintains up-to-date data and personnel files of all town employees.
- Oversees appointments to offices, boards/committees and employment with the town over which the Board of Selectmen has final approval or appointing authority.
- Recommends removal of the same, for cause, in writing and otherwise in accordance with town by-laws, collective bargaining agreements and chapter thirty-one of the General Laws.
- Implements and updates, as warranted, the town's classification and compensation plans.
- Provides for the maintenance and security of personnel files.
- Acts as the agent of the Board of Selectmen in all collective bargaining negotiations.
- Assists the Board of Selectmen, department heads, Town Accountant, and the town's labor negotiators to monitor and arrive at fair and equitable collective bargaining agreements.
- Should have knowledge of Civil Service hiring procedures, regulations and collective bargaining process.
- Monitors the work of contractors and consultants hired/retained under the Board of Selectmen's jurisdiction.
- Identifies, recommends and implements training programs for the betterment of employee performance.
- Responsible for ensuring that departments are aware of and comply with the provisions of M.G.L. Chapter 30B.

## Policies

- Develops and periodically updates a Town Procedural Manual.
- Develops and maintains in-depth job descriptions for all town hall positions.
- Holds monthly meetings with department heads to keep them apprised of new policies, programs and events.

## Financial

- Acts as the chief budget officer of the town.
- Monitors town spending through the fiscal year and makes financial reports to the selectmen as requested.
- Coordinates the development of strategic financial goals for the Town .
- Makes recommendations concerning financial policies and practices as directed by the selectmen.



- Using information from salary plans and union contracts, debt schedules, past expenditure patterns, revenues and policy direction from the Board of Selectmen, coordinates the timely preparation of all departmental budgets with the Town Accountant, prepares a capital improvement budget, as well as a budget to be submitted to the Board of Selectmen for inclusion in the annual Town Meeting warrant.
- Prepares applications for grants, administers grants received, works with appropriate federal, state, county and private officials and reports necessary information to the Board of Selectmen.

#### Legal

- Works closely with Town Counsel in the preparation of legal matters.
- Acts as liaison between Town Counsel and town departments, boards and committees and provides the Board of Selectmen with timely summaries.
- Informs the Board of Selectmen and other boards and committees of all relevant statutory and regulatory changes.

#### *Miscellaneous*

Acts as the town Parking Clerk

#### SECTION 4.

The Board of Selectmen shall appoint the Town Administrator to serve a three (3) year contractual term, the first year of the initial appointment of which shall be a probationary period, in accordance with the terms of this by-law, and which may be renewed by the Board of Selectmen for successive three (3) year terms.

- Acts as the towns authorized procurement officer (except for educational related procurements) for all supplies materials and equipment.
- Acts as administrator of all town tax-title real estate holdings.
- Records and maintains an updated inventory of all town owned property and equipment.
- Acts as the town's Americans with Disabilities Act (ADA) Coordinator.
- Administers town's casualty and property insurance programs including coordination of claims.
- Acting for the selectmen, oversees the rental and use of all town property.
- Administers the permit and license procedures for the Board of Selectmen.
- Approves the award of all contracts for all departments of the town and otherwise have the authority to execute contracts on behalf of the town.
- Purchases all supplies, materials and equipment, except those intended for the school department.
- Prepares applications for grants, administers grants received.
- Works with appropriate state, federal, and private officials on various town projects as required.

#### SECTION 5.

The compensation and other terms and conditions of employment of the Town Administrator shall be established by a contract of employment entered into between the Town Administrator and the Board of Selectmen, provided that the terms of such contract shall be consistent with this by-law and amounts appropriated therefor by the Town. The position is an exempt position as regarding federal and state minimum wage and overtime requirements and therefore is not eligible to be paid overtime for work performed beyond forty hours in a workweek. The Town Administrator need not be a resident of the Town during her or his tenure. (4/28/98 ATM)