

## BYLAWS ON APPOINTMENT OF STAFF BY TOWN MANAGER

Following are appointment bylaws to be amended to provide the Town Manager with appointment and oversight authority over Town employees, not including staff contracted for by the Wellesley Housing Authority, the School superintendent and School employees, the MLP Director and employees, and the Director of Veterans' Services. The following amendments anticipate the passage of a Special Act and a new Town Manager bylaw also providing for the Town Manager's appointment and oversight authority over Town employees generally.

We will indicate the title of the Article in which the amendment is proposed and we will:

- Provide the text of the section as it currently reads;
- Provide the text of the section showing proposed deletions and additions; and
- Provide the text of the section as it would read if amended in italics.

Note: This process of showing the text in three ways will be required for Special Town Meeting.

**Note: The amendments refer to Bylaw Section 20.3.b. which provides:**

- b. Notwithstanding any general or special law to the contrary, the Town Manager may appoint and remove a Police Chief, a Fire Chief, a Town Clerk and all department heads, officers, subordinates and employees of the Town, except for employees of the School Committee, the Municipal Light Board, appointments made by the Commonwealth and those appointments for which another method of appointment is otherwise provided for. Appointments of the Police Chief and Fire Chief shall take effect upon the approval of the Board of Selectmen. Appointments of other department heads or chief staff employees of elected and appointed boards and committees shall take effect upon the approval of the board or committee having jurisdiction over an affected department; provided, however, that, if such board or committee fails to act, such appointments shall become effective on the fifteenth calendar day after notice of the proposed appointment is provided to the members of an affected board or committee. The Town Manager shall provide notice to the affected board or committee before any removal of a department head or chief staff employee of such board or committee if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.**

### **(1) Article 11. ADVISORY COMMITTEE**

The text of the section as it currently reads:

**11.5. Staff.** The Committee shall appoint such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

**11.5. Staff.** In accordance with the provisions of Section 20.3.b, the Town Manager Committee shall appoint such staff as it deems necessary for whom funding has been provided.

The text of the section as it would read if amended:

**11.5. Staff.** *In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint such staff for whom funding has been provided.*

### **(2) Article 12. SUSTAINABLE ENERGY COMMITTEE**

The text of the section as it currently reads:

**12.4. Staff.** The Committee shall appoint a sustainable energy coordinator and such other staff as it deems necessary.

The text of the section showing proposed deletions and additions:

**12.4. Staff.** In accordance with the provisions of Section 20.3.b, The Committee the Town Manager shall appoint a sustainable energy coordinator and such other staff as it deems necessary for whom funding has been provided.

The text of the section as it would read if amended:

**12.4. Staff.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a sustainable energy coordinator and such staff for whom funding has been provided.*

**Note: The proposed amendments to Article 20 (Sections 20.4. through 20.12.) contain provisions giving the Town Manager appointment and oversight authority over the Department of Financial Services.**

### **(3) Article 21. POLICE DEPARTMENT**

The text of the section as it currently reads:

**21.2. Responsibilities of Selectmen.** The Selectmen shall:

- a. appoint a Chief of Police and such police officers as they deem necessary;
- b. have overall responsibility for the Police Department;
- c. establish suitable policies and procedures governing the Police Department and the police officers, including standards for record keeping.

The text of the section showing proposed deletions and additions:

**21.2. Responsibilities of ~~Selectmen~~ Town Manager.** The Town Manager ~~Selectmen~~ shall:

- a. in accordance with the provisions of Section 20.3.b, appoint a Chief of Police and, based on the recommendation of said Chief, appoint or promote such police officers and Police Department employees as they deem necessary for whom funding has been provided;
- b. have overall responsibility for the Police Department;
- c. establish suitable policies and procedures governing the Police Department and the police officers, including standards for record keeping.

