

HOUSE No. 4996

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a House bill, No. 4533.
December 10, 2018.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the removal of certain elected financial officials for the town of Sherborn.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 by striking out all after the enacting clause and inserting in place thereof the following:

2 “SECTION 1. (a) For the purposes of this act, the following terms shall, unless the
3 context clearly requires otherwise, have the following meanings:

4 “Financial official”, an elected treasurer, collector or member of the board of assessors of
5 the town of Sherborn.

6 “Reporting individual”, persons whose relationship conducting town business may
7 legitimately make said individual aware of irregularities, including, but not be limited to:
8 members of the finance departments, other financial officials, auditors, banks, town officials and
9 members of town committees.

10 “Review committee”, a committee convened pursuant to subsection (c) consisting of: the
11 chair of the select board of the town of Sherborn; the chair of the personnel committee of the
12 town of Sherborn; the chair of the advisory committee of the town of Sherborn; the chair of the

13 board of assessors of the town of Sherborn; provided, that said chair of said board of assessors is
14 not the subject of the complaint; an elected financial official appointed by the moderator of the
15 town of Sherborn; provided, that said elected financial official is not the subject of the complaint;
16 and the moderator of the town of Sherborn; provided, that all members shall be voting members;
17 and provided further, that if the chair of the board of assessors of the town of Sherborn is the
18 subject of the complaint, the moderator shall appoint another member of the board of assessors.

19 (b) If, in the course of performing the duties required by the office and the laws that
20 govern said office, a financial official: (i) demonstrates a pattern of errors, omissions, negligence
21 or dishonesty, or (ii) may have committed an act so egregious that the act may put the financial
22 well-being of the town at great risk, the financial official may be removed from office in
23 accordance with the procedures set forth in this act.

24 (c) The town administrator of the town of Sherborn shall receive and document any
25 written and signed reports of alleged transgressions submitted by a reporting individual. If the
26 town administrator determines that the severity, frequency or urgency of complaints may satisfy
27 clause (i) or (ii) of subsection (b), the town administrator shall inform the moderator of the town
28 of Sherborn, who shall convene and preside over a meeting of the review committee.

29 A minimum of 4 members of the review committee shall be present to constitute a
30 meeting. Counsel for the town shall be present to advise the review committee. Any of the
31 eligible members of the review committee unable to attend shall so state in writing, to be entered
32 into the record at the meeting. The meeting shall be held in accordance with all of the
33 procedures set forth in clause (1) of subsection (a) of section 21 of chapter 30A of the General
34 Laws. The financial official shall receive written notice of the review committee meeting at

35 least 48 hours prior to the meeting, as provided in said clause (1) of said subsection (a) of said
36 section 21 of said chapter 30A. The written notice shall include a description of relevant
37 information relating to the issues to be addressed at the review committee meeting, an invitation
38 to attend and submit testimony in defense of the actions in question and a statement of the right
39 to bring legal counsel, all in accordance with said clause (1) of said subsection (a) of said section
40 21 of said chapter 30A. The notice shall be prepared by the town administrator or a designee.

41 (d) The review committee shall review the alleged complaints to determine if the
42 complaints constitute cause for removal from office pursuant to this act. The town administrator
43 shall present all the facts, including any testimony, before the review committee, but shall not
44 participate in the vote.

45 The review committee meeting shall stay in session, or be continued if necessary, until all
46 relevant information is heard and the financial official has had all the time necessary to present
47 the defense and rebut the charges. After all evidence has been received, the review committee
48 shall vote to excuse, censure or remove the financial official. A vote to remove shall be for
49 malfeasance or nonfeasance in office. The review committee shall regard this process very
50 seriously, with the advice of town counsel.

51 If the review committee votes to remove the financial official, the financial official shall
52 be given the choice to resign and if so chooses should be allowed to proffer a letter of
53 resignation, in a form used by the town, to sign and be witnessed by the town moderator;
54 provided, that if the financial official does not resign, the financial official shall be given a letter,
55 prepared prior to the end of the meeting and signed at the meeting by each of the voting review
56 committee members, stating the result of the vote and that there will be no unsupervised access

57 to town funds or records by the financial official who has been removed. All keys shall be
58 collected from the financial official who has been removed and the financial official who has
59 been removed shall have all computer access revoked. A summary of the meeting with the
60 resulting vote shall be reviewed before the meeting adjourns and shall become a public record
61 immediately. The vacated position shall be filled in accordance with the General Laws.

62 SECTION 2. This act shall take effect upon its passage.”