

HOUSE No. 4772

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello, Steven A. Baddour

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act placing a certain question on the ballot of the November 2010 State Election in the Town of Amesbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	1st Essex
Steven A. Baddour	First Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act placing a certain question on the ballot of the November 2010 State Election in the Town of Amesbury.

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

1 SECTION 1. In order to ascertain the will of the voters of the Town of Amesbury and notwithstanding
2 any general or special law to the contrary, the state secretary shall cause to be placed on the official ballot
3 to be used in the November 2010 state election in the Town of Amesbury the following question “Shall
4 the town of Amesbury approve the charter changes as recommended by the Municipal Council and Mayor
5 and summarized below?” If a majority of the votes cast in answer to the question is in the affirmative it
6 shall be taken to be the will of the voters that the changes be enacted.

7

8 SECTION 2. **In all places that refers to Town or town, change to City or city.**

9 **1. In all places that refers to Municipal Council, change to City Council; in all places that refer to**
10 **Councilor, change to Councillor.**

11 **2. Change Section 1-1 Incorporation Continued from:**

12 The inhabitants of the town of Amesbury, Massachusetts, within its territorial limits as now or may
13 hereafter be established by law, shall continue to be a body politic and corporate, known as the “Town of
14 Amesbury”.

15 **To: Section 1-1 Incorporation Continued**

16 The inhabitants of Amesbury, Massachusetts, within its territorial limits as now or may hereafter be
17 established by law, shall continue to be a body politic and corporate, being a city known as "Amesbury”.

18 *Purpose: Officially identify Amesbury as a City consistent with the form of government it adopted in*
19 *1996.*

20 **3. Change Section 1-3 Division of Powers from:**

21 All legislative powers of the town shall be exercised by a municipal council. The administration of all
22 fiscal, business and municipal affairs shall be vested in the executive branch under the mayor.

23 **To: Section 1-3 Division of Powers**

24 All legislative powers of the city shall be exercised by a city council. The administration of all fiscal,
25 business and municipal affairs shall be vested in the executive branch headed by the mayor.

26 *Purpose: Clarify language.*

27 **4. No Change; Maintain Section 1-4 Powers of the City as it appears in the 1996 Charter**

28 **Section 1-4 Powers of the City**

29 .The intent and purpose of this charter is to secure for the voters of Subject only to express limitations on
30 the exercise of any power or function by a municipal government in the City constitution or general laws
31 of the Commonwealth, it is the intention and the purpose of the voters of Amesbury, through the adoption
32 of this charter, all the powers possible to secure for themselves and their government under Article
33 LXXXIX of the Amendments to the Constitution all of the Commonwealth and the laws of the
34 Commonwealth, powers it is possible to secure as fully and as completely as though each such power
35 were specifically and individually enumerated herein.

36 *Purpose: Rewrite of the section to clarify language and ensure any future laws or amendments to the*
37 *state constitution are encompassed as applicable.*

38 **5. Change 1-5 Form of Government from:**

39 The Town of Amesbury shall have a city form of government.

40 **To: Section 1-5 Form of Government**

41 As a city, Amesbury shall have a mayor – council form of government.

42 *Purpose: Clarify language to further specify the form of government.*

43 **6. Change Section 1-6 Interpretation of Powers from:**

44 The powers of the Town under the charter shall be construed and interpreted liberally in favor of the
45 Town, and the specific mention of any particular power is not intended to limit in any way the general
46 powers of the Executive Officer.

47 **To: Section 1-6 Interpretation of Powers**

48 The powers of the city under the charter shall be construed and interpreted liberally in favor of the city,
49 and the specific mention of any particular power is not intended to limit in any way the general powers of
50 the city as stated in Section 1-4.

51 *Purpose: Clarify language to affirm powers of the city are vested in the city.*

52 **7. Add New Section 1-7 Intergovernmental Relations**

53 **Section 1-7 Intergovernmental Relations**

54 Notwithstanding any general or special law to the contrary, the city may to the maximum extent lawfully
55 possible participate by contract or otherwise with any governmental entity or political subdivision of the
56 Commonwealth, including the Commonwealth, or any other state or states or the United States in the
57 performance of any activity which one or more of such entities has the authority to undertake.

58 *Purpose: Affirms the city's ability to enter into contracts with other governmental agencies.*

59 **8. Change Section 2-2 Executive Powers of the Mayor from:**

60 The mayor shall cause the laws, ordinances and orders for the town government to be enforced, and shall
61 cause a record of all official acts to be kept. The mayor may appoint one or more qualified assistants to
62 aid in the performance of the official duties, fix their salaries, and define their duties.

63 **To: Section 2-2 Executive Powers of the Mayor**

64 The mayor shall cause the laws, ordinances and orders for the city government to be enforced, and shall
65 cause a record of all official acts to be kept. The mayor shall execute all lawful contracts on behalf of the
66 city. The mayor may appoint one or more qualified assistants to aid in the performance of the official
67 duties of the mayor's office, and the Mayor shall be entitled to fix their salaries, and define their duties.
68 The Mayor shall be the City's chief procurement officer.

69 *Purpose: Affirms the mayor's authority, as executive officer, to enter into contracts on behalf of the city.*

70 *Designates the Mayor as the City's chief procurement officer.*

71

72 **9. Change Section 2-3 Appointments by the Mayor from:**

73 The mayor shall appoint all town officers, department heads, and members of boards, commissions, and
74 committees for whom no other method of appointment or selection is provided by this charter, excepting
75 only officials serving under the municipal council and school committee and persons appointed by state
76 officials. The mayor shall appoint the head librarian, but only from the candidates recommended by the
77 board of library trustees. Unless otherwise provided by this charter, appointments of all town officers,
78 department heads, and members of boards, commissions, and committees shall become effective fifteen
79 days after submission of a written notice of any appointment to the town clerk, provided however, that the
80 municipal council may, during such period, by a two-thirds vote of the full municipal council, reject any
81 such appointment.

82 **To: Section 2-3 Appointments by the Mayor**

83 The mayor shall appoint all city officers, department heads, and members of boards, commissions, and
84 committees for whom no other method of appointment or selection is provided by the charter, excepting
85 only officials serving under the City Council and school committee and persons appointed by state
86 officials. Unless otherwise provided by this charter, appointments of all city officers, department heads,
87 and members of boards, commissions, and committees shall become effective twenty-one days after
88 submission of a written notice of any appointment to the city clerk, provided however, that the city
89 council may, during such period, by a two-thirds vote of the full city council, reject any such
90 appointment.

91 *Purpose: Clarify language.*

92 **10. Change Section 2-4 Certificate of Appointment from:**

93 In making appointments the mayor shall sign and file with the town clerk a certificate in substantially the
94 following form: I appoint (name of appointee) to the position of (name of office), and I certify that said
95 person is qualified since said person (insert reason or reasons), to perform the duties of the said office,
96 and I make this appointment solely in the interest of the town of Amesbury. This appointment shall not
97 become effective until fifteen days following filing with the town clerk, in accordance with the
98 Amesbury Home Rule Charter. (signed Mayor)

99 **To: Section 2-4 Certificate of Appointment**

100 In making appointments the mayor shall sign and file with the city clerk a certificate in
101 substantially the following form: I appoint (name of appointee) to the position of (name of office), and I
102 certify that said person is qualified to perform the duties of the said office, and I make this appointment
103 solely in the interest of the City of Amesbury. This appointment shall not become effective until twenty-

104 one days following filing with the city clerk, in accordance with the Amesbury Home Rule Charter.
105 (signed Mayor)

106 *Purpose: Sets effective date such that it is consistent with computation of time in Section 9-3 and changes*
107 *15 days to 21 days.*

108 **11. Change Section 2-5 Removal of Officials from:**

109 The mayor may remove any person appointed by the mayor by filing a written statement with the town
110 clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to
111 the person thus removed, who may make a written reply, which, if the person thus removed desires, may
112 be filed with the town clerk; but such reply shall not effect the action taken unless the mayor so
113 determines. This section shall not apply to the school committee, or persons appointed by state officials,
114 nor offices subject to provisions of civil service.

115 Any removal by the mayor shall become effective fifteen days after submission of said written statement
116 of removal to the town clerk, provided however, that the municipal council may, during such period, by a
117 two-third vote of the full municipal council, reject any such removal and reinstate said person.

118 During any such fifteen-day period, any person removed by the mayor shall not be entitled to
119 compensation and benefits.

120 **To: Section 2-5 Removal of Officials**

121 The mayor may remove any person appointed by the mayor by filing a written statement with the city
122 clerk setting forth in detail the specific reasons therefore. A copy of which shall be delivered or mailed to
123 the person thus removed, who may make a written reply, which, if the person thus removed desires, may
124 be filed with the city clerk. Such reply shall not affect the action taken unless the mayor so determines.
125 This section shall not apply to the school committee, or persons appointed by state officials, nor offices
126 subject to provisions of civil service.

127 Any removal by the mayor shall become effective twenty one days after submission of said written
128 statement of removal to the city clerk provided, however, that the municipal council may, during such
129 period, by a two-thirds vote of the full city council, reject any such removal and reinstate said person..

130 *Purpose: Simplifies language and changes 15 days to 21 days.*

131 **12. Change Section 2-6 Temporary Appointments from:**

132 Whenever a vacancy in an office appointed by the mayor occurs whether by reason of disability, death,
133 resignation or removal from office for any reason, the mayor may appoint the head of another town office
134 or agency, or a town officer or employee, or some other person, to perform the duties of the office for a

135 period not to exceed four months. Whenever a vacancy continues beyond the four months, the mayor
136 may make a second four-month appointment, but no temporary appointment shall be continued beyond
137 eight months.

138 **To: Section 2-6 Temporary Appointments**

139 Whenever a vacancy in an office appointed by the mayor occurs, whether by reason of disability, death,
140 resignation or removal from office for any reason, the mayor may appoint some other qualified person to
141 perform the duties of the office for a period not to exceed four months. Whenever a vacancy continues
142 beyond the four months, the mayor may make a second four-month appointment, but no temporary
143 appointment shall be continued beyond eight months.

144 *Purpose: Simplifies language.*

145 **13. Change Section 2-7 (a) Communications to the City Council from:**

146 Within eight weeks following the start of each fiscal year, the mayor shall submit to the municipal
147 council, and make available to the public a complete report on the financial and administrative activities
148 of the town for the preceding fiscal year. The mayor shall provide on a quarterly basis written
149 communications, to the municipal council, in order to keep the council fully informed as to the financial
150 condition and future needs of the town and shall recommend such measures to it, as in the judgment of the
151 mayor, the needs of the town require.

152 **To: (a) Communications to the City Council**

153 Within twelve weeks following the start of each fiscal year, the mayor shall submit to the city
154 council, and make available to the public a complete report on the financial and administrative activities
155 of the city for the preceding fiscal year. The mayor shall provide on a quarterly basis written
156 communications, to the city council, in order to keep the council fully informed as to the financial
157 condition and future needs of the city and shall recommend such measures to it, as in the judgment of the
158 mayor, the needs of the city require.

159 *Purpose: Extends the timeframe for the submission of the annual report to the council from eight weeks to*
160 *twelve weeks.*

161 **14. Change 2-7 Call for Special Meetings of the City Council from:**

162 The mayor may at any time, call a special meeting of the municipal council by causing a notice of such
163 meeting specifying the matters which the mayor desires to be considered to be left at the usual place of
164 residence or business of each council person, or given to such councillors in hand. Such notice shall,
165 expect in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours

166 in advance of the time set for such meeting and shall specify the purpose or purposes for which the
167 meeting is to be held.