The text of the section as it would read if amended:

**21.2. Responsibilities of the Town Manager.** *The Town Manager shall:*

- a. *in accordance with the provisions of Section 20.3.b, appoint a Chief of Police and, based on the recommendation of said Chief, appoint or promote such police officers and Police Department employees for whom funding has been provided;*
- b. *have overall responsibility for the Police Department;*
- c. *establish suitable policies and procedures governing the Police Department and the police officers, including standards for record keeping.*

The text of the section as it currently reads:

**21.3. Responsibilities of Chief of Police.** The Chief of Police shall provide to the Town appropriate police and related services as determined by the Selectmen, supervise all police officers, and be responsible for all Town property used by the Department.

The text of the section showing proposed deletions and additions:

**21.3. Responsibilities of Chief of Police.** The Chief of Police shall provide to the Town appropriate police and related services as determined by the Board of Selectmen, make recommendations to the Town Manager for the appointment or promotion of police officers and Police Department employees other than Special Police, supervise all police officers, and be responsible for all Town property used by the Department.

The text of the section as it would read if amended:

**21.3. Responsibilities of Chief of Police.** *The Chief of Police shall provide to the Town appropriate police and related services as determined by the Board of Selectmen, recommend persons to the Town Manager for the appointment or promotion of police officers, and Police Department employees other than Special Police, supervise all police officers, and be responsible for all Town property used by the Department.*

#### **(4) Article 22. FIRE DEPARTMENT**

The text of the section as it currently reads:

**22.2. Responsibilities of the Selectmen.** The Selectmen shall:

- a. appoint the Chief Engineer and such other Fire Engineers and employees as they deem necessary;
- b. have overall responsibility for the Fire Department; and
- c. establish suitable policies and procedures governing the Fire Department and the employees thereof, including standards for record keeping.

The text of the section showing proposed deletions and additions:

**22.2. Responsibilities of the Town Manager. ~~Selectmen.~~** The ~~Selectmen~~ Town Manager shall:

- a. in accordance with the provisions of Section 20.3.b, appoint the Chief Engineer and, based on the recommendation of said Chief Engineer, appoint or promote such other Fire Engineers and employees as they deem necessary for whom funding has been provided;
- b. have overall responsibility for the Fire Department; and
- c. establish suitable policies and procedures governing the Fire Department and the employees thereof, including standards for record keeping.

The text of the section as it would read if amended:

**22.2. Responsibilities of the Town Manager.** *The Town Manager shall:*

- a. *in accordance with the provisions of Section 20.3.b, appoint the Chief Engineer and, based on the recommendation of said Chief Engineer, appoint or promote such other Fire Engineers and employees for whom funding has been provided;*
- b. *have overall responsibility for the Fire Department; and*
- c. *establish suitable policies and procedures governing the Fire Department and the employees thereof, including standards for record keeping.*

The text of the section as it currently reads:

**22.3. Responsibilities of Chief Engineer.** The Chief Engineer shall provide to the Town appropriate fire fighting and other services as determined by the Selectmen, supervise all fire engineers and other employees, and be responsible for all fire stations and equipment.

The text of the section showing proposed deletions and additions:

**22.3. Responsibilities of Chief Engineer.** The Chief Engineer shall provide to the Town appropriate fire fighting and other services as determined by the Board of Selectmen, make recommendations to the Town Manager for the appointment or promotion of fire engineers and other Fire Department employees, supervise all fire engineers and other employees, and be responsible for all fire stations and equipment.

The text of the section as it would read if amended:

**22.3. Responsibilities of Chief Engineer.** *The Chief Engineer shall provide to the Town appropriate fire fighting and other services as determined by the Board of Selectmen, make recommendations to the Town Manager for the appointment or promotion of fire engineers and other Fire Department employees, supervise all fire engineers and other employees, and be responsible for all fire stations and equipment.*

**(5) Article 23. INSPECTORS**

The text of the section as it currently reads:

**23.1. Appointment.** The Selectmen shall appoint the:

- a. Inspector of Wires;
- b. Inspector of Gas;
- c. Inspector of Buildings; and
- d. Sealer of Weights and Measures

The Inspector of Buildings shall appoint the Inspector of Plumbing (who may, but need not, be the Inspector of Gas).

