

HOUSE No. 4772

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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

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

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

11 Change Section 1-1 Incorporation Continued from:

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

To: Section 1-1 Incorporation Continued

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

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

Change Section 1-3 Division of Powers from:

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

To: Section 1-3 Division of Powers

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

Purpose: Clarify language.

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

Section 1-4 Powers of the City

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

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

42 Change 1-5 Form of Government from:

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

44 To: Section 1-5 Form of Government

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

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

47 Change Section 1-6 Interpretation of Powers from:

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

51 To: Section 1-6 Interpretation of Powers

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

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

Add New Section 1-7 Intergovernmental Relations

Section 1-7 Intergovernmental Relations

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

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

Change Section 2-2 Executive Powers of the Mayor from:

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

To: Section 2-2 Executive Powers of the Mayor

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

77 Purpose: Affirms the mayor's authority, as executive officer, to enter into contracts on
78 behalf of the city. Designates the Mayor as the City's chief procurement officer.

79
80 Change Section 2-3 Appointments by the Mayor from:

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

91 To: Section 2-3 Appointments by the Mayor

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

100 Purpose: Clarify language.

101 Change Section 2-4 Certificate of Appointment from:

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

109 To: Section 2-4 Certificate of Appointment

110 In making appointments the mayor shall sign and file with the city clerk a certificate in
111 substantially the following form: I appoint (name of appointee) to the position of (name of
112 office), and I certify that said person is qualified to perform the duties of the said office, and I
113 make this appointment solely in the interest of the City of Amesbury. This appointment shall not

114 become effective until twenty-one days following filing with the city clerk, in accordance with
115 the Amesbury Home Rule Charter. (signed Mayor)

116 Purpose: Sets effective date such that it is consistent with computation of time in Section
117 9-3 and changes 15 days to 21 days.

118 Change Section 2-5 Removal of Officials from:

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

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

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

132 To: Section 2-5 Removal of Officials

133 The mayor may remove any person appointed by the mayor by filing a written statement
134 with the city clerk setting forth in detail the specific reasons therefore. A copy of which shall be

135 delivered or mailed to the person thus removed, who may make a written reply, which, if the
136 person thus removed desires, may be filed with the city clerk. Such reply shall not affect the
137 action taken unless the mayor so determines. This section shall not apply to the school
138 committee, or persons appointed by state officials, nor offices subject to provisions of civil
139 service.

140 Any removal by the mayor shall become effective twenty one days after submission of
141 said written statement of removal to the city clerk provided, however, that the municipal council
142 may, during such period, by a two-thirds vote of the full city council, reject any such removal
143 and reinstate said person.. Purpose: Simplifies language and changes 15 days to 21 days.

144 Change Section 2-6 Temporary Appointments from:

145 Whenever a vacancy in an office appointed by the mayor occurs whether by reason of
146 disability, death, resignation or removal from office for any reason, the mayor may appoint the
147 head of another town office or agency, or a town officer or employee, or some other person, to
148 perform the duties of the office for a period not to exceed four months. Whenever a vacancy
149 continues beyond the four months, the mayor may make a second four-month appointment, but
150 no temporary appointment shall be continued beyond eight months.

151 To: Section 2-6 Temporary Appointments

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

157 Purpose: Simplifies language.

158 Change Section 2-7 (a) Communications to the City Council from:

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

165 To: (a) Communications to the City Council

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

172 Purpose: Extends the timeframe for the submission of the annual report to the council
173 from eight weeks to twelve weeks.

174 Change 2-7 Call for Special Meetings of the City Council from:

175 The mayor may at any time, call a special meeting of the municipal council by causing a
176 notice of such meeting specifying the matters which the mayor desires to be considered to be
177 left at the usual place of residence or business of each council person, or given to such

178 councillors in hand. Such notice shall, except in an emergency of which the mayor shall be the
179 sole judge, be delivered at least forty-eight hours in advance of the time set for such meeting and
180 shall specify the purpose or purposes for which the meeting is to be held.

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

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

188 Purpose: Clarify language and fix typos.

189 Change Section 2-8 Approval of Veto by the Mayor from:

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

192 measures relating to the internal affairs of the municipal council

193 memorial or other resolutions

194 emergency measures passed in accordance with provisions of this charter

195 the budget for the operation of town government

196 shall be presented to the mayor for approval. If the mayor does approve of it, the mayor
197 shall signify such approval by signing it. If the mayor does not approve of it, the mayor shall

198 signify disapproval by returning it, with objections in writing, to the municipal council. The
199 municipal council shall enter the objections of the mayor upon its records and shall forthwith,
200 reconsider its vote upon the measure. If, on such reconsideration two-thirds of the full municipal
201 council agree to again pass the measure, the measure shall be considered approved. If any
202 measure is not returned by the mayor within ten days following the day it is presented to the
203 mayor, it shall be considered approved. If the municipal council has not voted to again pass the
204 measure within twenty days following the date the measure is returned to the municipal council,
205 the measure shall be rejected. All votes taken by the municipal council following the return of a
206 measure by the mayor shall be taken by a call of the roll.

