

Town of Orleans, Charter - Proposed Changes

Primarily Fin Comm Only Changes

CHARTER

Objective overall w/be to simplify the document by minimizing the amount of detailed processes, responsibilities, dates, etc. and move this detail to by-laws or policies.

Don't codify text that might need to be changed w/in the Charter Review cycle.

Still need to determine how to simplify Town Meeting by removing financial "housekeeping" unless Articles are "big dollars". Can this be done? What are accounting/governing rules? Unclear what levels of approval are needed and when to approve what financial transactions (eg, Charter 4-3-2(c)).

Note: have NOT changed all "Board of Selectmen" references to "Select Board"; only where Fin Comm changes have been made

CHAPTER 2

Town Meeting

We assume that Select Board/JK are working on modernizing all Charter language related to notices published in newspapers, etc. Also that JK is working on generalizing all specific references to dates/timing.

§ 7. Procedures

2-7-7 The Finance Committee shall, by recorded vote, indicate its recommendations on all articles having financial implications. In the event of a split vote, the Committee **shall** supply its reasons, pro and con and abstaining, in the Warrant, during discussion of the article at Town Meeting, or through other means.

CHAPTER 4

The Town Administrator

§ 1. Appointment

§ 2. Qualifications

§ 3. Duties

4-3-2 The Town Administrator shall devote full time to the Town Administrator's office; the Town Administrator (etc.)... The Town Administrator shall:

- (a) Attend all meetings of the Board of Selectmen, except when excused, and shall have the right to speak but not to vote.
- (b) Assemble, prepare and present to the Board of Selectmen all annual operating and capital budgets of the Town and be responsible for the development and annual revision of the Capital Improvements Plan, **working with the Finance Committee and the Capital Planning Committee.**
- (c) Administer during the fiscal year the annual operating budget and capital outlay appropriations as voted by the Town to assure all such funds are expended or committed in accordance with General Laws, Charter, bylaws, and the Town Meeting votes relating thereto. The Town Administrator, with the approval of the Board of Selectmen and the Finance Committee, shall have the authority **under extraordinary circumstances** to transfer funds within the budget as long as the total budget is not increased.
- (d) Inform the Board of Selectmen on all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic written reports to the Board, no less frequently than annually **and reporting at least quarterly to the Finance Committee on fiscal affairs.**
- (e) Inform the Board **and the Finance Committee** on **a continuous regular** basis regarding the availability of state and federal funds and how such funds might possibly relate to short-range and long-range needs and goals, and solicit and prepare applications for such grants.

CHAPTER 5

& 1. General Provisions - NOTE - Chatham only specifically references the roles requiring elected officials and then a brief reference to vacancies - not all the info on how many of each, etc.

CHAPTER 6

Appointed Multi-Member Bodies

§ 1. General Provision NOTE: Chatham has almost nothing; their ref to Charter Review Committee is in Charter update section. Eastham goes through some of 6-1 - then none of the rest. Similarly for Wellfleet.

If we have to have some/much of this - consider stopping after 6-1 and don't name all of the Committees since the list is incomplete and changes over time. But - if we no longer name them in the Charter - do we need to reassign responsibility to the Select Board? Or is that obvious?

CHAPTER 7

Citizen Participation, Election and Recall

§ 1. Citizen Awareness Participation - NOTE: much of this whole Chapter is procedural - why is it needed in the Charter?

CHAPTER 8

Financial Provisions and Procedures

§ 1. Finance Committee - **NOTE - instead of old 8-1-1 and 8-1-2:**

The Finance Committee, appointed by the Town Moderator, shall consist of seven regular members and two associate 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 associate member's term expires in any given year.

~~8-1-1 A Finance Committee of nine members shall be appointed by the Moderator for three-year overlapping terms. Three members shall be appointed annually.~~

~~8-1-2 Any person duly appointed to the Finance Committee shall take up the duties of the office upon the first day of the fiscal year, provided that such person shall have been sworn to the faithful performance of said person's duties by the Town Clerk.~~

NOTE- don't need ref to being sworn in in 8-1-4 below - that applies to ALL committees - however, maybe check w/ Town Counsel. Fin Comm is appointed by Town Moderator - not by Town Admin or Select Board - so does that make a difference? Do words need to stay?

~~8-1-4 Any person appointed to fill out an unexpired term shall take up the duties immediately, provided that the person first shall have been sworn to the faithful performance of the person's duties by the Town Clerk.~~

8-1-5 No member of the Finance Committee shall hold any other elected or appointed Town office.

