

## Motion Under Article 7

I move that the Town of Southborough vote to amend Chapter 3 of the Code of the Town of Southborough, Massachusetts, by adding a new Section 3-12 to Chapter 3, comprised of the text printed on the pink-bordered handout dated February 28, 2017 and titled "§ 3-12 Removal of an Appointed Board/Committee/Commission/Other Public Body Member".

### **§ 3-12 Removal of an Appointed Board/Committee/Commission/Other Public Body Member**

#### **A. Removal Process**

The appointing authority may remove, for cause, an appointed member of a board or committee or commission or other public body of the Town, who has served at least three (3) months in the appointed position and who ~~with~~ has more than six (6) months remaining in their appointee's term of office; provided that such individual has not been the subject of a removal hearing within the prior twelve (12) months. The process for such removal may be initiated by any of the following three methods:

- (1) The appointing authority may, by a super-majority vote, cause a written notice of removal, specifying the grounds for such removal in writing, to be filed with the Town Clerk; or
- (2) A board or committee may, by a majority vote, submit a written request that the appointing authority remove one of its members, specifying the grounds for such removal request in writing and causing a written notice of removal to be filed with the Town Clerk; or
- (3) ~~Two~~ Four hundred (~~400~~200) or more registered voters of the Town may file with the Town Clerk a petition requesting the removal of a member of a board or committee, specifying in writing the grounds for such removal. Upon certification by the Board of Registrars of a sufficient number of valid signatures, the Town Clerk shall immediately give written notice to the appointing authority thereof.

#### **B. Public Hearing**

A public hearing shall be convened by the appointing authority not less than twenty (20) nor more than forty-five (45) calendar days after a notice, request or valid petition for removal is filed with the Town Clerk. Not less than ten (10) calendar days prior to such hearing, written notice thereof shall be given by the Town Clerk to the individual whose removal is sought, by mail, postage prepaid, to his or her last known address. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the individual whose removal is sought shall be entitled to file a written statement with the appointing authority responding to the reasons cited for the proposed removal. The individual whose removal is sought may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing. The entity or individual(s) initiating the removal process may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing. Should the individual whose removal is sought elect to resign his or her position before the public hearing, such public hearing shall not be held and the appointing authority shall make, according to its standard procedures, a new appointment to fill the vacant position for the remaining term of the incumbent who has resigned.

### **C. Removal**

The appointing authority may, by majority vote, adopt a final resolution of removal, which shall be effective upon adoption. Failure to adopt a final resolution of removal within thirty (30) calendar days after the public hearing shall be deemed to be a disapproval of such resolution. The action of the appointing authority in removing the appointee shall be final, it being the intention of this section to vest all authority and fix all responsibility for such removal in the appointing authority. The individual whose removal is sought shall continue to serve in his or her appointed position until a final resolution of removal has become effective. After such removal, the appointing authority shall make, according to its standard procedures, a new appointment to fill the vacant position for the remaining term of the removed individual.

### **D. Subsequent Town Service for a Removed Individual**

No person who has been removed from an appointed position pursuant to this section 3-12, or who has resigned from an appointed position while such removal proceedings were pending against him or her pursuant to this section 3-12, shall be eligible to hold this same ~~any~~ Town ~~appointed position on a~~ board or committee or other public body appointed position within (2) two years after such removal or such resignation.