168 **To: (b) Call for Special Meetings of the City Council**

169 The mayor may at any time and for any purpose, call a special meeting of the city council by
170 causing a notice of such meeting specifying the matters which the mayor desires to be considered to be
171 left at the usual place of residence or business of each council person, or given to such councillors in
172 hand. Such notice shall, except in an emergency, of which the mayor shall be the sole judge, be delivered
173 at least forty-eight hours in advance of the time set for such meeting and shall specify the purpose or
174 purposes for which the meeting is to be held.

175 *Purpose: Clarify language and fix typos.*

176 **15. Change Section 2-8 Approval of Veto by the Mayor from:**

177 Every measure relative to the affairs of the town adopted by the municipal council, except:

- 178 (a) measures relating to the internal affairs of the municipal council
- 179 (b) memorial or other resolutions
- 180 (c) emergency measures passed in accordance with provisions of this charter
- 181 (d) the budget for the operation of town government

182 shall be presented to the mayor for approval. If the mayor does approve of it, the mayor shall signify such
183 approval by signing it. If the mayor does not approve of it, the mayor shall signify disapproval by
184 returning it, with objections in writing, to the municipal council. The municipal council shall enter the
185 objections of the mayor upon its records and shall forthwith, reconsider its vote upon the measure. If, on
186 such reconsideration two-thirds of the full municipal council agree to again pass the measure, the measure
187 shall be considered approved. If any measure is not returned by the mayor within ten days following the
188 day it is presented to the mayor, it shall be considered approved. If the municipal council has not voted to
189 again pass the measure within twenty days following the date the measure is returned to the municipal
190 council, the measure shall be rejected. All votes taken by the municipal council following the return of a
191 measure by the mayor shall be taken by a call of the roll.

192 A filing with the clerk of the council shall be deemed to be a returned by the mayor to the municipal
193 council.

194 **To: Section 2-8 Approval or Veto by the Mayor**

195 Every measure relative to the affairs of the city adopted by the city council, except:

196 (a) measures relating to the internal affairs of the city council

197 (b) memorial or other resolutions

198 (c) emergency measures passed in accordance with provisions of this
199 charter

200 (d) the budget for the operation of city government

201 shall be presented to the mayor for approval. If the mayor approves the measure as demonstrated by his or
202 her signature, the measure shall be considered approved. Further, if any measure is not returned by the
203 mayor within ten days following the day it is presented to the mayor, such measure shall be considered
204 approved.

205 The mayor shall signify disapproval of a measure by returning it to the city council with a written
206 statement of the objection(s). The city council shall enter the objection(s) of the mayor in its records and
207 shall forthwith reconsider the measure. Any measure shall be considered returned upon a filing by the
208 mayor with the clerk of the council. If, on such reconsideration, two-thirds of the full city council
209 membership vote to pass the measure, it shall be considered approved. Any vote taken by the city council
210 following the return of a measure by the mayor shall be taken by a call of the roll.

211 If, upon the return of the mayor's disapproval of a measure, the city council does not vote on such
212 measure within twenty one (21) days following the date of the return of the measure to the council, the
213 measure shall be considered rejected.

214 *Purpose: Clarify language and fix typo.*

215 **16. Change Section 2-9 Temporary Absence of the Mayor from:**

216 Whenever by reason of sickness, absence from the town or other cause, the mayor shall be unable to
217 attend to the duties of the office of mayor, for any period of three successive work days, the president of
218 the municipal council, or in the event of his disability, then the vice-president of the municipal council
219 shall, act as mayor, possess the powers of the mayor but only on those matters not admitting to delay.
220 During any period in which the president or vice-president of the municipal council is serving as acting
221 mayor, such person shall not serve as the presiding officer of the municipal council.

222 **To: Section 2-9 Acting Mayor**

223 Whenever by reason of sickness, absence from the city or other cause, the mayor shall be unable to attend
224 to the duties of the office of mayor, for any period of seven successive days, the president of the city

225 council, or in the event the council president is unwilling or unable to serve, then the vice-president of the
226 city council shall act as mayor possessing the powers of the mayor, but only on those matters not
227 admitting to delay. During any period in which the president or vice-president of the city council is
228 serving as acting mayor, such person shall not serve as the presiding officer of the city council.

229 *Purpose: Extends the length of absences required for an acting mayor, from three work days to seven*
230 *total days. Clarify language.*

231 **17. Change Section 2-10 Vacancy in the Office of Mayor from:**

232 If a vacancy occurs in the office of mayor, by death, resignation or removal from office at any time
233 preceding the end of the term for which the mayor was elected, the president of the municipal council
234 shall become acting mayor. If the president of the council is unable to serve, the vice president of the
235 municipal council shall become a acting mayor. If the vice president of the council is unable to serve as
236 acting mayor, the clerk of the council shall forthwith call a special meeting of the municipal council, and
237 the municipal council shall elect by majority vote one of its members as acting mayor for the remainder of
238 the unexpired term. Upon qualification of the president or vice president or the election and qualification
239 of any member of the municipal council as acting mayor under the provisions of this section, a
240 vacancy shall exist in the seat of the councillor selected as acting mayor.

241 **To: Section 2-10 Vacancy in the Office of Mayor**

242 If a vacancy occurs in the office of mayor, by death, resignation or removal from office prior to the last
243 twelve months of the term to which the mayor was elected, the city council shall schedule a special
244 election pursuant to provisions of this charter. The city council president shall serve as acting mayor until
245 such election. Should the council president be unwilling or unable to serve, the council shall elect from
246 among its members one member to serve as mayor until the next scheduled municipal election.

247 Should the vacancy occur on or during the last twelve months of the term, the city council president shall
248 assume the office of mayor until the next scheduled municipal election. Should the council president be
249 unwilling or unable to serve, the council shall elect from among its members one member to serve as
250 mayor until the next scheduled municipal election.

251 *Purpose: Allows the voters to select the person to fill the vacancy in the office of the mayor if the vacancy*
252 *occurs within the first year of the mayor's term.*

253 **18. Change Section 3-1 Composition; Eligibility; Election and Term from:**

254 Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time
255 of election be a voter and resident of the district from which the councillor is elected.

256 A councillor-at-large who shall cease to be a resident of the town during the term for which such
257 councillor was elected shall be deemed to have vacated the office of councillor-at-large and the office
258 shall be considered vacant. A district councillor who shall move from one district to another during the
259 term of office for which such councillor was elected, shall continue to serve for the balance of the term
260 for which the district councillor was elected. Any vacancy in the office of councillor-at-large or district
261 councillor shall be filled in accordance with Section 3-4.

262 **To: (b) Eligibility**

263 Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time
264 of election be a voter and resident of the district from which the councillor is elected.

265 A councillor-at-large who shall cease to be a resident of the city during the term for which such councillor
266 was elected shall be deemed to have vacated the office of council-at-large and the office shall be
267 considered vacant. If a district councillor moves from one district to another within the first twelve
268 months of the term of office for which such councillor was elected, the office shall be considered vacant.
269 Any district councillor who continues to reside in the city but who moves from the district he or she
270 represents during the last twelve months of his or her term of office shall continue to serve for the balance
271 of the term for which the district councillor was elected. Any vacancy in the office of councillor-at-large
272 or district councillor shall be filled in accordance with Section 3-4.

273 *Purpose: Declares vacancy of a district council seat if the councillor moves from the district in the first*
274 *year of the term.*

275 **19. Change Section 3-1 Composition; Eligibility; Election and Term from:**

276 The term of office of municipal council members shall be for two years beginning on the first town
277 business day of January following the biennial election, and continuing until their successors are
278 qualified.

279 **To: (c) Election and Term**

280 The term of office of city council members shall be for two years beginning on the first business day of
281 January following the regular municipal election, and continuing until their successors are qualified.

282 *Purpose: Clarify language.*

283 **20. Change Section 3-2 Council Organization from:**

284 After the councillors-elect have taken the oath of office, the municipal council shall be called together by
285 the town clerk for the purpose of conducting an election among council members for the office of

286 municipal council president and vice-president to serve at the pleasure of the municipal council. The
287 president shall preside at all meetings of the municipal council, perform ceremonial functions and
288 perform such other functions as may be assigned by this charter, by ordinance or by vote of the municipal
289 council. The vice-president shall perform all duties of the council president during the council president's
290 absence or disability.

291 **To: Section 3-2 Council Organization**

292 After the councillors-elect have taken the oath of office, the city council shall be called together by the
293 city clerk for the purpose of conducting an election among council members for the office of city council
294 president and vice-president to serve at the discretion of the city council. The president shall preside at all
295 meetings of the city council, perform ceremonial functions and perform such other functions as may be
296 assigned by this charter, by ordinance or by vote of the city council. The vice-president shall perform all
297 duties of the council president during the council president's absence or disability.

298 *Purpose: Clarify language*

299 **21. Change Section 3-3 General Powers and Duties from:**

300 Except as otherwise provided by law or by this charter, all powers of the town shall be vested in the
301 municipal council that shall provide for their exercise and for the performance of all duties and
302 obligations imposed on the town by law.

303 **To: Section 3-3 General Powers and Duties**

304 Except those powers and duties assigned to the executive branch, other boards, commissions, or
305 committees by this charter or by Massachusetts General Laws, all powers of the city shall be vested in the
306 city council. The council shall provide for their exercise and for the performance of all duties and
307 obligations imposed on the city by law.

308 *Purpose: Clarify language.*

309 **22. Change Section 3-4 Filling of Vacancies on the City Council from:**

310 If a vacancy occurs in the office of municipal councillor, whether by failure to elect or otherwise, the
311 remaining councillors shall, within thirty days following the date such vacancy is declared to exist, fill
312 said vacancy. The municipal council in the filling of any vacancy shall choose the defeated candidate for
313 the seat in which the vacancy is declared to exist at the last regular town election immediately proceeding
314 the date of the vacancy is declared to exist, provided however, that the defeated candidate for the office of
315 councillor-at-large or the office of district councillor shall have received at least twenty-five percent of
316 the total votes cast for the office of councillor-at-large or for the office of district councillor. If there was

317 no other candidate for said office of councillor-at-large or district councillor, or the defeated candidate
318 shall not have received a sufficient number of total votes cast, the municipal council may at their
319 discretion choose from among the voters entitled to vote for such office. Any person so chosen shall take
320 the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein
321 provided, if a regular town election is to be held within 120 days following the date the vacancy is
322 declared to exist. The municipal council shall be the sole judge of whether a vacancy shall exist in
323 the office of municipal councillor and may declare an office vacant by a majority vote of the council.

324 **To: Section 3-4 Filling of Vacancies**

325 If a vacancy occurs in the office of city councillor, whether by failure to elect or otherwise, the vacancy
326 shall be filled by the unelected candidate receiving the highest votes in the same election, if any, provided
327 that candidate received at least thirty percent of the vote for that office. Said candidate shall be notified by
328 the city clerk of the vacancy, and if the candidate declines to be sworn to office within ten days, has
329 moved from the city, or is otherwise unable to serve, the council shall choose a successor to fill the
330 vacancy from among the voters entitled to vote for such office. Any person so chosen shall take the oath
331 of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a
332 regular municipal election is to be held within 120 days following the date the vacancy is declared to
333 exist. The city council shall be the sole judge of whether a vacancy shall exist in the office of city
334 councillor and may declare an office vacant by a majority vote of the council.

335 *Purpose: Clarify and simplify language.*

336 **23. Change Section 3-5 Exercise of Powers; Quorum; Rules of Procedure from:**

337 **(b) Quorum**

338 A quorum shall be a majority of the full municipal council. The affirmative vote of a majority of the full
339 municipal council shall be necessary to adopt any appropriation order. Except as otherwise provided by
340 the laws of the commonwealth or this charter, any other motion or measure may be adopted by a majority
341 vote of those present.