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

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

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

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

212 (b) memorial or other resolutions

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

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

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

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

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

229 Purpose: Clarify language and fix typo.

230 Change Section 2-9 Temporary Absence of the Mayor from:

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

238 To: Section 2-9 Acting Mayor

239 Whenever by reason of sickness, absence from the city or other cause, the mayor shall be
240 unable to attend to the duties of the office of mayor, for any period of seven successive days, the
241 president of the city council, or in the event the council president is unwilling or unable to serve,
242 then the vice-president of the city council shall act as mayor possessing the powers of the mayor,
243 but only on those matters not admitting to delay. During any period in which the president or
244 vice-president of the city council is serving as acting mayor, such person shall not serve as the
245 presiding officer of the city council.

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

248 Change Section 2-10 Vacancy in the Office of Mayor from:

249 If a vacancy occurs in the office of mayor, by death, resignation or removal from office
250 at any time preceding the end of the term for which the mayor was elected, the president of the
251 municipal council shall become acting mayor. If the president of the council is unable to serve,
252 the vice president of the municipal council shall become a acting mayor. If the vice president of
253 the council is unable to serve as acting mayor, the clerk of the council shall forthwith call a
254 special meeting of the municipal council, and the municipal council shall elect by majority vote
255 one of its members as acting mayor for the remainder of the unexpired term. Upon qualification
256 of the president or vice president or the election and qualification of any member of the
257 municipal council as acting mayor under the provisions of this section, a vacancy shall exist
258 in the seat of the councillor selected as acting mayor.

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

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

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

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

272 Change Section 3-1 Composition; Eligibility; Election and Term from:

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

276 A councillor-at-large who shall cease to be a resident of the town during the term for
277 which such councillor was elected shall be deemed to have vacated the office of councillor-at-
278 large and the office shall be considered vacant. A district councillor who shall move from one
279 district to another during the term of office for which such councillor was elected, shall continue
280 to serve for the balance of the term for which the district councillor was elected. Any vacancy in

281 the office of councillor-at-large or district councillor shall be filled in accordance with Section 3-
282 4.

283 To: (b) Eligibility

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

287 A councillor-at-large who shall cease to be a resident of the city during the term for
288 which such councillor was elected shall be deemed to have vacated the office of council-at-large
289 and the office shall be considered vacant. If a district councillor moves from one district to
290 another within the first twelve months of the term of office for which such councillor was
291 elected, the office shall be considered vacant. Any district councillor who continues to reside in
292 the city but who moves from the district he or she represents during the last twelve months of his
293 or her term of office shall continue to serve for the balance of the term for which the district
294 councillor was elected. Any vacancy in the office of councillor-at-large or district councillor
295 shall be filled in accordance with Section 3-4.

296 Purpose: Declares vacancy of a district council seat if the councillor moves from the
297 district in the first year of the term.

298 Change Section 3-1 Composition; Eligibility; Election and Term from:

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

302 To: (c) Election and Term

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

306 Purpose: Clarify language.

307 Change Section 3-2 Council Organization from:

308 After the councillors-elect have taken the oath of office, the municipal council shall be
309 called together by the town clerk for the purpose of conducting an election among council
310 members for the office of municipal council president and vice-president to serve at the pleasure
311 of the municipal council. The president shall preside at all meetings of the municipal council,
312 perform ceremonial functions and perform such other functions as may be assigned by this
313 charter, by ordinance or by vote of the municipal council. The vice-president shall perform all
314 duties of the council president during the council president's absence or disability.

