

# Town of Nahant



## Town Administrator Act/Online Format (PDF) <http://www.nahant.org>

### THE COMMONWEALTH OF MASSACHUSETTS In the Year One Thousand Nine Hundred and Ninety-Two

AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR FOR THE TOWN OF NAHANT.

Be it enacted by the Senate by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

*Section 1.* Upon the effective date of this act, the town of Nahant shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or the by-laws or charter of the town of Nahant, this act shall govern.

*Section 2.* When used in this act the words "officers" and "officials" shall mean those positions which the board of selectmen have the power of appointment to on the effective date of this act.

*Section 3.* Upon the initial appointment or a vacancy in the office of town administrator the town moderator shall forthwith advertise for applicants to serve on a committee to be known as the town administrator search committee. Said committee shall consist of nine residents of the town Nahant to be appointed by the town moderator, three of whom shall be selected by the board of selectmen, one of whom shall be selected by the advisory and finance committee, and one of whom shall be selected by the town personnel committee. In its search for a town administrator said committee shall advertise in the International City Management Newsletter or similar professional publications and in at least one newspaper having state wide circulation and one newspaper having regional circulation as well as one newspaper having national circulation. Said committee shall screen all applicants for the town administrator position and shall submit at least three applicants to the board of selectmen for their consideration. The committee duties shall terminate on the appointment of a town administrator.

*Section 4.* Upon submission of applicants by the search committee, the board of selectmen shall, by majority vote, appoint, as soon as practicable, for a term of at least three years, a town administrator who shall be qualified by education, training and previous full-time experience to perform the duties of the office and at a minimum shall possess a college degree at the bachelor level. The town administrator shall be appointed without regard to political designation, age, race, creed, color, national origin, or gender and need not be a resident of the town or the commonwealth when appointed. The town administrator shall be appointed solely on the basis of executive and administrative qualifications. The administrator shall be person of proven professional ability, especially fitted by education, training and previous experience in municipal or private administration to perform the duties of the office. Such experience shall include a minimum of five years full-time paid experience. No person holding elective office in the town shall, within three years of holding such office, be eligible for appointment as town administrator. The town may, by by-law, from time to time, establish such additional qualifications or duties as necessary and

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appropriate. Before entering upon the duties of the office, the administrator shall be sworn to be faithful and impartial performance thereof by town clerk or a notary public, and shall execute a bond in favor of the town for a faithful performance of his duties in such sum and with such sureties as may be fixed or approved by the board of selectmen, the cost of which shall be borne by the town.

*Section 5.* The town administrator shall devote his full time to the office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term, unless such action is approved in advance, in writing, by the board of selectmen.

*Section 6.* Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen in accordance with the provisions of this act. Pending the appointment of a town administrator or the filling of any vacancy therefore, the board of selectmen shall, within seven days, appoint an officer of the town or another suitable person to perform the duties of the office.

The board of selectmen shall designate a qualified person to serve as acting town administrator and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the town administrator's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty days. This section shall not pertain to the initial vacancy or appointment to the position established by the provisions of this act.

*Section 7.* The town administrator may designate, for a period of thirty days or less, subject to the approval of the board of selectmen, by letter filed with the town clerk, an officer of the town, or another suitable person to perform the duties during his temporary absence or disability. In the event of failure by the administrator to make such designation, the board of selectmen may, by resolution, designate an officer of the town or another suitable person to perform the duties of the administrator until he shall return or his disability shall cease.

*Section 8.* The board of selectmen may remove the town administrator in accordance with the provisions of this act. At least thirty days before such proposed removal shall become effective, the board of selectmen shall adopt at a public meeting and shall file with the town clerk a written preliminary resolution of removal, a copy of which resolution shall be delivered to the town administrator in person or at the administrator's last know mailing address. The administrator may, within seven days of service of such resolution, reply in writing to the resolution and may request a public hearing. If the town administrator so requests, the board of selectmen shall hold a public hearing not earlier than fourteen days nor later than twenty-one days after the filing of such a request. At such a public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, the board of selectmen may suspend the administrator from duty, but in any case his salary shall continue to be paid during the period of consideration of the preliminary resolution and until thirty additional days after the vote of the final resolution.

