

SUMMARY OF PROVISIONS PROPOSED CHARTER FOR MASHPEE

Article 1 - Incorporation, Distribution of Powers, Power of the Town

This article provides for the continuation of the town of Mashpee as a corporate entity and reserves to the town all powers which are not specifically denied to it by state laws. This article is designed to assure that the town of Mashpee will have as full a measure of 'home rule' as is possible.

Article 2 - Legislative Branch

This article retains the open town meeting as the central characteristic of our town's government. The charter establishes some guidelines for the conduct of the legislative business and requires the distribution of a printed report - prior to the town meeting - containing recommendations of the finance committee, planning board and board of selectmen on warrant articles.

Article 3 - Elected Offices

This article describes the composition, term of office, method of filling vacancies and the powers and duties of the offices which will continue to be elected directly by the voters, that is the board of selectmen, the school committee, the planning board, the board of library trustees, the town clerk, the town moderator and the Housing Authority.

The board of selectmen will continue to consist of five members, elected at large, and serving for terms of three years each.

The powers and duties of the board of selectmen will be expanded to give it, in fact and law, the broad overall responsibility for the conduct of town business most voters believe they already have.

The school committee will continue to consist of five members, elected at large, and serving for terms of three years each.

The powers and duties of the school committee, which are extensively set out in state laws, remain unchanged.

The board of library trustees will continue to consist of seven members, elected at large, and serving for terms of three years each.

The powers and duties of the board of library trustees remain unchanged.

The planning board will continue to consist of five members, elected at large, and serving for terms of three years each. In addition, a sixth person will be elected, for a term of three years, as an associate member who will sit as a member when a

regular member is absent or because of a conflict of interest or other disability cannot participate.

The powers and duties of the planning board remain unchanged.

The town clerk will continue to be elected at large for a term of three years. The powers and duties of the town clerk remain unchanged.

The town moderator will be elected at large for a term of three years. This is an extension of the present term which is only for one year.

The powers and duties of the town moderator have been changed and will include authority to appoint the members of the finance committee.

The Mashpee Housing Authority will continue to be elected at town elections: four of the members are elected for terms of five years each and the fifth member is appointed by the state Department of Housing and Community Affairs.

The powers and duties of the housing authority remain unchanged.

Article 4 – Town Manager

This article describes the powers and duties of the town manager.

The charter commission believes that the existing position of town administrator is misnamed and misunderstood based on the powers, duties and responsibilities which have been assigned to the office by various votes of the town since 1986 when the position was first established. We believe the title of town manager more appropriately describes the position the town has already established.

To those who suggest we have significantly revised the position and ‘upgraded’ it we direct your attention the description of the position of town administrator as it is set out at pages 17 and 18 of the town by-laws book.

It is a generally accepted principle of both public and private administration that a supervisor must have powers commensurate with the responsibility the position is assigned. In order that the day to day business of the town of Mashpee might be properly and efficiently conducted, its top administrator must not only have the significant powers Mashpee’s town administrator has had, but the position must be perceived and recognized by all as having these powers in fact, as well as in law.

Article 5 - Administrative Organization

This article describes the procedures to be followed in organizing the town into offices, agencies, departments and offices to administer and deliver services to citizens and taxpayers. In general agencies may be established and organized and re-organized by the adoption and amendment of by-laws at town meetings.

This section also allows the town, by adopting implementing by-laws to create certain consolidated departments. In other communities these consolidated departments have begun to emerge as the logical way to gain organizational and administrative efficiencies and economies. The town is not required to do any of these things, but should it ever choose to do so, its way will be facilitated by the inclusion of these provisions in this charter.

Provision has been made for the police chief to have the same authority to hire and promote police officers as the fire chief has had for many years to hire and promote fire fighters.

Article 6 -- Financial Procedures

This article provides detailed procedures for the board of selectmen and the town manager to follow in preparing the annual operating budget for the town and its submission to the town meeting.

The thrust of the provisions of this section is to provide an open budget process which will give the citizens of Mashpee an early indication of the major elements of the budget and an opportunity to participate, to a greater degree than has heretofore been possible, in the review process.

In addition to the operating budget the town manager is also directed to prepare and submit to the town a five-year capital outlay program so that the citizens of the town generally, will be able to anticipate and plan for large scale financial needs of the town.

Article 7 - General Provisions

This article contains material of a general nature which do not properly fall within any of the articles previously discussed.

A provision is included which will require the town to provide for periodic review of the charter to assure that its provisions will stay current and up-to-date.

A provision is included which will require the town to provide for periodic review of all town by-laws to assure that they are kept continuously up-to-date and available to any person who requests them.

A uniform set of procedures, applicable to all multiple member bodies is provided.

The provisions relating to the removal of town officers has been rewritten to clarify the procedures which are to be followed.

Article 8 - Transitional Provisions

This article is designed to provide the `bridge' between our existing structure of government and the new charter.