315 To: Section 3-2 Council Organization

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

323 Purpose: Clarify language

324 Change Section 3-3 General Powers and Duties from:

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

328 To: Section 3-3 General Powers and Duties

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

333 Purpose: Clarify language.

334 Change Section 3-4 Filling of Vacancies on the City Council from:

335 If a vacancy occurs in the office of municipal councillor, whether by failure to elect or
336 otherwise, the remaining councillors shall, within thirty days following the date such vacancy is
337 declared to exist, fill said vacancy. The municipal council in the filling of any vacancy shall
338 choose the defeated candidate for the seat in which the vacancy is declared to exist at the last
339 regular town election immediately proceeding the date of the vacancy is declared to exist,
340 provided however, that the defeated candidate for the office of councillor-at-large or the office of
341 district councillor shall have received at least twenty-five percent of the total votes cast for the
342 office of councillor-at-large or for the office of district councillor. If there was no other candidate
343 for said office of councillor-at-large or district councillor, or the defeated candidate shall not

have received a sufficient number of total votes cast, the municipal council may at their discretion choose from among the voters entitled to vote for such office. Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular town election is to be held within 120 days following the date the vacancy is declared to exist. The municipal council shall be the sole judge of whether a vacancy shall exist in the office of municipal councillor and may declare an office vacant by a majority vote of the council.

To: Section 3-4 Filling of Vacancies

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

Purpose: Clarify and simplify language.

Change Section 3-5 Exercise of Powers; Quorum; Rules of Procedure from:

(b) Quorum

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

370 To: (b) Quorum

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

376 Purpose: Clarify language.

377 Change Section 3-5 Exercise of Powers; Quorum; Rules of Procedure from:

378 Rules of Procedure

379 The municipal council shall from time to time establish written rules for its proceedings.
380 Regular meetings of the municipal council shall be held at a time and place fixed by ordinance
381 but shall be not less frequent than once monthly; provided however, that the council president
382 may suspend meeting during the month of July or August. Special meetings of the municipal
383 council may be held on the call of the president of the municipal council, or on the call of any
384 three members, by written notice delivered to the town clerk at least forty-eight hours in advance
385 of the time set. Except as otherwise authorized by the laws of the commonwealth all sessions of
386 the municipal council shall be open to the public and an agenda of any regular or special

municipal council meeting shall be posted in the office of the town clerk and on the town bulletin board at least forty-eight hours prior to any such meeting. Such posting shall not preclude the municipal council from the introduction of additional agenda items as allowed by the municipal council's rules of procedure. Every matter coming before the municipal council for action shall be put to a vote, the result of which shall be duly recorded. All municipal council votes on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the municipal council shall be kept by the municipal council and shall be open to inspection by the public. The rules of procedure of the municipal council shall provide for a period of public comment at regular meetings of the municipal council. Any members of the municipal council or the mayor may submit an item or measure to the municipal council for consideration.

To: (c) Rules of Procedure

The city council shall within the first four months following of the term and from time to time thereafter establish and adopt written rules for its procedures and make public those proposed rules thirty days before adoption. Prior to adoption of proposed rules, the city council shall operate under the previously adopted rules. Regular meetings of the city council shall be held at a time and place fixed by ordinance but shall be not less frequent than once monthly. However, the council president may suspend meetings during the months of July and August. Special meetings of the city council may be held on the call of the mayor, the council president, or on the call of any three members, by written notice delivered to the city clerk at least forty-eight hours in advance of the time set. Except as otherwise authorized by the laws of the Commonwealth all sessions of the city council shall be open to the public and an agenda of any regular or special city council meeting shall be posted in the office of the city clerk and on the

city bulletin board at least forty-eight hours prior to any such meeting. Such posting shall not preclude the city council from the introduction of additional agenda items as allowed by the city council's rules of procedure. Every matter coming before the city council for action shall be put to a vote, the result of which shall be duly recorded. All city council votes on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the city council shall be kept by the clerk of the city council and shall be open to inspection by the public as required by law. The rules of procedure of the city council shall provide for a period of public comment at regularly scheduled meetings of the city council. Any members of the city council or the mayor may submit an item or measure to the city council for consideration.

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

Change Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures from:

In General

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

431 repealed except by another ordinance adopted in accordance with this charter, or as provided in
432 the initiative and referendum procedures.

433 To: (a) In General

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

441 Purpose: Clarify language.

442 Change Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures
443 from:

444 (c) Objection

445 On the first occasion that the question on adoption of a measure is put to the municipal
446 council, if a single member objects to the taking of the vote, the vote shall be postponed until the
447 next meeting of the municipal council whether regular or special. If one member shall further
448 object, such postponement shall be until the next regular meeting; but for an emergency measure
449 at least three members must object. This procedure shall not be used more than once for any
450 measure notwithstanding any amendment to the original measure.