342 **To: (b) Quorum**

343 A quorum shall be a majority of the full membership of the city council. The affirmative vote of a
344 majority of the full membership of the city council shall be necessary to adopt any appropriation order.
345 Except as otherwise provided by the laws of the Commonwealth or this charter, any other motion or
346 measure may be adopted by a majority vote of those city councillors present.

347 *Purpose: Clarify language.*

348 **24. Change Section 3-5 Exercise of Powers; Quorum; Rules of Procedure from:**

349 **(c) Rules of Procedure**

350 The municipal council shall from time to time establish written rules for its proceedings. Regular
351 meetings of the municipal council shall be held at a time and place fixed by ordinance but shall be not less
352 frequent than once monthly; provided however, that the council president may suspend meeting during
353 the month of July or August. Special meetings of the municipal council may be held on the call of the
354 president of the municipal council, or on the call of any three members, by written notice delivered to the
355 town clerk at least forty-eight hours in advance of the time set. Except as otherwise authorized by the
356 laws of the commonwealth all sessions of the municipal council shall be open to the public and an agenda
357 of any regular or special municipal council meeting shall be posted in the office of the town clerk and on
358 the town bulletin board at least forty-eight hours prior to any such meeting. Such posting shall not
359 preclude the municipal council from the introduction of additional agenda items as allowed by the
360 municipal council's rules of procedure. Every matter coming before the municipal council for action shall
361 be put to a vote, the result of which shall be duly recorded. All municipal council votes on ordinances,
362 appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A
363 full, accurate, and up-to-date record of the proceedings of the municipal council shall be kept by the
364 municipal council and shall be open to inspection by the public. The rules of procedure of the municipal
365 council shall provide for a period of public comment at regular meetings of the municipal council. Any
366 members of the municipal council or the mayor may submit an item or measure to the municipal council
367 for consideration.

368 **To: (c) Rules of Procedure**

369 The city council shall within the first four months following of the term and from time to time thereafter
370 establish and adopt written rules for its procedures and make public those proposed rules thirty days
371 before adoption. Prior to adoption of proposed rules, the city council shall operate under the previously
372 adopted rules. Regular meetings of the city council shall be held at a time and place fixed by ordinance
373 but shall be not less frequent than once monthly. However, the council president may suspend meetings
374 during the months of July and August. Special meetings of the city council may be held on the call of the
375 mayor, the council president, or on the call of any three members, by written notice delivered to the city
376 clerk at least forty-eight hours in advance of the time set. Except as otherwise authorized by the laws of
377 the Commonwealth all sessions of the city council shall be open to the public and an agenda of any
378 regular or special city council meeting shall be posted in the office of the city clerk and on the city
379 bulletin board at least forty-eight hours prior to any such meeting. Such posting shall not preclude the city
380 council from the introduction of additional agenda items as allowed by the city council's rules of
381 procedure. Every matter coming before the city council for action shall be put to a vote, the result of

382 which shall be duly recorded. All city council votes on ordinances, appropriation orders, or loan
383 authorizations shall be taken by roll call vote, and shall be duly recorded. A full, accurate, and up-to-date
384 record of the proceedings of the city council shall be kept by the clerk of the city council and shall be
385 open to inspection by the public as required by law. The rules of procedure of the city council shall
386 provide for a period of public comment at regularly scheduled meetings of the city council. Any members
387 of the city council or the mayor may submit an item or measure to the city council for consideration.

388 *Purpose: Clarify language to specify the council shall review and adopt rules of procedure every two*
389 *years, and ensures public access to the draft rules of procedure prior to adoption.*

390

391 **25. Change Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures from:**

392 **(c) In General**

393 No measure shall be passed finally on the date on which it is introduced, except in cases of special
394 emergency involving the health or safety of the people or their property. Except as otherwise provided by
395 this charter, every adopted measure shall become effective at the expiration of fifteen days after adoption
396 or at any later date specified therein. Measures not subject to referendum shall become effective upon
397 adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance
398 with this charter, or as provided in the initiative and referendum procedures.

399 **To: (a) In General**

400 No measure shall be passed finally on the date on which it is introduced, except in cases of special
401 emergency involving the health or safety of the people or their property or other matters not admitting of
402 delay. Except as otherwise provided by this charter, every adopted measure shall become effective at the
403 expiration of fifteen days after adoption or at any later date specified therein. Measures not subject to
404 referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by
405 another ordinance adopted in accordance with this charter, or as provided in the initiative and referendum
406 procedures.

407 *Purpose: Clarify language.*

408 **26. Change Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures from:**

409 **(c) Objection**

410 On the first occasion that the question on adoption of a measure is put to the municipal council, if a single
411 member objects to the taking of the vote, the vote shall be postponed until the next meeting of the

412 municipal council whether regular or special. If one member shall further object, such postponement
413 shall be until the next regular meeting; but for an emergency measure at least three members must object.
414 This procedure shall not be used more than once for any measure notwithstanding any amendment to the
415 original measure.

416 **To: (c) Objection**

417 On the first occasion that the question on adoption of a measure is put to the city council, if a single
418 member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city
419 council whether regular or special. If more than one member shall object, such postponement shall be
420 until the next regular meeting. For an emergency measure to be postponed at least three members must
421 object, in which case such postponement shall be until the next regular meeting. This procedure shall not
422 be used more than once for any measure notwithstanding any amendment to the original measure.

423 *Purpose: Clarify language.*

424 **27. Change Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures from:**

425 **(d) Publication of Measures**

426 Upon final passage, notice of the subject matter of every ordinance, appropriation order, or loan
427 authorization shall be published in at least one newspaper of general circulation within the town and
428 posted on the town bulletin board. Any such publication notice required shall state the summary of the
429 finally enacted ordinance or ordinances, appropriation order, or loan authorization, and the times and
430 places at which copies of such measures may be obtained or reviewed by the public and copies shall be
431 permanently filed at the public library and with the town clerk. The municipal council shall annually
432 prepare a document describing the action of the council in the preceding fiscal year which shall include
433 the text of every ordinance, appropriation order, or loan authorization.

434 **To: (d) Publication of Measures**

435 Upon final passage, notice of the subject matter of every ordinance, appropriation order, or loan
436 authorization shall be published in at least one newspaper of general circulation within the city and posted
437 on the city bulletin board. Any such publication notice required shall state the title of the finally enacted
438 ordinance or ordinances, appropriation order or loan authorizations and the times and places at which
439 copies of such measures may be obtained or reviewed by the public. Copies shall be permanently filed at
440 the public library and with the city clerk. The city council shall annually prepare a document describing
441 the action of the council in the preceding fiscal year which shall include the text of every ordinance,
442 appropriation order, or loan authorization which will also be filed at the public library and with the city
443 clerk.

444 *Purpose: Reduces costs by limiting the content of the newspaper advertisement to place and time public*
445 *documents are available. Requires the annual record describing the action of the council be filed with*
446 *the clerk and made available at the public library.*

447 **28. Change Section 3-8 Inquiries and Investigations from:**

448 The municipal council or a subcommittee of it may require any town officer, employee or member of a
449 board, commission or committee to appear before it, and give such information as it may require in
450 relation to an office or position held by such person, its function and performance. The municipal council
451 shall give at least forty- eight hours written notice of the general scope of the inquiry which is to be made
452 to any person it shall require to appear before it under this section.

453 The municipal council may make investigations into the affairs of the town and into the conduct of any
454 town agency, and for this purpose may subpoena witnesses, administer oaths and require the production
455 of evidence.

456 **To: Section 3-8 Inquiries and Investigations**

457 The city council may require the mayor, any city officer or employee or member of an appointed
458 board, commission or committee to appear before it or a subcommittee of the city council, and give such
459 information as the city council may require in relation to the office or position held by or administered by
460 such person, its function and performance. The city council shall give at least five days written notice of
461 the scope of the inquiry which is to be made to any person the city council shall require to appear before
462 the city council or its subcommittee it under this section.

463 The city council may make investigations into the affairs of the city and into the conduct of any
464 city agency. For this purpose the city council may subpoena witnesses, administer oaths and require the
465 mayor, any city officer or employee or a member of an appointed board, commission or committee to
466 appear before the city council or its subcommittee or produce such evidence as requested by the city
467 council.

468 *Purpose: Specifies the authority of the council for investigation and increases the notification*
469 *requirement from two days to five for any person called to appear before the council.*

470 **29. Change Section 3-11 Compensation; Expenses from:**

471 The municipal council shall by ordinance, establish an annual expense allowance and salary for its
472 members. Except as provided by this section, members of the municipal council shall receive no other
473 compensation or benefits from the town.

474

475 No ordinance increasing such salary or expense allowance shall be effective however, unless it shall have
476 been adopted by a four-fifths vote of the full municipal council during the first eighteen months of the
477 term for which councillors are elected and the revised salary and expense schedule is to be effective upon
478 the commencement of the terms of office of the next municipal council to be elected.

479 **To: Section 3-11 Compensation; Expenses**

480 The city council shall by ordinance, establish an annual expense allowance and salary for its members.
481 Except as provided by this section, members of the city council shall receive no other compensation or
482 benefits from the city.

483 No ordinance increasing such salary or expense allowance shall be effective unless it shall have been
484 adopted by a two-thirds vote of the full city council membership during the first eighteen months of the
485 term for which councillors are elected and the revised salary and expense schedule is to be effective upon
486 the commencement of the terms of office of the next municipality council to be elected.

487 *Purpose: Adjusts majority requirement from four-fifths to two-thirds of the full council membership to*
488 *adopt adjustments in council compensation and benefits.*

489 **30. Change Section 4-1 Elected Officer in General from:**

490 In addition to the mayor and municipal council, the offices to be filled by the voters shall be a school
491 committee, a planning board, a board of library trustees, housing authority and such other regional
492 authorities, districts, or committees as may be established by law or inter-local agreement. The school
493 committee, planning board, board of library trustees, and housing authority shall be nominated and
494 elected by and from the voters at large and their terms of office shall begin on the first town business day
495 of January following the biennial election, and continuing until their successors are qualified.

496 **To: Section 4-1 Elected Officers in General**

497 In addition to the mayor and city council, the offices to be filled by the voters shall be a school
498 committee, a planning board, a board of library trustees, housing authority and such other regional
499 authorities, districts, or committees as may be established by law or inter-local agreement. The members
500 of the school committee, planning board, board of library trustees, and housing authority shall be
501 nominated and elected by and from the voters at large and their terms of office shall begin on the first
502 business day of January following the regular election, and continuing until their successors are qualified.

503 *Purpose: Clarify language.*

504 **31. Change Section 4-2 Eligibility from:**

505 Any voter shall be eligible to hold elective town office provided that no person shall simultaneously hold
506 more than one elective town office, and no elected officer shall hold an appointed town position or be
507 otherwise employed by the town as may be otherwise provided for by this charter.

508 To: **Section 4-2 Eligibility**

509 Any voter shall be eligible to hold elective city office provided that no person shall
510 simultaneously hold more than one elective city office, and no elected officer shall hold an appointed city
511 position or office or be otherwise employed by the city unless as otherwise provided for in this charter.

512 *Purpose: Clarify language.*

513 **32. Change Section 4-3 School Committee from:**

514 **(a) Composition; Term of Office**

515 There shall be a school committee composed of seven members; six members shall be nominated and
516 elected by and from the voters at large. The mayor shall be the seventh member of the school committee
517 and shall be the chairperson of the committee. The term of office of six school committee members shall
518 be for four years. Terms of office shall be so arranged that the terms of as nearly an equal number of
519 members as is possible expire at each regular election.

