

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO. 08 014

January 24, 2008

INTRODUCED: MAYOR

HIS HONOR, MAYOR SULLIVAN HAS SUBMITTED TO THE BRAINTREE TOWN COUNCIL THE MUNICIPAL CODE FOR THE TOWN OF BRAINTREE, MASSACHUSETTS.

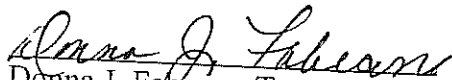
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 2, CHAPTER 2-200 MAYOR BE ESTABLISHED WITHIN THE TOWN'S MUNICIPAL CODE

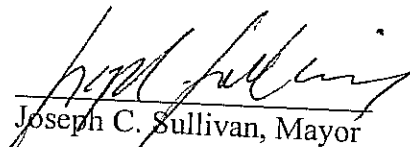
Be it Ordained in Council – March 18, 2008

Presented to Mayor – March 19, 200

A True Copy. Attest:

Approved MAY 20, 2008
Date


Donna J. Fabiano, Town Clerk


Joseph C. Sullivan, Mayor

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros
Mullaney, Randolph, Ryan

NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros
Mullaney, Randolph, Ryan

ABSENT: Joyce, Kokoros

Chapter 2-200 MAYOR

SECTION 2.200.010 Powers, In General

The Mayor shall be the Chief Executive and Chief Administrative Officer of the Town of Braintree and shall have all of the power and authority that is conferred upon the Mayor by the Braintree Charter. The Mayor shall be considered to be the lawful successor to the Board of Selectmen and shall have every power, duty, authority and responsibility which was previously exercised by the Board of Selectmen, unless some other provision is made in the Charter or this Code.

The Mayor shall have the authority to declare a state of emergency within the Town, to direct the closure of Town buildings, and to deploy personnel to respond to the emergency.

Effective January, 2010, the Mayor shall receive an annual salary of \$105,261.53.

SECTION 2.200.020 Control of Activities Not Otherwise Delegated

(a) The Mayor shall have control of all Town property which is not placed in the care, custody and control of any Town Official, Department or activity and shall enforce the conditions and covenants of any lease or tenancy thereof.

(b) In addition to such other powers and duties as are conferred upon the office by Charter, by these Ordinances, by custom or by any other vote of the Town, the Mayor shall have power to do any acts on behalf of the Town which are not by law, these Ordinances or some vote of the Town delegated to some other board, committee or official, or reserved to the voters of the Town.

(c) The Mayor shall appoint all Town Officers whose election by the voters or appointment by some other Town Board or Official is not required by law, the Charter, or by these Ordinances.

SECTION 2.200.030 Authority over Legal Affairs, in General

The Mayor, after consultation with the Town Solicitor, may bring on behalf of the Town any proceedings before any court, legislative committee, administrative agency or other public official or agency and may answer and defend any such proceedings brought against the Town and may cause the Town Solicitor to appear on behalf of the Town in any such proceedings instituted by others in which the Town has an interest. The Mayor, after consultation with the Town Solicitor, may prosecute such suits to final judgment, or may compromise any claims by and against the Town on such terms as seem to the Mayor and Town Solicitor to be in the best interests of the Town, whether or not such claims are in litigation.

The Mayor shall have authority in the name of the Town and through the Town Solicitor to prosecute, defend or compromise any and all claims or suits to which the Town is a party and in relation to claims and suits whenever in the judgment of the Mayor it is reasonably necessary, except actions otherwise provided for by statute or by Ordinance. This section shall not apply to appeals for real estate tax abatements.

SECTION 2.200.040 Authority to Accept Gifts or Deeds and to be in charge of Property

The Mayor shall be authorized to accept gifts of monetary value and services on behalf of the Town. The Mayor shall be authorized to accept deeds conveying an interest in real estate to the Town. The Mayor shall notify the Town Council whenever such acceptance occurs. All land owned by the Town which is not by vote of the Town specifically assigned to some particular Town Agency shall be deemed to be under the authority of the Mayor. The Mayor shall have general direction or management of the property and affairs of the Town in all matters not otherwise provided for unless otherwise provided by law.

SECTION 2-200.050 Authority to Manage Town Property and Affairs

Subject to any limitations imposed by law or by these Ordinances, the Mayor shall have authority to sell or otherwise dispose of personal property and any real estate of which the Town has possession or title by following the procedures established in Chapter 30B of the General Laws.

Whenever a Town Agency to which any land, easement, or other right or interest in land has been assigned determines that the land, easement, or other right or interest in land is no longer required by the agency it shall, forthwith, notify the Mayor of such determination and shall identify, with specificity, the land, easement, or other right or interest in land which it has deemed to be no longer needed by the Town agency. The Mayor upon receipt of any such determination shall, forthwith, refer the matter to the Department of Planning and Community Development for a report and recommendation. The Department of Planning and Community Development shall, after study and analysis, file a report containing its recommendations and the reasons for such recommendations, with the Mayor.

Whenever any owned land, easement, or other right or interest in land is to be sold, the Mayor shall file a request to authorize such sale with the Town Council. The Town Council may, by a two-thirds vote, authorize the conveyance of such land, or a portion thereof, or the abandonment of an easement or other right or interest in the land. The Town Council may specify a minimum sum to be paid to the Town for such conveyance or abandonment. The Mayor shall advertise and otherwise give notice of the offer to convey or abandon the land, easement, or other right or interest in land in accordance with the provisions of Chapter 30B of the General Laws and any other provisions of law as may be applicable. If the Town Council has specified a minimum sum to be paid to the Town, the Mayor may, for such amount or any larger amount and on such other terms and conditions as the Mayor may deem to be proper, convey said land, or part thereof, by deed, or declare such easement, or right, or other interest, or part thereof, be abandoned.

SECTION 2.200.060 Policy Formulation for Departments

The Mayor, acting through the Directors of Departments, shall be responsible for the overall supervision of the Departments of the Town Government and for the establishment of priorities and policies to govern the operation of the Town Departments and Agencies.

SECTION 2.200.070 Mayor, Procedure to Suspend or Remove Certain Persons (See Charter Section 3-4)

Whenever the Mayor desires to suspend or to remove any person from an office or position appointed by the Mayor such removal shall be governed, insofar as appropriate, by the provisions of Section 3-4 of the Charter, Civil Service law, and those sections of these Ordinances governing human resources matters.

SECTION 2.200.080 Appointment

The Mayor may appoint such other assistants as the needs of the office may require and as the appropriation made for such purposes may allow. Every employee in the office of the Mayor shall be considered to be a confidential employee, who shall not be subject to the terms of any collective bargaining agreement, and shall not be subject to the ordinary provisions of the Civil Service law.