451 To: (c) Objection

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

459 Purpose: Clarify language.

460 Change Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures
461 from:

462 (d) Publication of Measures

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

472 To: (d) Publication of Measures

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

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

485 Change Section 3-8 Inquiries and Investigations from:

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

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

495 To: Section 3-8 Inquiries and Investigations

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

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

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

510 Change Section 3-11 Compensation; Expenses from:

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

514

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

520 To: Section 3-11 Compensation; Expenses

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

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

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

531 Change Section 4-1 Elected Officer in General from:

532 In addition to the mayor and municipal council, the offices to be filled by the voters shall
533 be a school committee, a planning board, a board of library trustees, housing authority and such
534 other regional authorities, districts, or committees as may be established by law or inter-local
535 agreement. The school committee, planning board, board of library trustees, and housing

536 authority shall be nominated and elected by and from the voters at large and their terms of office
537 shall begin on the first town business day of January following the biennial election, and
538 continuing until their successors are qualified.

539 To: Section 4-1 Elected Officers in General

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

547 Purpose: Clarify language.

548 Change Section 4-2 Eligibility from:

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

553 To: Section 4-2 Eligibility

554 Any voter shall be eligible to hold elective city office provided that no person shall
555 simultaneously hold more than one elective city office, and no elected officer shall hold an

556 appointed city position or office or be otherwise employed by the city unless as otherwise
557 provided for in this charter.

558 Purpose: Clarify language.

559 Change Section 4-3 School Committee from:

560 Composition; Term of Office

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

566 To: (a) Composition; Term of Office

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

573 Purpose: Clarify language.

574 Change Section 4-5 Board of Library Trustees from:

575 Power and Duties

The board of library trustees shall have the custody and management of the library and of all property of the town related thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money or property that the town may receive by gift or bequest shall be administered by the board in accordance with the provisions of such gift or bequest. The board of library trustees shall recommend candidates for the position of head librarian. The board of library trustees shall have all of the powers and duties given to boards of library trustees under the constitution and general laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by ordinance or by other municipal council vote.

To: (b) Power and Duties

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

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

Change Section 4-7 Vacancy in Elected Offices from:

If a vacancy occurs in the membership of the school committee, planning board, board of library trustees, or housing authority, whether by failure to elect or otherwise, the president of the municipal council shall within thirty days following the date such vacancy is declared to exist, call a joint meeting of the municipal council and the board, commission or committee on which

598 such vacancy shall exist for the purpose of filling said vacancy. At any such joint meeting a
599 majority of those present and voting shall choose the defeated candidate for the seat in which the
600 vacancy is declared to exist at the last regular town election immediately preceding the date the
601 vacancy is declared to exist, provided however, that the defeated candidate shall have received at
602 least twenty-five percent of the total votes cast for that office. If there was no other
603 candidate for said office, or the defeated candidate shall not have received a sufficient number of
604 the total votes cast, the municipal council and such other board, commission or committee may,
605 at their discretion, choose from among the voters entitled to vote for such office. Any person so
606 chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be
607 filled, in the manner herein before provided, if a regular town election is to be held within 120
608 days following the date the vacancy is declared to exist. If a vacancy is filled under this section,
609 the term of office of which shall continue beyond the next regular election, the person chosen to
610 fill said vacancy shall only serve until such next regular election. At such regular election the
611 unexpired balance of the term of office shall be filled by the voters. The municipal council shall
612 be the sole judge of whether a vacancy shall exist in the office of any elected office under this
613 section, and may declare any such elected office vacant by a majority vote of the council.

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

615 If a vacancy occurs in the membership of the school committee, planning board, board of
616 library trustees, or housing authority, whether by failure to elect or otherwise, the remaining
617 members of said board or committee shall notify the president of the city council who will
618 declare such vacancy to exist. The council president shall, within thirty days following the date
619 such vacancy is declared to exist, call a joint meeting of the city council and the remaining
620 members of the board or committee on which such vacancy exists for the purpose of filling said

621 vacancy. At any such joint meeting a majority of those present and voting shall choose the
622 unelected candidate who received the highest number of votes, if any, at the last regular
623 municipal election immediately preceding the date of the vacancy for the seat declared vacant,
624 provided however, that the unelected candidate shall have received at least thirty (30) percent of
625 the total votes cast for that office. Should more than one unelected candidate meet the criterion
626 as described above, the vote of the affected board of committee and the council shall include all
627 such candidates.

628 If there is no eligible candidate for said office, or the said candidate declines to be sworn
629 to office within ten days, or has removed from the city, or is otherwise unable to serve, the city
630 council and such other board or committee will choose from among the voters entitled to vote for
631 such office. Said vacancy shall be posted for a minimum of thirty days, and the council and the
632 affected board shall meet at a special council meeting called for the purpose or at a regularly
633 scheduled council meeting where such candidates will be granted equal time to speak. At the
634 same meeting, or the next following meeting, the council and the affected board shall vote to fill
635 the vacancy from among the announced candidates. The council and the affected board or
636 committee shall act in this matter as a committee of the whole, requiring a majority vote of the
637 full council membership and remaining members of the affected board or committee, to choose a
638 candidate to fill the vacancy.