520 To: **(a) Composition; Term of Office**

521 There shall be a school committee composed of seven members; six members shall be nominated and
522 elected by and from the voters at large. The mayor shall be the seventh member of the school committee
523 and shall be the chairperson of the committee. The term of office of six school committee members
524 elected to the school committee shall be for four years. Terms of office shall be so arranged that the
525 terms of nearly an equal number of members as is possible expire at each regular election.

526 *Purpose: Clarify language.*

527 **33. Change Section 4-5 Board of Library Trustees from:**

528 **(a) Power and Duties**

529 The board of library trustees shall have the custody and management of the library and of all property of
530 the town related thereto. All money raised or appropriated by the town for its support and maintenance
531 shall be expended by the board, and all money or property that the town may receive by gift or bequest
532 shall be administered by the board in accordance with the provisions of such gift or bequest. The board of
533 library trustees shall recommend candidates for the position of head librarian. The board of library
534 trustees shall have all of the powers and duties given to boards of library trustees under the constitution

535 and general laws of the commonwealth, and such additional powers and duties as may be authorized by
536 the charter, by ordinance or by other municipal council vote.

537 **To: (b) Power and Duties**

538 The board of library trustees shall recommend candidate(s) to the mayor for the position of library
539 director. The board of library trustees shall have all of the powers and duties given to board of library
540 trustees under the state's constitution and laws of the Commonwealth, and such additional powers and
541 duties as may be authorized by this charter, by ordinance or by administrative order.

542 *Purpose: Removes inconsistency with the charter and mayor-/council form of government. Authority of*
543 *the library trustees will be specific to those enumerated in state law.*

544 **34. Change Section 4-7 Vacancy in Elected Offices from:**

545 If a vacancy occurs in the membership of the school committee, planning board, board of library trustees,
546 or housing authority, whether by failure to elect or otherwise, the president of the municipal council shall
547 within thirty days following the date such vacancy is declared to exist, call a joint meeting of the
548 municipal council and the board, commission or committee on which such vacancy shall exist for the
549 purpose of filling said vacancy. At any such joint meeting a majority of those present and voting shall
550 choose the defeated candidate for the seat in which the vacancy is declared to exist at the last regular town
551 election immediately preceding the date the vacancy id declared to exist, provided however, that the
552 defeated candidate shall have received at least twenty-five percent of the total votes cast for that
553 office. If there was no other candidate for said office, or the defeated candidate shall not have received a
554 sufficient number of the total votes cast, the municipal council and such other board, commission or
555 committee may, at their discretion, choose from among the voters entitled to vote for such office. Any
556 person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be
557 filled, in the manner herein before provided, if a regular town election is to be held within 120 days
558 following the date the vacancy is declared to exist. If a vacancy is filled under this section, the term of
559 office of which shall continue beyond the next regular election, the person chosen to fill said vacancy
560 shall only serve until such next regular election. At such regular election the unexpired balance of the
561 term of office shall be filled by the voters. The municipal council shall be the sole judge of whether a
562 vacancy shall exist in the office of any elected office under this section, and may declare any such elected
563 office vacant by a majority vote of the council.

564 **To: Section 4-7 Vacancy in Elected Offices Other Than Mayor and City Council**

565 If a vacancy occurs in the membership of the school committee, planning board, board of library trustees,
566 or housing authority, whether by failure to elect or otherwise, the remaining members of said board or

567 committee shall notify the president of the city council who will declare such vacancy to exist. The
568 council president shall, within thirty days following the date such vacancy is declared to exist, call a joint
569 meeting of the city council and the remaining members of the board or committee on which such vacancy
570 exists for the purpose of filling said vacancy. At any such joint meeting a majority of those present and
571 voting shall choose the unelected candidate who received the highest number of votes, if any, at the last
572 regular municipal election immediately preceding the date of the vacancy for the seat declared vacant,
573 provided however, that the unelected candidate shall have received at least thirty (30) percent of the total
574 votes cast for that office. Should more than one unelected candidate meet the criterion as described above,
575 the vote of the affected board of committee and the council shall include all such candidates.

576 If there is no eligible candidate for said office, or the said candidate declines to be sworn to office within
577 ten days, or has removed from the city, or is otherwise unable to serve, the city council and such other
578 board or committee will choose from among the voters entitled to vote for such office. Said vacancy shall
579 be posted for a minimum of thirty days, and the council and the affected board shall meet at a special
580 council meeting called for the purpose or at a regularly scheduled council meeting where such candidates
581 will be granted equal time to speak. At the same meeting, or the next following meeting, the council and
582 the affected board shall vote to fill the vacancy from among the announced candidates. The council and
583 the affected board or committee shall act in this matter as a committee of the whole, requiring a majority
584 vote of the full council membership and remaining members of the affected board or committee, to
585 choose a candidate to fill the vacancy.

586 Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be
587 filled, in the manner herein provided, if a regular municipal election is to be held within one hundred
588 twenty days following the date the vacancy is declared to exist. If a vacancy is filled under this section
589 and the term of office continues beyond the next regular election, the person chosen to fill said vacancy
590 shall only serve until such next regular election. At such regular election the unexpired balance of the
591 term of office shall be filled by the voters.

592 Should the remaining members of the school committee, planning board, board of library trustees, or
593 housing authority fail to declare a vacancy, the city council shall be the sole judge of whether a vacancy
594 exists in the office of any elected office under this section and may declare any such elected office vacant
595 by a majority vote of the council.

596 *Purpose: Simplify language.*

597 **35. Change Section 4-8 Prohibitions from:**

598 No elected member of the school committee, board of library trustees, planning board or housing
599 authority shall hold any compensated appointive office or employment under the town until one year after

600 the expiration of the term of office of such elected member. This provision shall not prevent a town
601 officer or employee who has taken a leave of absence from such duties in order to serve as a member of
602 such elected office from returning to such employment or office following service as an elected member
603 of the school committee, board of library trustees, planning board or housing authority.

604 **To: Section 4-8 Prohibitions**

605 No elected member of the school committee, board of library trustees, planning board or housing
606 authority shall hold any compensated appointive office or employment under the city until one year after
607 the expiration of the term of office of such elected member. This provision shall not prevent a city officer
608 or employee who has been granted a leave of absence, by their appointing authority, from such duties in
609 order to serve as a member of such elected office from returning to such employment or office following
610 service as an elected member of the school committee, board of library trustees, planning board or
611 housing authority.

612 *Purpose: Clarify language*

613 **36. Change Section 5-2 Submission of Operating Budget; Budget Message from:**

614 In accordance with the laws of the commonwealth before the commencement of the ensuing fiscal year,
615 the mayor shall submit to the municipal council a proposed operating budget for all town agencies for the
616 ensuing fiscal year with an accompanying budget message and supporting documents. The budget
617 message submitted by the mayor shall explain the budget in fiscal terms and in terms of work programs
618 for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year;
619 describe important features of the proposed operating budget and indicate any major variations from the
620 current budget, fiscal policies, expenditures and revenues together with reasons for such change. The
621 proposed operating budget shall provide a complete fiscal plan of all town funds and activities and shall
622 be in the form the mayor deems desirable.

623 The operating budget as adopted by the school committee shall be submitted to the mayor at least thirty
624 days prior to the submission of the proposed operating budget to the municipal council. The mayor shall
625 notify the school committee of the date by which the operating budget of the school committee shall be
626 submitted to the mayor. The chief financial officer shall coordinate the preparation of the budget
627 preparation process with the superintendent of schools and the school committee's budget process in
628 accordance with the laws of the commonwealth.

629 **To: Section 5-2 Submission of Operating Budget; Budget Message**

630 In accordance with the laws of the Commonwealth before the commencement of the ensuing fiscal year,
631 the mayor shall submit to the city council a proposed operating budget for all city agencies with an

632 accompanying budget message and supporting documents. The mayor shall outline the proposed fiscal
633 policies of the city; describe important features of the proposed operating budget and indicate any major
634 variations from the current budget, fiscal policies, expenditures and revenues together with reasons for
635 such change. The proposed operating budget shall provide a complete fiscal plan of all city funds and
636 activities and shall be submitted in the form the mayor deems desirable.

637 The operating budget as adopted by the school committee shall be submitted to the mayor at least thirty
638 days prior to the submission of the proposed operating budget to the city council. The mayor shall notify
639 the school committee of the date by which the operating budget of the school committee shall be
640 submitted to the mayor. The chief financial officer shall coordinate the preparation of the budget with the
641 superintendent of schools and the school committee's budget process in accordance with the laws of the
642 Commonwealth.

643 *Purpose: Clarify language simplify the requirements of the budget submission.*

644 **37. Change Section 5-3 Action of the Budget from:**

645 **(a) Public Hearing**

646 The municipal council shall publish, in at least one newspaper of general circulation in the town, a
647 summary of the proposed operating budget as submitted by the mayor by a notice stating: (1) the times
648 and places where copies if the entire proposed operating budget are available for inspection by the public,
649 and (2) the date, time and place not less than fifteen days after such publication, when a public hearing on
650 said proposed operating budget will be held by the municipal council. For the purpose of this section, the
651 summary of the proposed operating budget that is required to be published shall contain proposed
652 appropriations, funding sources and any narrative summary deemed necessary by the municipal council.

653 **To: (a) Public Hearing**

654 The city council shall publish, in at least one newspaper of general circulation in the city, a notice of the
655 recommended operating budget as submitted by the mayor. The notice shall state: (1) the times and
656 places where copies of the recommended operating budget are available for inspection by the public, and
657 (2) the date, time and place not less than fifteen days after such publication, when a public hearing on said
658 recommended operating budget will be held by the city council.

659 *Purpose: Reduces costs by limiting the content of the newspaper advertisement to place and time public
660 documents are available; and date, place and time of the public hearing on the recommended budget.*

661 **38. Change Section 5-3 Action of the Budget from:**

662 **(b) Adoption of the Budget**

663 The municipal council shall adopt the operating budget, with or without amendments, within forty-five
664 days following the date the budget is filed with the clerk of the council. In amending the operating
665 budget, the municipal council may delete or decrease any amounts except expenditures required by law,
666 but except on the recommendation of the mayor, the municipal council shall not increase any item in or
667 the total of the proposed operating budget, unless otherwise authorized by the laws of the commonwealth.

668 If the municipal council fails to take action with respect to any item in the operating budget within forty-
669 five days after receipt of the budget, such amount shall, without any action by the municipal council
670 become a part of the appropriations for the year, and be available for the purposes specified.

671 **To: (b) Adoption of the Budget**

672 The city council shall adopt the operating budget, with or without amendments, within forty-five days
673 following the date the budget is filed with the clerk of the council. In amending the operating budget, the
674 city council may delete or decrease any amounts except expenditures required by law. Except upon the
675 recommendation of the mayor, the city council shall not increase any item in or the total of the proposed
676 operating budget, unless otherwise allowed by the laws of the Commonwealth.

677 If the city council fails to take action with respect to any item in the operating budget within forty-five
678 days after its receipt, such amount shall, without any action by the city council become a part of the
679 appropriations for the next fiscal year, and be available for the purposes specified.

680 *Purpose: Clarify language.*

681 **39. Change to Section 6-1 Administrative Organization from:**

682 (a) Organization of Town Agencies

683 The organization of town government into operating agencies for the provision of services and the
684 administration of government may, be accomplished through either of two methods provided for in
685 Section 6-1 (a) (1) and (2). Subject only to the express prohibitions of the laws of the commonwealth or
686 the provisions of this charter the town may organize operating agencies as deemed in the best interest of
687 the town.

688 (1) Organization by Ordinance

689 The municipal council may by ordinance reorganize, consolidate, create, merge, divide or abolish any
690 town department or agency, in whole or in part, establish such new town agencies as deemed necessary or
691 advisable, and prescribe the functions and the administrative procedures to be followed by all such
692 agencies.