8-1-6 It is the responsibility of the Finance Committee to independently examine and analyze **all aspects of** the Town's financial affairs, ~~including proposed budgets, the Capital Improvements Plan, and all other proposals which would have a financial impact;~~ and to inform the citizens of the Town of its findings and recommendations.

NOTE: Fin Comm would like to MOVE this revised 8-1-6 to the top of this section - to become the new 8-1-1 - to start the Section w/ this, the responsibility of Fin Comm. Then talk about Fin Comm being appointed by the Town Moderator, etc.

§ 2. Submission of Budget and Budget Message

8-2-9 The budget message shall explain the budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead **linking those projects to Select Board and departmental goals and Town priorities.** It shall: (a) outline the proposed financial policies of the Town for the ensuing fiscal year **and the impact of those policies on future years;** (b) describe the important features of the budget; (c) indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes; (d) summarize the Town's debt position, **including the ability to raise resources through the issuance of debt;** and (e) include such other material as the Town Administrator may deem appropriate.

8-2-10 The budget shall provide a complete financial plan for all Town funds and activities and shall be in such format as the Town Administrator, **after** consultation with the Finance Committee, may suggest, provided that the format is compatible with the standards recommended by the Commonwealth's Director of Accounts and/or the State Association of Finance Committees. The budget shall indicate **estimated income, indicating the proposed property tax levy, and all** proposed expenditures, **including debt service**, for both current operations and capital projects during the ensuing fiscal year, detailed by departments, offices, multi-member bodies, and specific purposes and projects.

§ 3. Action on Proposed Budget (skip to changed paragraphs)

8-3-3 The Finance Committee shall **make issue printed recommendations within the Warrant on all articles having financial implications in the Finance Committee report within the Warrant, by flier distributed on the floor of Town Meeting, or by announcement during Town Meeting.**

In preparing its recommendations, the Committee may require the Town Administrator, any Town department, office, or multi-member body to furnish it with appropriate financial reports and budgetary information **at any time during the year.**

The Finance Committee's Fiscal Year Annual Report and Letter to the Town shall be included in the Warrant for the Annual Town Meeting.

§ 4. Budget Adoption

§ 5. Capital Improvements Plan. [Amended 5-11-2015 ATM, Art. 52, effective 5-18-2016]

8-5-1 **Working with the Finance Committee and the Capital Planning Committee**, the Town Administrator shall prepare a five year Capital Improvements Plan (CIP) and an annual Capital Budget which shall be designed to deal with unmet long range needs of the Town and to implement the goals and objectives of **both long-term capital planning efforts as well as** the Orleans Comprehensive Plan as **they** may be amended from time to time. The CIP shall include land acquisitions, buildings and improvements, machinery and equipment, vehicles, and infrastructure including roads, water mains, storm drainage and other publicly owned utilities. The Board of Selectmen may establish more detailed policies relating to the refinement and implementation **of both the long-term capital plan and the 5-year CIP.**

8-5-2 The Capital Improvements Plan (CIP) shall include proposed expenditures for all town activities and departments for the capital improvements defined in Section 8-5-1. Proposed capital improvements for the regional school and other regional entities shall be included in the CIP provided that such inclusion is consistent with the regional or inter-municipal agreements establishing such entities. In addition, the CIP shall include regional, county, state and federal grants that may be used to support and finance capital improvements, facilities and equipment through grants, loans or inter-municipal agreements.

8-5-3 The Capital Improvements Plan (CIP) shall include: (a) A clear summary of its contents; (b) A list of all capital expenditures proposed for all categories of items listed in 8-5-1 above for the next five fiscal years and projects to be included in the proposed Capital Budget for the next fiscal year, together with all supporting data; (c) cost estimates, proposed methods of financing,

sources of funds and terms of debt repayment along with a recommended time schedule for each capital expenditure to be financed over a period of more than one year; and (d) the estimated annual cost of operating and maintaining the facilities and/or equipment to be constructed, improved or acquired.

The CIP should also include commentary on how the plan addresses the sustainability of the Town and regional planning efforts, and it should also include methods to measure the outcomes and performance of the capital plan related to the long-term goals of the Town.

The information in the CIP shall be updated at least annually and submitted to and approved by the annual or special town meetings as appropriate. In the case of multi- year projects, it shall be adjusted to insure that the CIP accurately reflects the projected annual costs of all capital projects.

8-5-4 Etc etc.

§ 8. Annual Audit

8-8-1 An independent audit of the Town's finances shall be performed annually by a certified public accounting firm with experience in municipal audits and/or other public agency audits, chosen by the Board of Selectmen for a term of up to three years. **The results of the annual audit shall be reported each year to a joint meeting of the Select Board and the Finance Committee.** A copy of every auditors' 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.