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*Section 9.* The town administrator shall appoint all town officials whose appointment on the effective date of this act is the responsibility of the board of selectmen and is not specifically provided herein. The town administrator shall appoint with approval of the board of selectmen, and may remove with the approval of the board of selectmen, subject to the provisions of chapter thirty-one of the General Laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other appointments made by representatives of the commonwealth. Appointments to permanent positions made by the town administrator shall become effective on the thirteenth day of the following day the notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period vote to accept or reject any such appointment.

*Section 10.* In addition to general powers and duties provided in this act, the town administrator shall have the following powers and duties:

- a. The town administrator shall attend all regular meetings of the board of selectmen and shall attend all town meetings and shall be permitted to speak when recognized by the moderator.
- b. The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provision of section fifty-six f chapter forty-one of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer. The board of selectmen shall approve all warrants in the absence of the administrator or in the event of a vacancy in the office of town administrator.
- c. The town administrator shall be responsible for administrator of the personnel plan including annual personnel evaluation policies, practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunity law compliance functions of the town except functions of the school department, library, or housing authority.
- d. The town administrator shall keep full and complete records of the office and annually submit to the board of selectmen, unless requested to do so more frequently, a full written report of the operations of the office of town administrator to be included in the annual town report. The town administrator may also prepare reports to boards and committees and for town meeting.
- e. The town administrator shall be the chief budget officer of the town, and shall cause to be prepared and submit to the board of selectmen, an operating and capital improvement budget and a five-year financial plan.
- f. The town administrator may remove all officers and employees of the town. Town officers and employees not subject to the provision of said chapter thirty-one shall not be removed by him except on ten days notice in writing, setting forth the cause of such removal.

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- g. The town administrator shall coordinate the efficient operation of all departments, committees, boards and officers, except the board of selectmen. The administrator shall not exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.
- h. The town administrator shall keep the board of selectmen fully advised as to the needs of the town and shall recommend 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.
- i. The town administrator shall have the responsibility over the rental and use of all property controlled by the board of selectmen controlled on the effective date of this act, with approval of said board of selectmen except that property under the jurisdiction of the school department, library, or housing authority.
- j. The town administrator shall be responsible for the purchase of all supplies and materials and equipment and awarding of contracts for same, except those intended for the school department or for the library, and shall coordinate the award of all such contracts for all departments of the town. The town administrator may make purchases for departments not under his supervision only upon and in accordance with requisitions duly signed by the heads of such departments.
- k. The town administrator shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws and votes of the town, and all regulations established by the board of selectmen.
- l. The town administrator may, upon the request and with the approval of the board of selectmen, prosecute, defend, or compromise all litigation to which the town is party, and shall be the executive officer of a public employer in the town as defined in section one of chapter two hundred and fifty eight of the General Laws pertaining to the processing of claims against the town.
- m. The town administrator shall be the agent of the board of selectmen for collective bargaining and may employ special counsel to assist in the performance of said duties.
- n. The town administrator shall oversee the implementation of town meeting votes and shall report annually in writing to the town meeting on the implementation of prior town meeting votes.
- o. The town administrator shall be accessible and available for consultation to boards, committees and commissions of the town, whether appointed or elected, and shall be responsive to their request for assistance.
- p. The town administrator, with the approval of the board of selectmen and in accordance with the provisions of this act, may reorganize, consolidate or abolish departments or offices under his direction and supervision, in whole or in part, may establish such new departments or offices as he deems necessary, and may transfer the powers and duties of one department or office to another.

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- q. The town administrator shall perform such other duties as may be required of him by by-law, by vote of the board of selectmen, or vote of the town meeting.

*Section 11.* The town administrator may without notice cause the affairs of any department under his supervision or the job-related conduct of any officer or employee thereof to be examined and shall report his findings and any action to be taken to the board of selectmen. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties.

*Section 12.* All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Nahant on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively.

*Section 13.* Upon acceptance of this act by the town of Nahant but prior to the initial appointment of the town administrator the board of selectmen are hereby empowered to perform the duties of the town administrator authorized herein.

*Section 14.* This act shall be effective upon its acceptance by a vote of the town of Nahant at an annual or special town meeting in accordance with the provisions in section four of chapter four of the General Laws.

If this act is not accepted in the year nineteen hundred and ninety two it shall again be submitted at an annual or special town meeting in the year nineteen hundred and ninety-three and if accepted shall take full effect, but not otherwise.