693 (2) Executive Reorganization Plans

694 The mayor may by administrative order reorganize, consolidate, create, merge, divide or abolish any town
695 department or agency, in whole or in part, establish such new town agencies as the mayor deems
696 necessary or advisable, and prescribe the functions and the administrative procedures to be followed by
697 all such agencies.

698 Administrative orders made by the mayor shall become effective on the thirtieth day following the day on
699 which notice of the proposed administrative order is filed with the municipal council, unless the
700 municipal council shall within such period by majority of the full municipal council vote to reject such
701 administrative order or has sooner voted to affirm it.

702 (b) Publication of Reorganization Plans

703 For the convenience of the public, copies of reorganizations plans adopted under this section shall be filed
704 in the office of town clerk and shall be printed as an appendix to the ordinances of the town.

705 To: **Section 6-1 Administrative Organization**

706 **(a) Organization of City Agencies**

707 The organization of city government into operating agencies for the provision of services and the
708 administration of government may, be accomplished through either of two methods provided for in
709 Section 6-1 (a) (1) and (2). Subject only to the express prohibitions of the laws of the commonwealth or
710 the provisions of this charter the city may organize operating agencies as deemed in the best interest of
711 the city.

712 **(1) Organization by Ordinance**

713 The City Council may by ordinance passed by two-thirds of the full city council membership reorganize,
714 consolidate, create, merge, divide or abolish any city department or agency, in whole or in part, establish
715 such new city agencies as deemed necessary or advisable, and prescribe the functions and the
716 administrative procedures to be followed by all such agencies.

717 **(2) Executive Reorganization Plans**

718 The mayor may by administrative order reorganize, consolidate, create, merge, divide or abolish any city
719 division, department or agency, in whole or in part, establish such new city agencies as the mayor deems
720 necessary or advisable, and prescribe the functions and the administrative procedures to be followed by
721 all such divisions, departments or agencies.

722 Administrative orders made by the mayor shall become effective on the thirtieth day following the day on
723 which notice of the proposed administrative order is filed with the city council, unless the city council
724 shall within such period by two-thirds of the full City Council membership vote to reject such
725 administrative order or has sooner voted to affirm it.

726 **(b) Publication of Administrative Orders**

727 For the convenience of the public, copies of reorganization plans adopted under this section shall be filed
728 in the office of city clerk and shall be printed as an appendix to the ordinances of the city. However,
729 failure to print and publish such reorganization plans shall not invalidate the same.

730 *Purpose: Maintains the authority to organize the administrative functions of the city to the mayor and to*
731 *the City Council. Increases the majority requirement from a simple majority to two-thirds majority of the*
732 *council (a) to reject a mayor's administrative order reorganizing administrative functions or (b) to adopt*
733 *an ordinance reorganizing administrative functions.*

734 **40. Change Section 6-2 Management of Human Resources from:**

735 The mayor shall adopt rules and regulations establishing a personnel system. The personnel system shall
736 make use of current concepts of personnel management and may include, but not be limited to, the
737 following elements: a method of administration; personnel policies indicating the rights, obligations and
738 benefits of employees; a classification plan; a compensation plan; a method of recruiting and selecting
739 employees based upon merit principles; a centralized record keeping system; a performance appraisal
740 system; disciplinary procedures; and other elements that are determined necessary.

741 Unless otherwise provided by this charter, all town agencies and positions shall be subject to the rules and
742 regulations adopted under this section excluding those of the school department.

743 Rules and regulations adopted by the mayor shall become effective on the fifteenth day following the day
744 on which notice of the rules and regulations are filed with the municipal council, unless the municipal
745 council shall within such period by a two-thirds vote of the full municipal council vote to reject such rules
746 and regulations.

747 **To: Section 6-2 Management of Human Resources**

748 The mayor shall adopt rules and regulations establishing a **human resources** system. The **human**
749 **resources** system shall make use of current concepts of **human resources** management and may include,
750 but not be limited to, the following elements: a method of administration; **human resources** policies
751 indicating the rights, obligations and benefits of employees; a classification plan; a compensation
752 **schedule**; a method of recruiting and selecting employees based upon merit principles; a centralized

753 record keeping system; a performance appraisal system; disciplinary procedures; and other elements that
754 are determined necessary.

755 Unless otherwise provided by this charter, all **city** agencies and positions shall be subject to the rules and
756 regulations adopted under this section excluding those of the school department.

757 Rules and regulations adopted by the mayor shall become effective on the twenty first day following the
758 day on which notice of the rules and regulations are filed with the City Council, unless the City Council
759 shall within such period by a two-thirds vote of the full City Council vote to reject such rules and
760 regulations.

761 *Purpose: Reserves the authority to manage employees of the city to the mayor, excepting the school*
762 *department employees. Modernizes language from “personnel” to “human resources”.*

763 **41. Change Section 6-3 Department of Administration and Finance from:**

764 **(a) Department Established**

765 There shall be a department of administration and finance under the direction of a chief financial officer.
766 The chief financial officer shall be appointed by and responsible to the mayor. The chief financial officer
767 shall be a person especially qualified by education, experience and training to perform the duties of the
768 office. The mayor may from time to time establish such additional qualifications as deemed necessary
769 and appropriate.

770 **(b) Responsibilities of the Chief Financial Officer**

771 The chief financial officer shall be responsible for the coordination of all financial services and activities;
772 maintenance of all accounting records and other financial statements; payment of all obligations; receipt
773 of all funds due; assistance to all other town agencies in any matter related to financial affairs; monitoring
774 of expenditures of all funds; including periodic reporting to appropriate agencies on the status of
775 accounts; maintaining a full and complete inventory of town real and personal property; acting as the
776 chief procurement officer; supervision of all data process or information management functions, unless
777 otherwise provided, and any other matter relating to municipal finances as may be determined necessary
778 or desirable. The chief financial officer shall assist the mayor with the preparation of an annual operating
779 budget, financial forecasts, capital improvement program and other financial matters. The chief financial
780 officer shall also keep the mayor fully informed as to the financial condition of the town and make
781 recommendations as deemed necessary and perform such other duties as necessary or as may be assigned.

782 The chief financial officer shall supervise the offices and functions of the town accountant; treasurer, and
783 collector. The chief financial officer shall also direct and supervise the daily operations of the board of

784 assessors' office, provided however, that the board of assessors shall continue to have the other powers,
785 duties and responsibilities which are given to boards of assessors under the laws of the commonwealth.
786 The chief financial officer may serve as the town accountant or the treasurer but may not serve as both
787 officers.

788 The department of administration and finance may be restructured in accordance with Section 6-1 (1)(2)
789 of this charter.

790 **To: (a) Department Established**

791 There shall be a department of administration and finance under the direction of a chief financial officer.
792 The chief financial officer shall be appointed by and be responsible to the mayor. The chief financial
793 officer shall be a person especially qualified by education, experience and training to perform the duties
794 of the office. The mayor may from time to time establish such additional qualifications as deemed
795 necessary and appropriate.

796 **(b) Responsibilities of the Chief Financial Officer**

797 The chief financial officer shall be responsible for the coordination of all financial services and activities;
798 maintenance of all accounting records and other financial statements; payment of all obligations; receipt
799 of all funds due; assistance to all other city agencies in any matter related to financial affairs; monitoring
800 of expenditures of all funds; including periodic reporting to appropriate agencies on the status of
801 accounts; maintaining a full and complete inventory of city real and personal property; supervision of all
802 data processing or information management functions, unless otherwise provided, and any other matter
803 relating to city finances as may be determined necessary or desirable. The chief financial officer shall
804 assist the mayor with the preparation of the annual operating budget, financial forecasts, capital
805 improvement program and other financial documents. The chief financial officer shall also keep the
806 mayor fully informed as to the financial condition of the city and make recommendations as deemed
807 necessary and perform such other duties as necessary or as may be assigned.

808 The chief financial officer shall supervise the offices and functions of auditing, treasury, and collecting.
809 The chief financial officer shall also direct and supervise the daily operations of the assessing department,
810 provided however, that the board of assessors shall continue to have the other powers, duties and
811 responsibilities which are given to boards of assessors under the laws of the Commonwealth. The chief
812 financial officer may serve as the auditor or the treasurer/collector but may not serve as both.

813 The department of administration and finance may be subject to reorganization in accordance with
814 Section 6-1 of this charter.

815 *Purpose: Removes requirement that CFO serve as chief procurement officer (as Section 2-2 makes the*
816 *Mayor to be the City's chief procurement officer). Clarify language.*

817 **42. Change Section 6-4 Liquor Licensing Commission from:**

818 There shall be a liquor licensing commission established in accordance with the laws of the
819 commonwealth, provided however, any member appointed to the commission may only serve one term of
820 office.

821 **To: 6-4 Liquor Licensing Commission -**

822 There shall be a Liquor Licensing Commission established in accordance with the laws of the
823 Commonwealth.

824 *Purpose: Removal of the second sentence allows for the Liquor License Commission to exist according to*
825 *state law without term limits.*

826 **43. Change Section 7-1 City Elections; General and Preliminary from:**

827 The regular town election shall be held on the first Tuesday following the first Monday in November of
828 each odd numbered year.

829 On the seventh Tuesday preceding every regular town election, there shall be held a preliminary election
830 for the purpose of nominating candidates.

831 **To: Section 7-1 City Elections; Regular and Preliminary**

832 The regular municipal election shall be held on the first Tuesday following the first Monday in November
833 of each odd numbered year.

834 On the seventh Tuesday preceding every regular municipal election, there shall be held a preliminary
835 election for the purpose of nominating candidates, if necessary, to assure that no more than twice the
836 number of candidates for the available offices appear on the regular municipal election ballot.

837 *Purpose: Clarify language and specify primaries occur only when required to reduce the number of*
838 *candidates for office.*

839 **44. Change Section 7-3 Regular Election from:**

840 **(a) Information to Voters**

841 For any candidate in a regular town election who is an elected incumbent of the office which is sought,
842 against the candidate's name shall appear the phrase "candidate for re-election".

843 To: **(a) Information to Voters**

844 For any candidate in a regular municipal election who is an elected incumbent of the office which is
845 sought, next to the candidate's name shall appear the phrase "candidate for re-election".

846 *Purpose: Clarify language.*

847 **45. Change Section 7-5 Application of State Laws from:**

848 Except as expressly provided in this charter and authorized by laws of the commonwealth, all town
849 elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration
850 of voters, the nomination of candidates, the conduct of preliminary and regular and special elections, the
851 submission of charter amendments and other propositions, the counting of votes and the declaration of
852 results.

853 To: **Section 7-5 Application of State Laws**

854 Except as otherwise expressly provided in this charter and authorized by laws of the Commonwealth, all
855 municipal elections shall be governed by the laws of the Commonwealth relating to the right to vote, the
856 registration of voters, the nomination of candidates, the conduct of preliminary and regular and special
857 elections, the submission of charter amendments and other propositions, the counting of votes and the
858 declaration of results.

859 *Purpose: Clarify language.*

860 **46. Change Section 8-2 Citizen Initiative Measures from:**

861 **(a) Commencement of Proceedings**

862 Initiative procedures shall be started by the filing of an initiative petition with the town clerk. The
863 petition shall be addressed to the municipal council or the school committee, shall contain a request for
864 passage of a particular measure set forth in the petition and shall be signed by not less than twenty percent
865 of the total number of voters.

866 Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one
867 measure shall be fastened together and shall be filed in the office of the town clerk as one instrument,
868 with the endorsement thereon of the names and addresses of the persons designated as filing the same.
869 With each signature to the petition, shall be stated the place of residence of the signer, giving the street
870 and number, if any.