The text of the section showing proposed deletions and additions:

**23.1. Appointment.** In accordance with the provisions of Section 20.3.b., tThe Selectmen Town Manager shall appoint the:

- a. Inspector of Wires;
- b. Inspector of Gas;
- c. Inspector of Buildings; ~~and~~
- d. Sealer of Weights and Measures; and
- e. Inspector of Plumbing (who may, but need not, be the Inspector of Gas.)

~~The Inspector of Buildings shall appoint the Inspector of Plumbing (who may, but need not, be the Inspector of Gas).~~

The text of the section as it would read if amended:

**23.1. Appointment.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the:*

- a. *Inspector of Wires;*
- b. *Inspector of Gas;*
- c. *Inspector of Buildings;*
- d. *Sealer of Weights and Measures; and*
- e. *Inspector of Plumbing (who may, but need not, be the Inspector of Gas).*

**(6) Article 24. FACILITIES MAINTENANCE DEPARTMENT**

The text of the section as it currently reads:

**24.3. Director of Facilities Maintenance.** The Facilities Maintenance Department shall be headed by a Director of Facilities Maintenance, who shall be appointed by the Executive Director with the

Selectmen's approval and who, subject to the Executive Director's approval, shall appoint such staff as are deemed necessary to fulfill the Department's duties.

The text of the section showing proposed deletions and additions:

**24.3. Director of Facilities Maintenance.** ~~The Facilities Maintenance Department shall be headed by a Director of Facilities Maintenance, who shall be appointed by the Executive Director with the Selectmen's approval and who, subject to the Executive Director's approval, shall appoint such staff as are deemed necessary to fulfill the Department's duties. In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Director of Facilities Maintenance and such other staff for whom funding has been provided.~~

The text of the section as it would read if amended:

**24.3. Director of Facilities Maintenance.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Director of Facilities Maintenance and such other staff for whom funding has been provided.*

**(7) Article 29. BOARD OF PUBLIC WORKS**

The text of the section as it currently reads:

**29.4. Director of Public Works.** The Board shall appoint a Director of Public Works who shall:

- a. have the qualifications prescribed in the General Laws;
- b. hold office subject to the will of the Board;
- c. exercise and perform, under the supervision of the Board, such of the powers and duties of the Board as it may delegate to the Director.

The text of the section showing proposed deletions and additions:

**29.4. Director of Public Works.** ~~In accordance with the provisions of Section 20.3.b, the Board~~ In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Public Works ~~who shall: and such other staff for whom funding has been provided.~~

- ~~a. have the qualifications prescribed in the General Laws;~~
- ~~b. hold office subject to the will of the Board;~~
- ~~c. exercise and perform, under the supervision of the Board, such of the powers and duties of the Board as it may delegate to the Director.~~

The text of the section as it would read if amended:

**29.4. Director of Public Works.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Public Works and such other staff for whom funding has been provided.*

The text of the section as it currently reads:

**29.6. Town Engineer.** The Board shall appoint the Town Engineer who shall:

- a. have the qualifications prescribed in the General Laws;
- b. be in charge of the engineering work provided by the Department, subject to the direction and control of the Director.

The text of the section showing proposed deletions and additions:

**29.6. Town Engineer.** ~~In accordance with the provisions of Section 20.3.b, the Board~~ In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Town Engineer. ~~who shall:~~

The text of the section as it would read if amended:

**29.6. Town Engineer.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Town Engineer.*

**Note: Article 30, Human Resources, provides for the appointment of the Director and staff in accordance with the proposed amendments to Article 20.**

**(8) Article 33. COUNCIL ON AGING**

The text of the section as it currently reads:

**33.4. Director of Senior Services.** The Council shall appoint a Director of Senior Services and such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

**33.4. Director of Senior Services.** *In accordance with the provisions of Section 20.3.b, ~~The Council~~ the Town Manager shall appoint a Director of Senior Services and such other staff ~~as it deems necessary~~ for whom funding has been provided.*

The text of the section as it would read if amended:

**33.4. Director of Senior Services.** *In accordance with the provisions of Section 20.3.b, ~~the Town Manager~~ shall appoint a Director of Senior Services and such other staff as the Town Manager for whom funding has been provided.*

