

EXHIBIT 1

**TOWN OF WAREHAM 1739 - 1977
CHARTER COMMISSION
FINAL REPORT 1977**

ORIGINALLY ADOPTED 1977
AMENDMENTS 2001-2002

TABLE OF CONTENTS

ARTICLE 1	Incorporation: Division of Powers: Powers of the Town.	7
Section	1-1 Incorporation	7
	1-2 Short Title	7
	1-3 Division of Powers	7
	1-4 Powers of the Town; Intent of Voters	7
	1-5 Interpretation of Powers	7
	1-6 Intergovernmental Relations	7
ARTICLE 2	Legislative Branch	7
Section	2-1 Town Meeting	7
	2-2 Presiding Officer	8
	2-3 Time of Meeting	8
	2-4 Town Meeting Warrants	8
	2-5 Committees	9
	2-6 Availability of Town Officials	11
	2-7 Clerk of the Meeting	11
	2-8 Rules of Procedure	11
ARTICLE 3	Elected Officers	11
Section	3-1 General Provisions	12
	3-2 Board of Selectmen	12
	3-3 School Committee	13
	3-4 Town Moderator	14
	3-5 Board of Assessors	14
	3-6 Town Clerk	15
	3-8 Wareham Housing Authority	16
ARTICLE 4	Town Administrator	16
Section	4-1 Appointment, Qualifications, Term	16
	4-2 Powers and Duties	17
	4-3 Acting Town Administrator	18
	4-4 Removal and Suspension	19
	4-5 Additional town administrator Appointments	20
ARTICLE 5	Fiscal procedures	21

Section	5-1	Fiscal Year	21
	5-2	School Committee Budget	21
	5-3	Submission of Proposed Town Budget	22
	5-4	Budget Message	22
	5-5	The Proposed Budget	22
	5-6	Action on the Proposed Budget	23
	5-7	Capital Improvement Program	23
	5-8	Financial Public Records	24
	5-9	Approval of Financial Warrants	24
ARTICLE 6		Administrative Organization	24
Section	6-1	Creation of Departments, etc.	24
	6-2	By-Laws	24
	6-3	Administrative Code	24
	6-4	Personnel Organization Plan	25
	6-5	Merit Principle	25
ARTICLE 7		General Provisions	25
Section	7-1	Charter Change	25
	7-2	Severability	26
	7-3	Specific Provision to Prevail	26
	7-4	Rules and Regulations	26
	7-5	Uniform Procedures	26
	7-6	Definitions	27
	7-7	Number and Gender	28
	7-8	Notice of Vacancies	28
	7-9	Removals and Suspensions	29
	7-10	Recall of Elected Officials	30
ARTICLE 8		Transitional Provisions	32
Section	8-1	Continuation of Existing Laws	32
	8-2	Continuation of Government	32
	8-3	Continuation of Personnel	32
	8-4	Time of Taking Effect	32
MINORITY REPORT			34

agreement, the appointing authority shall, forthwith, cause public notice of such vacancy, or impending vacancy, to be posted on the town bulletin board and shall give such further public notice as may be provided by by-law. Any person who desires to be considered for appointment to the said office or employment may, within ten days following the date notice was posted, file with the appointing authority, a statement setting forth in clear and specific terms his qualifications for the office or the employment. No permanent appointment to fill a vacancy in a town office or in town employment shall be effective until at least fourteen days have elapsed following such a posting, and until all persons who have filed statements shall have been considered.

Note: Section 7-8 was amended by town meeting vote at the Fall annual town meeting held on October 15, 2001 under Article 19 authorizing the posting of positions. Approved by the Attorney General's Office on November 27, 2001. Voted and approved at the Annual Town Election on April 2, 2002.

Section 7 - 9 Removals and Suspensions

Any appointed officer or full time employee of the town, not subject to the provisions of the civil service law, whether appointed for a fixed or for an indefinite term, may be removed or suspended from his duties by the appointing authority. The appointing authority when acting to remove or suspend any appointed officer or full time town employee shall act in accordance with the following procedure:

- a) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefore shall be delivered in hand, or by registered or certified mail, to the officer or employee.
- b) Within five days following the delivery of the notice, the officer or employee may request a public hearing by submission of a request, therefor, in writing, to the appointing authority, and by filing a copy of such request in the office of the town clerk.
- c) The appointing authority shall hold a public hearing not less than seven nor more than fourteen days following the date of receipt of a request therefor, and shall give not less than five days notice of such public hearing to the officer or employee affected. The officer or employee shall have a right to be represented by counsel at such hearing, to call witnesses and to introduce evidence and to examine any witnesses who might appear at the public hearing.
- d) Not more than fourteen days following the public hearing, or if the officer or employee has failed to request a public hearing then not more than fourteen days following delivery

of the original statement of intent, the appointing authority shall take final action concerning the removal or suspension and shall forthwith notify the officer or employee that the removal or suspension is to be effective or, that the notice is rescinded.

Nothing in this section shall be construed to grant a right to such a hearing to any person who has been appointed to a fixed term, who, upon the expiration of that term of office, is not reappointed, nor shall it apply to the town administrator whose suspension and removal shall be governed by section 4-4. The action of the appointing authority in suspending or removing an officer or employee shall be final, it being the intention of this section to vest all authority and to fix all responsibility for appointment, suspension and removal of officers and employees in the appointing authority.

Section 7 - 10 Recall of Elected Officials

- (a) **Application** - Any person who holds an elected town office, with more than six months remaining of the term of office, may be recalled from the office, by the voters, in the manner provided in this section.

- (b) **Recall Petitions** - Twenty-five or more voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The town clerk shall deliver to the said voters petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by writing or typewriting; they shall be addressed to the board of selectmen; they shall contain the names of the persons who filed the affidavit and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the town clerk. A copy of the petition shall be kept on file in the office of the town clerk in a record book maintained for that purpose. Notwithstanding any general or special law or charter provision or by-law of the town of Wareham, recall petitions shall be returned and filed in the office of the town clerk within fourteen days following the date the petitions were issued, signed by at least ten percent of the total number of registered voters duly recorded on the registration list of the town clerk as of the preceding town election. The town clerk shall, within twenty-five hours following such filing, submit said petitions to the registrars of voters who shall forthwith certify thereon the number of signatures which are names of voters.