871 Within ten days of the filing of said petition, the registrars of voters shall ascertain by what number of
872 votes the petition is signed, and shall attach thereto their certificate showing the result of such
873 examination.

874 The town clerk shall forthwith transmit the said certificate with the said petition to the municipal council
875 or to the school committee, as appropriate, and at the same time shall send a copy of said certificate to the
876 persons designated on the petition as filing the same.

877 When such certificate has been so transmitted, said petition shall be deemed to be valid unless written
878 objections are made with regard to the signatures thereon by a voter within forty-eight hours after such
879 certification by filing such objections with the municipal council or the school committee, and a copy
880 thereof with the registrars of voters. The validity of any objection to the certification shall be determined
881 in accordance with the laws of the commonwealth.

882 **To: (a) Commencement of Proceedings**

883 Initiative procedures shall be started by the filing of an initiative petition with the city clerk. The petition
884 shall be addressed to the city council or the school committee, shall contain a request for passage of a
885 particular measure set forth in the petition and shall be signed by not less than twenty percent of the total
886 number of voters.

887 Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one
888 measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with
889 the endorsement thereon of the names and addresses of the persons designated as filing the same. With
890 each signature to the petition, shall be stated the place of residence of the signer, giving the street and
891 number, if any.

892 Within ten days of the filing of said petition, the registrars of voters shall ascertain by what number of
893 voters the petition is signed, and shall attach thereto their certificate showing the result of such
894 examinations.

895 The city clerk shall forthwith transmit the said certificate with the said petition to the city council or to the
896 school committee, as appropriate, and at the same time shall send a copy of said certificate to the persons
897 designated on the petition as filing the same.

898 When such certificate has been so transmitted, said petition shall be deemed to be valid unless written
899 objections are made with regard to the signatures thereon by a voter within forty-eight hours after such
900 certification by filing such objections with the city council or the school committee, and a copy thereof
901 with the registrars of voters. The validity of any objection to the certification shall be determined in
902 accordance with the laws of the Commonwealth.

903 *Purpose: Clarify language*

904 **47. Change Section 8-2 Citizen Initiative Measures from:**

905 **(b) Referral to Town Attorney**

906 If the town clerk determines that a sufficient number of signers are voters, the town clerk shall transmit a
907 copy of the petition to the town attorney.

908 Within fifteen days after receipt by the town attorney of the petition the town attorney shall advise the
909 town clerk in writing whether the measure may be proposed by initiative procedures and whether it may
910 be lawfully passed by the municipal council or the school committee. If the opinion of the town attorney
911 is that the measure may not lawfully be passed, the town attorney shall state the reason or reasons therefor
912 in said reply. The town clerk shall forthwith furnish a copy of the town attorney's opinion to the person
913 designated on the petition as filing the same.

914 **To: (b) Referral to City Solicitor**

915 If the city clerk determines that a sufficient number of signers are voters, the city clerk shall submit a
916 copy of the petition to the city solicitor.

917 Within fifteen days after receipt by the city solicitor of the petition the city solicitor shall advise the city
918 clerk in writing whether the measure may be proposed by initiative procedures and whether it may be
919 lawfully passed by the city council or the school committee. If the opinion of the city solicitor is that the
920 measure may not lawfully be passed, the city solicitor shall state the reason or reasons therefore in said
921 reply. The city clerk shall forthwith furnish a copy of the city solicitor's opinion to the person designated
922 on the petition as filing the same.

923 *Purpose: Clarify language and the typographical error in word "latter" is fixed to be the correct word*
924 *"later".*

925 **48. Change Section 8-2 Citizen Initiative Measures from:**

926 **(d) Ballot Question**

927 The ballots used when voting upon a proposed measure under this section shall state the nature of the
928 measure in terms sufficient to show the substance thereof by preparation of a fair, concise summary by
929 the town attorney and approved by the registrars of voters.

930 The full text of the measure shall be published in a least one local newspaper at least seven days before
931 the election at which the question shall appear on the ballot.

932 The ballot used when voting upon a proposed measure under this section shall contain the question in
933 substantially the follow form:

934 Shall the following measure which was proposed by an initiative petition take effect?

935 (Text of measure summary) Yes_____ No_____

936 If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be
937 effective forthwith, unless a later date is specified in the measure.

938 **To: (d) Ballot Question**

939 The ballots used when voting upon a proposed measure under this section shall state the nature of the
940 measure in terms sufficient to show the substance thereof by preparation of a fair, concise summary by
941 the city solicitor and approved by the registrars of voters.

942 The full text of the measure shall be published in at least one local newspaper at least seven days before
943 the election at which the question shall appear on the ballot. The full text of the proposed measure shall
944 also be made available at city hall and the public library for a minimum of fourteen days prior to the
945 election and at polling places on the day of the election. The ballot used when voting upon a proposed
946 measure under this section shall contain the question in substantially the follow form:

947 Shall the following measure which was proposed by an initiative petition take effect?

948 (Text of measure summary) Yes_____ No_____

949 If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be
950 effective forthwith, unless a later date is specified in the measure.

951 *Purpose: Require text of the proposed measure be available prior to the election and at the polling place*
952 *during the election.*

953 **49. Change Section 8-5 Measures not Subject to Initiative and Referendum from:**

954 Measures which include the following subject matter shall not be subject to initiative or referendum
955 procedures:

956 (a) revenue loan orders, (b) appropriations for the payment of debt or debt service, (c) internal
957 operational procedures of the municipal council and the school committee; (d) emergency
958 measures; (e) the town budget or any appropriation contained therein or the school committee
959 budget or any appropriation contained therein, or the capital improvements program or any
960 item contained therein; (f) appropriation of funds to implement a collective bargaining

961 agreement; (g) procedures relating to election, appointment, removal, discharge or any other
962 personnel action; and (h) proceedings providing for the submission or referral of a matter to
963 the voters at an election.

964 **To: Section 8-5 Measures not Subject to Initiative and Referendum**

965 Measures which include the following subject matter shall not be subject to initiative or referendum
966 procedures:

967 (a) revenue loan orders, (b) appropriations for the payment of debt or debt service, (c) internal
968 operational procedures of the city council and the school committee, (d) emergency
969 measures, (e) the city budget or any appropriation contained therein or the school committee
970 budget or any appropriation contained therein, (f) appropriation of funds to implement a
971 collective bargaining agreement, (g) procedures relating to election, appointment, removal,
972 discharge or any other personnel action, (h) proceedings providing for the submission or
973 referral of a matter to the voters at an election; and (i) setting of property tax rate.

974 *Purpose: Add restriction from referendum on setting of the property tax rate consistent with state law.*

975 **50. Change Section 8-8 Recall of Elected Officials from:**

976 **(a) Application**

977 Any person who holds an elected town office with more than six months remaining of the term of office
978 for which such person was elected, at the time of the filing of the affidavit may be recalled from office by
979 the voters in the manner provided in this section. No recall petition may be filed against an officer within
980 six months after taking office.

981 **(b) Recall Petitions**

982 A recall affidavit signed by a least three hundred voters for any officer elected at large and by at least one
983 hundred for any officer elected by district may be filed with the town clerk containing the name of the
984 office whose recall is sought and a statement of the grounds for recall. The board of registrars of voters
985 shall certify such petitions with regard to the sufficiency and validity of the signatures of voters and
986 within five working days following such filing the town clerk shall deliver to the ten persons first named
987 on such petitions, petition blanks demanding said recall, printed forms of which the town clerk shall keep
988 available. The blanks may be completed by printing or typewriting; they shall be addressed to the
989 municipal council; they shall contain the names of the ten persons to whom they are issued and the
990 grounds for the recall as stated in the affidavit; they shall be dated and signed by the town clerk. A copy
991 of the petition shall be entered into the records kept in the office of the town clerk.

992 The recall petitions shall be returned to the office of the town clerk within twenty days following the date
993 the blanks are issued, signed by a least twenty percent of the total number of persons who voted at the
994 most recent municipal election for officers elected at large, and, for officers elected by district signed by
995 at least twenty percent of the total number of persons who voted at the most recent municipal election
996 from the district officer sought to be recalled represents.

997 The town clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall within
998 five working days, certify thereon the names of the registered voters of the town, or from the district the
999 officer sought to be recalled represents.

1000 **To: Section 8-8 Recall of Elected Officials**

1001 **(a) Application**

1002 Any person who holds an elected city office with more than six months remaining of the term of office
1003 for which such person was elected, at the time of the filing of the affidavit may be recalled from office by
1004 the voters in the manner provided in this section. No recall petition may be filed against an officer until
1005 six months after taking office.

1006 **(b) Recall Requests**

1007 A recall affidavit signed by a least three hundred voters with a minimum of twenty five (25) signatures
1008 from each district for any officer elected at large and by at least one hundred for any officer elected by
1009 district may be filed with the city clerk containing the name of the office whose recall is sought and a
1010 statement of the reasons for recall (and any reasons shall suffice). The board of registrars of voters shall
1011 certify such Requests with regard to the sufficiency and validity of the signatures of voters. Within five
1012 business days following such filing the city clerk shall deliver to the ten persons first named on such
1013 Requests, Requests blanks demanding said recall, printed forms of which the city clerk shall keep
1014 available. The blanks may be completed by printing or typewriting; they shall be addressed to the city
1015 council; they shall contain the names of the ten persons to whom they are issued and the reasons for the
1016 recall as stated in the affidavit; they shall be dated and signed by the city clerk. A copy of the Requests
1017 shall be entered into the records kept in the office of the city clerk.

1018 *Purpose: Require a minimum of signatures from each district for recall of officers elected at large.*
1019 *Clarify language.*

1020 **(c) Recall Petitions**

1021 The recall petitions shall be returned to the office of the city clerk within twenty days following the date
1022 the blanks are issued, signed by a least ten (10) percent of the total number of persons registered to vote

1023 for officers who are elected at-large, and, for officers elected by district signed by at least ten (10) percent
1024 of the total number of persons registered to vote in such district.

1025 The city clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall within
1026 five business days, certify thereon the names of the registered voters of the city, or from the district the
1027 officer sought to be recalled represents.

1028 *Purpose: Set threshold of voters signatures based on number of eligible registered voters not number of*
1029 *voters in last election.*

1030 **(d) Recall Election**

1031 If the petition signatures shall be found and certified by the city clerk to be sufficient and valid, the city
1032 clerk shall submit the same with such certificate to the city council within five business days, and the city
1033 council shall forthwith give written notice of the receipt of the certificate to the officer sought to be
1034 recalled, and shall, if the officer does not resign within five days thereafter, order an election to be held on
1035 a Tuesday fixed by them not less than 65 days but not more than 90 days after the date of the city clerk's
1036 certificate, provided however, that if any city election is otherwise to occur within one hundred twenty
1037 days after the date of said certificate, the city council may, at its discretion, omit the calling of a special
1038 election and submit the proposed recall to the voters at such approaching election. The recall election for
1039 any officer elected by district shall only be held in the district that the officer represents. Should multiple
1040 officers from more than one district be subject to recall, the election shall be held only in those districts.

1041 If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as
1042 provided in this section, and the resulting vacancy shall be filled as provided in this charter.

1043 *Purpose: Require special election occur on a Tuesday. Clarify language regarding multiple recalls and*
1044 *the filling of vacancies.*

1045 **(e) Office Holder**

1046 The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent
1047 is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to
1048 recall as before.

1049 If recalled, the officer shall be deemed removed and the office vacant. The vacancy resulting from the
1050 recall shall be filled in accordance with the provisions of this charter. Any person appointed to fill such
1051 vacancy shall hold office for the unexpired term of the officer recalled.