**(9) Article 34. BOARD OF HEALTH**

The text of the section as it currently reads:

**34.4. Director.** The Board shall appoint a Director of Public Health and other personnel as it deems necessary.

The text of the section showing proposed deletions and additions:

**34.4. Director.** *In accordance with the provisions of Section 20.3.b, ~~The Board~~ The Town Manager shall appoint a Director of Public Health and such other ~~personnel as it deems necessary~~ staff for whom funding has been provided.*

The text of the section as it would read if amended:

**34.4. Director.** *In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint a Director of Public Health and such other staff for whom funding has been provided.*

**(10) Article 36. BOARD OF TRUSTEES OF THE WELLESLEY FREE LIBRARY**

**Note: Chapter 78 of the General Laws provides that Library Trustees appoint their Director. The amendment's clause "except as otherwise provided by Special Act" is a reference to the Special Act which provides that the Town Manager shall appoint all staff. Thus, the Special Act overrides this provision of the General Laws.**

The text of the section as it currently reads:

**36.3. General Duties.** Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.

The text of the section showing proposed deletions and additions:

**36.3. General Duties.** Except as otherwise provided by Special Act, tThe Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.

The text of the section as it would read if amended:

**36.3. General Duties.** *Except as otherwise provided by Special Act, the Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.*

The text of the section as it currently reads:

**36.4. Staff.** The Board shall appoint such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

**36.4. Staff.** ~~The Board shall appoint such staff as it deems necessary.~~ **Director.** In accordance with the provisions of Section 20.3.b, the ~~The~~ Town Manager shall appoint a Library Director and such other staff for whom funding has been provided.

The text of the section as it would read if amended:

**36.4 Director.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Library Director and such other staff for whom funding has been provided.*

**(11) Article 37. RECREATION COMMISSION**

The text of the section as it currently reads:

**37.4. Superintendent of Recreation.** The Commission shall appoint a Superintendent of Recreation and such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

**37.4. Superintendent Director of Recreation.** In accordance with the provisions of Section 20.3.b, the ~~The Commission-Town Manager~~ shall appoint a ~~Superintendent-~~ Director of Recreation and such other staff as it ~~deems necessary~~ for whom funding has been provided.

The text of the section as it would read if amended:

**37.4. Director of Recreation.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Recreation and such other staff for whom funding has been provided.*

**(12) Article 40. YOUTH COMMISSION**

The text of the section as it currently reads:

**40.4. Director of Youth Services.** The Executive Director of General Government shall appoint a Director of Youth Services subject to the approval of the Youth Commission.

The text of the section showing proposed deletions and additions:

**40.4. Director of Youth Services.** In accordance with the provisions of Section 20.3.b, t~~The Executive Director of General Government~~ Town Manager shall appoint a Director of Youth Services and such other staff for whom funding has been provided. ~~subject to the approval of the Youth Commission.~~

The text of the section as it would read if amended:

**40.4. Director of Youth Services.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Youth Services and such other staff for whom funding has been provided.*

**(13) Article 42. BOARD OF ASSESSORS**

The text of the section as it currently reads:

**42.4. Assistant Assessor.** The Assessors shall appoint an Assistant Assessor, who shall:

- a. be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;
- b. have a term of one year, commencing on the date of appointment, serving at the discretion of the Assessors; provided, that if the Assessors fail to appoint a successor during the month preceding the expiration of said term, the incumbent shall continue to serve during the following period of one year unless sooner removed. The Assistant Assessor may be reappointed annually without limit;
- c. assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;
- d. value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;
- e. perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Assessors in the performance of their duties.

The text of the section showing proposed deletions and additions:

**42.4. Assistant – Chief Assessor.** In accordance with the provisions of Section 20.b.3, The Assessors the Town Manager shall appoint an Assistant a Chief Assessor, who shall:

- a. be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;
- ~~b. have a term of one year, commencing on the date of appointment, serving at the discretion of the Assessors; provided, that if the Assessors fail to appoint a successor during the month preceding the expiration of said term, the incumbent shall continue to serve during the following period of one year unless sooner removed. The Assistant Assessor may be reappointed annually without limit;~~
- eb. assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;
- ec. value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;
- ed. perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Assessors in the performance of their duties.