1052 **(f) Ballot Proposition:**

1053 The form of the question to be voted upon shall be substantially as follows: “Shall – here insert the name
1054 and title of the elective officer whose recall is sought – be recalled?” If a majority of the votes cast upon
1055 the question of recall is in the affirmative, such elected officer shall be recalled.

1056 No recall election shall be effective unless at least thirty percent of the eligible registered voters in the city
1057 or in the district, as applicable, shall have voted.

1058 *Purpose: Clarify language.*

1059 **(g) Repeat of Recall**

1060 In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be
1061 filed against such officer for at least six months after the election which the officer’s recall was submitted
1062 to the voters of the city.

1063 **(h) Office Holder Recalled**

1064 No person recalled from office or who has resigned from office while recalling proceedings were pending
1065 against such person, shall be appointed to any city office within two years after such recall or resignation.

1066 **51. Change Section 9-3 Rules of Interpretation from:**

1067 (d) Computation of Time

1068 Except as pertaining to the computation of time for elections and open meetings of government bodies, in
1069 computing time under this charter, if seven days or less, only business days, not including Saturdays,
1070 Sundays, or legal holidays shall be counted; if more than seven days, every day shall be counted.

1071 **To: (d) Computation of Time**

1072 Except as pertaining to the computation of time for elections and open meetings of government
1073 bodies, in computing time under this charter, if seven days or less, only business days, not including
1074 Saturdays, Sundays, or legal holidays shall be counted; if more than seven days, every day shall be
1075 counted. All days shall be considered 24 hours long commencing at 12 midnight and ending at 11:59:59
1076 p.m.

1077 *Purpose: Clarify computation of time.*

1078 **52. Change Section 9-4 Definitions from:**

1079 Unless another meaning is clearly apparent from the manner in which the word is used, the
1080 following words as used in this act shall have the following meanings:

1081 To: **Section 9-4 Definitions**

1082 Unless another meaning is clearly apparent from the manner in which the word is used, the following
1083 words as used in this charter shall have the following meanings:

1084 *Purpose: Clarify language.*

1085 **53. Change Section 9-4 Definitions from:**

1086 (a) Charter – The word “charter” shall mean this charter and any amendments to it made through
1087 any methods provided under Article LXXXIX of the Amendments to the Constitution of the
1088 Commonwealth.

1089 To: (a) Charter – The word “charter” shall mean this charter and any amendments to it made
1090 through any methods provided under Article LXXXIX of the Amendments to the Constitution of the
1091 Commonwealth.

1092 *Purpose: Cite the proper Amendment Article.*

1093 **54. Change Section 9-5 Board, Committees or Commissions from:**

1094 Except as otherwise provided by this charter, all boards, commissions and committees shall consist of
1095 three or more members appointed for terms of three years each, so arranged that the term of one-third of
1096 the members, or as nearly the number as may be possible, shall expire each year. All members of boards,
1097 commissions, and committees shall serve without compensation or benefits and shall be sworn into office
1098 within four weeks of their appointment. All board, commission or committee members must take the
1099 oath of office prior to entering upon the duties of their office.

1100 To: **(a) Board, Committees or Commissions; Term of Office; In General**

1101 Except subcommittees of the city council and as otherwise provided by law or this charter, all boards,
1102 commissions and committees shall consist of three or more members appointed by the mayor for terms of
1103 three years each, so arranged that the term of one-third of the members, or as nearly the number as may be
1104 possible, shall expire each year. All members of boards, commissions, and committees shall serve
1105 without compensation or benefits and shall be sworn into office within four weeks of their appointment.
1106 All board, commission or committee members must take the oath of office prior to entering upon the
1107 duties of their office.

1108 *Purpose: Clarify language.*

1109 **55. Change Section 9-5 Board, Committees or Commissions from:**

1110 All boards, committees and commissions shall meet regularly at such times and places
1111 as they shall determine, but not less than quarterly. Special meetings of any board, commission or
1112 committee shall be held on the call of the chair or by a majority of its members, by written notice
1113 delivered in hand or to the place of residence of each member and which contains notice of the matters to
1114 be acted upon. Except in the case of any emergency, all notices shall be delivered at least forty-eight
1115 hours in advance of the time set forth for such meeting. A copy of such notice shall, forthwith, be posted
1116 upon the town bulletin board.

1117 Upon petition signed by at least one hundred voters requesting a special meeting of any board,
1118 commission or committee, said board, commissioner committee shall hold a special meeting within
1119 fifteen days of notice from the town clerk that a petition has been filed. Any such petition must state the
1120 purpose or purposes for which such meeting is requested.

1121 If any member of an appointed board, commission or committee fails to attend one half of the meetings
1122 held by such board, committee or commission during a calendar year, the municipal council may declare
1123 the office held by such member to be vacant.

1124 Each board, commission or committee shall determine its own rules of order of business unless another
1125 provision is made by ordinance, and shall provide for the keeping of a journal of its proceedings. Such
1126 rules and journal shall be available for public inspection and copies shall be maintained by the town clerk
1127 and the public library.

1128 If requested by any member, any vote of any board, commission or committee shall be taken by a call of
1129 the roll and the vote shall be recorded in the journal provided, however, if the vote is unanimous, only that
1130 fact need be recorded.

1131 A majority of the members of a board, commission or committee shall constitute a quorum, but a smaller
1132 number may meet and adjourn from time to time.

1133 **To: (b) Uniform Procedures Applicable to Boards, Commissions and Committees**

1134 All boards, commissions and committees shall meet regularly at such times and places as they shall
1135 determine, but not less than quarterly. Special meetings of any board, commission or committee shall be
1136 held on the call of the chair or by a majority of its members, by written notice delivered in hand or to the
1137 place of residence of each member and which contains notice of the matters to be acted upon. Except in
1138 the case of any emergency, all notices shall be delivered at least forty-eight hours in advance of the time
1139 set forth for such meeting. A copy of such notice shall, forthwith, be posted upon the city bulletin board.

1140 Upon petition signed by at least one hundred voters requesting a special meeting of any board,
1141 commission or committee, said board, commission or committee shall hold a special meeting within
1142 fifteen days of notice from the city clerk that a petition has been filed. Any such petition must state the
1143 purpose or purposes for which such meeting is requested.

1144 If any member of an appointed board, commission or committee fails to attend one half of the meetings
1145 held by such board, commission or committee during a calendar year, upon notice to the mayor from the
1146 City Council, board, commission or committee affected, the mayor shall within thirty (30) days of said
1147 notice determine, based on his or her own investigation, of which a public record shall be kept, to retain
1148 said member or fill the vacancy.

1149 Each board, commission or committee shall determine its own rules of order of business unless another
1150 provision is made by ordinance, and shall provide for the keeping of a journal of its proceedings. Such
1151 rules and journal shall be available for public inspection and copies shall be maintained by the city clerk
1152 and the public library.

1153 If requested by any member, any vote of any board, commission or committee shall be taken by a call of
1154 the roll and the vote shall be recorded in the journal provided, however, if the vote is unanimous, only that
1155 fact need be recorded.

1156 A majority of the members of a board, commission or committee shall constitute a quorum, but a smaller
1157 number may meet and adjourn from time to time.

1158 *Purpose: Clarifies language making declaration of vacancy and reappointment of absent board,*
1159 *commission or committee members reside with the mayor, who serves as appointing authority.*

1160 **56. NO CHANGE; Maintain Section 9-5 (c) Board, Committees or Commissions: as it appears in**
1161 **1996 Charter**

1162 (c) Multiple Office Holding

1163 No member of a board, committee or commission may serve on another city board, commission or
1164 committee, provided however, nothing shall prohibit any member of a board, committee or commission to
1165 serve on an ad hoc, temporary advisory committee, or committee established for the purpose of
1166 coordinating the exercise of power, duties and responsibilities of respective boards, commissions, and
1167 committees. No city employee may serve on a board, commission or committee unless required by virtue
1168 of the office held by said employee.

1169 *Purpose: Maintain limitation on volunteers and employees interested in serving the city through board,*
1170 *commissions and committees.*

1171 **57. Change Section 9-7 Re-enactment and Publication of Ordinances from:**

1172 Within one year after the election of the municipal council, it shall cause a review, revision and
1173 recodification of town ordinances. After this initial review at five-year intervals thereafter, the municipal
1174 council shall cause to be prepared a proposed revision or recodification of all town ordinances which shall
1175 be submitted to the municipal council for reenactment. Such revision or recodification shall be prepared
1176 by a committee established by the municipal council. Such revisions or recodification shall be prepared
1177 under the supervision of the town attorney or if the municipal council so directs by special counsel
1178 retained for such purposes. Within eight months following its appointment, the committee shall cause to
1179 be published in a local newspaper (a) a report summarizing its recommendations and noting the times and
1180 places within the town where complete copies of the report shall be available for inspection by the public,
1181 and (b) the date, time and place not less than two weeks following such publication when a public hearing
1182 shall be held by the committee on the preliminary report. Copies of the revised ordinances shall be made
1183 available for public distribution. In each year between such reenactment and publication an annual
1184 supplement shall be published containing all ordinances and amendments to ordinances that had been
1185 adopted in the previous year.

1186 **To: Section 9-7 Re-enactment and Publication of Ordinances**

1187 No later than the first day in July, at five year intervals, in each year ending in a five or a zero, the city
1188 council shall cause to be prepared a proposed revision or re-codification of all city ordinances which shall
1189 be submitted to the city council for re-enactment. Such revision or re-codification shall be prepared by a
1190 committee established by the city council. Such revisions or re-codification shall be prepared under the
1191 supervision of the city solicitor or if the city council so directs by special counsel retained for such
1192 purposes. Within eight months following its appointment, the committee shall cause to be published in a
1193 local newspaper (a) the times and places within the city where complete copies of the report shall be
1194 available for inspection by the public, and (b) the date, time and place not less than fourteen days
1195 following such publication when a public hearing shall be held by the committee Copies of the revised
1196 ordinances shall be made available for public distribution. In each year between such re-enactment and
1197 publication an annual supplement shall be published containing all ordinances and amendments to
1198 ordinances that had been adopted in the previous year.

1199 *Purpose: Clarify language and simplify re-codification as needed.*

1200 **58. Change Section 9-8 Code of Ethics from:**

1201 The mayor shall prepare and submit to the municipal council a code of ethics which shall be applicable to
1202 all elected and appointed officials and employees of the town.

1203 **To: Section 9-8 Code of Ethics**

1204 The mayor shall prepare and submit to the city council a code of ethics or revisions to the code of ethics
1205 which shall be applicable to all elected and appointed officials and employees of the city which shall
1206 become effective upon the approval by a majority vote of the city council.

1207 *Purpose: Clarify language and add a provision for council approval of Code of Ethics.*

1208 **59. Change Section 9-9 Periodic Review of the Charter and the Need for Appointed Boards,**
1209 **Commissions and Committees from:**

1210 Five years from the adoption of this charter, and at ten year intervals thereafter, the mayor, subject to the
1211 approval of the municipal council, shall appoint a special committee to review this charter and make any
1212 recommendations deemed necessary. During the course of any such charter review, the special
1213 committee shall review the purpose and need for each appointed board, committee and commission of the
1214 town and shall report any findings and recommendations.

1215 As follows:

1216 **A. Change Section 9-9 Periodic Review of the Charter and the Need for Appointed Boards,**
1217 **Commissions and Committees to the following:**

1218 **Section 9-9 Periodic Review of the Charter**

1219 Beginning in 2018 and at ten year intervals in each year ending in an eight, thereafter, the mayor, subject
1220 to approval of the City Council, shall appoint a special committee to review this charter and to issue a
1221 report to the mayor and the city council containing any recommendations for changes to the charter
1222 deemed advisable by said special committee.