The text of the section as it would read if amended:

**42.4. Chief Assessor.** *In accordance with the provisions of Section 20.b.3, the Town Manager shall appoint a Chief Assessor, who shall:*

- a. *be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;*
- b. *assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;*
- c. *value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;*
- d. *perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Assessors in the performance of their duties.*

**(14) Article 43. NATURAL RESOURCES COMMISSION**

**Note: the 1978 Special Act establishing the NRC authorizes the NRC to appoint its Director. The proposed Special Act seeks to amend the 1978 Special Act by authorizing the Town Manager to appoint the Director.**

The text of the section as it currently reads:

**43.6. Director of Natural Resources.** The Commission shall appoint a Director of Natural Resources who shall hold office at the will of the Commission and can be removed only with the consent of at least three members of the Commission. The Commission may delegate to the Director such duties as they deem appropriate. The delegation of major responsibilities shall be in writing. The Commission shall appoint such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

**43.6. Director of Natural Resources.** ~~In accordance with the provisions of Section 20.3.b, the The Commission~~ Town Manager shall appoint a Director of Natural Resources and such other staff for whom funding has been provided. ~~who shall hold office at the will of the Commission and can be removed only with the consent of at least three members of the Commission. The Commission may delegate to the Director such duties as they deem appropriate. The delegation of major responsibilities shall be in writing. The Commission shall appoint such staff as it deems necessary.~~

The text of the section as it would read if amended:

**43.6. Director of Natural Resources.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Natural Resources and such other staff for whom funding has been provided.*

#### **(15) Article 45. PLANNING BOARD**

The text of the section as it currently reads:

**45.4. Planning Director.** The Board shall appoint a Planning Director who shall hold office at the will of the Board and such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

**45.4. Planning Director.** ~~In accordance with the provisions of Section 20.3.b, the The Board~~ Town Manager shall appoint a Planning Director who shall hold office at the will of the Board and such other staff as it deems necessary for whom funding has been provided.

The text of the section as it would read if amended:

**45.4. Planning Director.** *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Planning Director and such other staff for whom funding has been provided.*

#### **(16) Article 47. ANIMAL CONTROL REGULATIONS**

The text of the section as it currently reads:

**47.2. Definitions.** As used herein, the following words and terms shall have and include the following respective meanings:

- a. Dog Officer: An officer (or officers) appointed annually by the Selectmen, who shall have all powers and duties conferred upon dog officers by Sections 136A through 175 inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the Selectmen from time to time.

The text of the section showing proposed deletions and additions:

**47.2. Definitions.** As used herein, the following words and terms shall have and include the following respective meanings:

a. Dog Officer: An officer (or officers) appointed annually by the ~~Selectmen~~ Town Manager, who shall have all powers and duties conferred upon ~~dog~~ animal control officers by Sections 136A through ~~175~~ 174E, inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the Board of Selectmen. ~~from time to time.~~

The text of the section as it would read if amended:

**47.2. Definitions.** *As used herein, the following words and terms shall have and include the following respective meanings:*

a. *Dog Officer: An officer (or officers) appointed annually by the Town Manager, who shall have all powers and duties conferred upon animal control officers by Sections 136A through 174E, inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the Board of Selectmen.*

The text of the section as it currently reads:

**47.4. Dog Officer.** There shall be at least one dog officer charged with the enforcement of this Article.

The text of the section showing proposed deletions and additions:

**47.4. Dog Officer.** ~~There shall be at least one dog officer.~~ In accordance with the provisions of Section 20.3.b, and based on the recommendation of the Chief of Police, the Town Manager shall annually appoint one or more Dog Officers, to be charged with the enforcement of this Article. .

The text of the section as it would read if amended:

**47.4. Dog Officer.** *In accordance with the provisions of Section 20.3.b, and based on the recommendation of the Chief of Police, the Town Manager shall annually appoint one or more Dog Officers, to be charged with the enforcement of this Article.*