1223 *Purpose: Clarify language and specify the year in which future charter reviews should occur.*

1224 **B. Add a New Section 9-10 Periodic Review of the Need for Appointed Boards, Commissions and**
1225 **Committees as follows:**

1226 **Section 9-10 Periodic Review of the Need for Appointed Boards, Commissions and Committees**

1227 Beginning in 2013 and at ten year intervals in each year ending in a three thereafter, the mayor, subject to
1228 approval of the City Council, shall appoint a special committee to review the purpose and need for each
1229 appointed board, commission and committee of the city and to issue a report to the mayor and the city
1230 council containing any recommendations for changes deemed advisable by said special committee of the
1231 city and shall report any findings and recommendations.

1232 *Purpose: Clarify language and specify the year in which future reviews should occur.*

1233 **60. Change PART X Transition Provisions from:**

1234 All ordinances, resolutions, rules, regulations, and votes of the town meeting which are in force at the
1235 time this act is adopted, not inconsistent with the provisions of this charter, shall continue in full force
1236 until amended or repealed.

1237 Where provisions of this charter conflict with provisions of town ordinances, rules, regulations, orders,
1238 and special acts and acceptances of laws of the Commonwealth, the provisions of this charter shall
1239 govern. All provisions of town ordinances, rules, regulations, orders and administrative actions not
1240 superseded by this charter shall remain in force.

1241 **To: Section 10-1 Continuation of Existing Laws**

1242 All ordinances, resolutions, rules, regulations, and votes of the city council which are in force at the time
1243 this act is adopted, not inconsistent with the provisions of this charter, shall continue in full force until
1244 amended or repealed.

1245 Where provisions of this charter, as amended, conflict with city ordinances, rules, regulations, orders,
1246 special acts and acceptances of laws of the Commonwealth, the provisions of this charter shall govern.

1247 All provisions of city ordinances, rules, regulations, orders and administrative actions not superseded by
1248 this charter shall remain in force.

1249 *Purpose: Clarify language.*

1250 **61. No Change; Maintain PART X Transition Provisions Sections 10-2 to 10-6 as per original 1996**
1251 **Charter**

1252 **Section 10-2 Existing Officials and Employees**

1253 Any person holding a city office or employment under the city shall retain such office or employment and
1254 shall continue to perform the duties of the office until provision shall have been made in accordance with
1255 this charter for the performance of the said duties by another person or agency. No person in the
1256 permanent full-time service or employment of the city shall forfeit pay grade or time in service. Each such
1257 person shall be retained in a capacity as similar to the person's former capacity as is practical.

1258 **Section 10-3 Continuation of Government**

1259 All city officers, boards, commissions or agencies shall continue to perform their duties until reappointed
1260 or until successors to their respective positions are fully appointed or elected or until their duties have
1261 been transferred and assumed by another city office, board, commission or agency.

1262 **Section 10-4 Continuation of Obligations**

1263 All official bonds, obligations, contracts and other instruments entered into or executed by or to the city
1264 before the adoption of this act, and all taxes, special assessments, fines, penalties, forfeitures incurred or
1265 imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and
1266 causes of action, except as herein otherwise provided, shall continue and remain unaffected by this act.
1267 No legal act done by or in favor of the city shall be rendered invalid by the adoption of this act.

1268 **Section 10-5 Transfer of Records and Property**

1269 All records, property and equipment whatsoever of any office, board, commission, committee or agency
1270 or part thereof, the powers and duties of which are assigned in whole or in part to another city office,
1271 board, commission, or agency shall be transferred forthwith to such office, board, commission or agency.

1272 **Section 10-6 Time of Taking Effect**

1273 This act shall become fully effective upon passage in accordance with the following schedule and except
1274 as otherwise provided in this section:

1275 (a) A special election to elect the first officers under this charter shall be held July 30, 1996. At
1276 such election the voters shall elect a mayor and the City Council. A preliminary election for
1277 the nomination of candidates for the office of the mayor and City Councilors shall be held on
1278 June 25, 1996. The polls at such special election shall be open from 7:00 AM to 7:00 PM.

1279 Existing six precincts shall be used as council districts. The initial City Council elected under this charter
1280 shall serve a term extending to the organization of city government following the regular city election to
1281 be held in November, 1999. At such regular municipal election held in November 1999, the City Council
1282 shall be elected and shall take office in accordance with the provisions of this charter.

1283 The first mayor elected under this charter shall serve a term extending to the organization of city
1284 government following the regular city election to be held in November 1999. At such regular city election
1285 to be held in November 1999, a mayor shall be elected and take office in accordance with the provisions
1286 of this charter.

1287 (b) As soon as possible following the election, the city clerk shall call together persons elected to
1288 the City Council and the person elected as mayor for the purpose of taking their oath of
1289 office. As soon as members of the City Council take the oath of office, the City Council shall
1290 choose a president and vice president of that City Council and to adopt any temporary rules
1291 governing the conduct of meetings of the City Council.

1292 (c) Following the organization meeting of the City Council, the City Council shall prepare to
1293 assume its full powers, duties and responsibilities which will devolve upon the City Council
1294 under this charter. The City Council president shall forthwith appoint a committee of the
1295 council to develop rules and regulations governing the conduct of council meetings and
1296 business. Said committee shall propose such rules and regulations to the City Council within
1297 30 days after appointment.

1298 (d) The representative city meeting in office at the time of the election shall continue to conduct
1299 all the legislative business of the city until the full power of the mayor and City Council shall
1300 become operative. Thirty days after the mayor and members of the City Council take the oath
1301 of office, the term of office of all members of the representative city meeting shall terminate
1302 and the representative city meeting shall cease to exist and the power of the City Council
1303 shall become fully effective.

1304 The office of moderator shall cease to exist when the representative city meeting ceases to exist.

1305 (e) The board of selectmen shall continue to be responsible for the general operation and
1306 business of city government and shall continue to perform all of the powers, duties and
1307 responsibilities of the office until thirty days after the mayor and members of the City
1308 Council take the oath of office; the terms of office of members of the board of selectmen shall
1309 terminate and the board of selectmen shall cease to exist and the powers of the mayor shall
1310 become fully effective at this time. The mayor shall assume all executive powers, duties and
1311 responsibilities held by the board of selectmen. The mayor shall have the right to attend and
1312 participate in all meetings of the school committee but may not vote until a new school
1313 committee is organized in January, 1998.

1314 (f) The office of city manager shall continue to serve until the power of the mayor become fully
1315 effective at which time the office of city manager shall cease to exist. The mayor shall
1316 assume all administrative responsibilities of the office of city manager. The incumbent in the
1317 office of city manager, if any, at the time the mayor assumes all powers under this charter
1318 shall continue to be employed by the city as the chief financial officer established in
1319 accordance with Section 6 of this charter, for a period of not less than six months.

1320 (g) The initial salary of the mayor shall be \$50,000 per year. The initial salary of members of the
1321 City Council shall be \$1,200 per year, provided that the president of the City Council shall
1322 receive \$1,500 per year.

1323 (h) The mayor shall appoint forthwith, a liquor licensing commission established under Section
1324 6-4 of this charter.

1325 (i) Until such time as another form of organization is provided for in accordance with Section 6-
1326 1 of this charter, there shall continue to be a trust commission. Incumbents serving as
1327 members of the hospital trust commission shall continue to serve for the balance of the terms
1328 of office for which they were elected. Upon the expiration of the terms of office of members
1329 of the hospital trust commission, or if a vacancy shall sooner occur, the officers shall be
1330 appointed by the mayor.

1331 (j) The mayor shall review the organization of city government and shall prepare an executive
1332 reorganization plan in accordance with Section 6-1 of this charter. The mayor shall submit the
1333 executive reorganization plan to the City Council within eighteen months after the initial
1334 election of a mayor, as provided for in this charter. The mayor shall give careful
1335 consideration to the organization of economic development functions in the city and the
1336 streamlining of the local permitting processes.

1337 (k) At the first regular municipal election held under this charter in November, 1997, the city
1338 shall elect: six members of the school committee, nine members of the board of library
1339 trustees; seven members of the planning board; and four members of the housing authority.

1340 (i) The school committee shall remain as currently constituted until a new school committee
1341 is elected and takes office in January, 1998 in accordance with the provisions of this
1342 charter. The incumbents in the office of school committee member elected to office in
1343 April 1996 shall continue to serve until the new school committee is organized, at which
1344 time their term of office shall terminate. The incumbent in the office of school
1345 committee whose term expires in April, 1997 shall have said term of office extended until
1346 the organization of the new school committee, at which time any such term of office shall
1347 terminate. The remaining incumbents in the office of school committee shall continue to
1348 serve until the organization of the new school committee, at which time their terms of
1349 office shall terminate. At such regular city election the three candidates receiving the
1350 highest number of votes shall be elected to serve a term of four years and the other three
1351 candidates elected shall be elected to serve a term of two years and thereafter upon the
1352 expiration of said terms of office candidates shall be elected for terms of four years in
1353 accordance with provisions of this charter.

1354 (ii) At the regular city election to be held in November, 1997, the city shall elect nine
1355 members of the board of library trustees. The board of library trustees shall remain as
1356 currently constituted until a new board of library trustees is elected and takes office in
1357 January, 1998. The incumbent members of the office of board of library trustees elected
1358 to office in April, 1996 shall continue to serve until the new board of library trustees is

1359 organized, at which time their terms of office shall terminate. The incumbent members in
1360 the office of board of library trustees whose terms expire in April 1997, shall have the
1361 term of office extended until the organization of the new board of library trustees in
1362 January of 1998. The remaining incumbent members of the office of board of library
1363 trustees shall continue to serve until the organization of the new board of library trustees
1364 in January, 1998, at which time their terms of office shall terminate. At such regular city
1365 election the five candidates receiving the highest number of votes shall be elected to
1366 serve a term of four years and the other four candidates elected shall be elected to serve
1367 terms of two years and thereafter upon the expiration of said terms of office, candidates
1368 shall be elected for terms of four years in accordance with provisions of this charter.

1369 (iii) At the regular city election to be held in November, 1997, the city shall elect a seven
1370 member planning board. The present planning board shall remain as currently constituted
1371 until a new planning board is elected and takes office in January, 1998. The incumbent in
1372 the office of planning board member elected to office in April, 1996 shall continue to
1373 serve until the new planning board is organized in January, 1998, at which time the
1374 member's term of office shall terminate. The incumbent in the office of planning board
1375 whose term expires in April, 1997, shall have the term of office extended until the
1376 organization of the new planning board in January, 1998, at which time said term of
1377 office shall terminate. At such election the four candidates receiving the highest number
1378 of votes shall be elected to serve a term of four years and the other three candidates
1379 elected shall be elected to serve terms of two years and thereafter upon the expiration of
1380 said terms of office candidates shall be elected for terms of four years in accordance with
1381 provisions of this charter.

1382 (iv) At the regular city election to be held in November, 1997, the city shall elect four
1383 members of the housing authority. At such municipal election the two candidates
1384 receiving the highest number of votes shall be elected to serve a term of four years and
1385 the other two candidates elected shall be elected to serve a term of two years and
1386 thereafter upon the expiration of said terms of office candidates shall be elected for terms
1387 of four years in accordance with provisions of this charter. The incumbent elected
1388 members of the housing authority shall have their terms of office extended to or
1389 terminated in January, 1998, and thereafter upon the expiration of said terms of office
1390 candidates shall be elected for terms of four years in accordance with provisions of this
1391 charter.

1392 *Purpose: the purpose of this section was to allow for the transition from city to city government, which*
1393 *was completed in 1996. The provisions are no longer applicable or necessary.*

1394 SECTION 3. This act shall take effect upon its passage.