639 Any person so chosen shall take the oath of office and commence to serve forthwith. No
640 vacancy shall be filled, in the manner herein provided, if a regular municipal election is to be
641 held within one hundred twenty days following the date the vacancy is declared to exist. If a
642 vacancy is filled under this section and the term of office continues beyond the next regular

643 election, the person chosen to fill said vacancy shall only serve until such next regular election.
644 At such regular election the unexpired balance of the term of office shall be filled by the voters.

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

649 Purpose: Simplify language.

650 Change Section 4-8 Prohibitions from:

651 No elected member of the school committee, board of library trustees, planning board or
652 housing authority shall hold any compensated appointive office or employment under the town
653 until one year after the expiration of the term of office of such elected member. This provision
654 shall not prevent a town officer or employee who has taken a leave of absence from such duties
655 in order to serve as a member of such elected office from returning to such employment or office
656 following service as an elected member of the school committee, board of library trustees,
657 planning board or housing authority.

658 To: Section 4-8 Prohibitions

659 No elected member of the school committee, board of library trustees, planning board or
660 housing authority shall hold any compensated appointive office or employment under the city
661 until one year after the expiration of the term of office of such elected member. This provision
662 shall not prevent a city officer or employee who has been granted a leave of absence, by their
663 appointing authority, from such duties in order to serve as a member of such elected office from

664 returning to such employment or office following service as an elected member of the school
665 committee, board of library trustees, planning board or housing authority.

666 Purpose: Clarify language

667 Change Section 5-2 Submission of Operating Budget; Budget Message from:

668 In accordance with the laws of the commonwealth before the commencement of the
669 ensuing fiscal year, the mayor shall submit to the municipal council a proposed operating budget
670 for all town agencies for the ensuing fiscal year with an accompanying budget message and
671 supporting documents. The budget message submitted by the mayor shall explain the budget in
672 fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed
673 fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed
674 operating budget and indicate any major variations from the current budget, fiscal policies,
675 expenditures and revenues together with reasons for such change. The proposed operating
676 budget shall provide a complete fiscal plan of all town funds and activities and shall be in the
677 form the mayor deems desirable.

678 The operating budget as adopted by the school committee shall be submitted to the mayor
679 at least thirty days prior to the submission of the proposed operating budget to the municipal
680 council. The mayor shall notify the school committee of the date by which the operating budget
681 of the school committee shall be submitted to the mayor. The chief financial officer shall
682 coordinate the preparation of the budget preparation process with the superintendent of schools
683 and the school committee's budget process in accordance with the laws of the commonwealth.

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

685 In accordance with the laws of the Commonwealth before the commencement of the
686 ensuing fiscal year, the mayor shall submit to the city council a proposed operating budget for all
687 city agencies with an accompanying budget message and supporting documents. The mayor
688 shall outline the proposed fiscal policies of the city; describe important features of the proposed
689 operating budget and indicate any major variations from the current budget, fiscal policies,
690 expenditures and revenues together with reasons for such change. The proposed operating
691 budget shall provide a complete fiscal plan of all city funds and activities and shall be submitted
692 in the form the mayor deems desirable.

693 The operating budget as adopted by the school committee shall be submitted to the mayor
694 at least thirty days prior to the submission of the proposed operating budget to the city council.
695 The mayor shall notify the school committee of the date by which the operating budget of the
696 school committee shall be submitted to the mayor. The chief financial officer shall coordinate
697 the preparation of the budget with the superintendent of schools and the school committee's
698 budget process in accordance with the laws of the Commonwealth.

699 Purpose: Clarify language simplify the requirements of the budget submission.

700 Change Section 5-3 Action of the Budget from:

701 (a) Public Hearing

702 The municipal council shall publish, in at least one newspaper of general circulation in
703 the town, a summary of the proposed operating budget as submitted by the mayor by a notice
704 stating: (1) the times and places where copies if the entire proposed operating budget are
705 available for inspection by the public, and (2) the date, time and place not less than fifteen days
706 after such publication, when a public hearing on said proposed operating budget will be held by

707 the municipal council. For the purpose of this section, the summary of the proposed operating
708 budget that is required to be published shall contain proposed appropriations, funding sources
709 and any narrative summary deemed necessary by the municipal council.

710 To: (a) Public Hearing

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

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

720 Change Section 5-3 Action of the Budget from:

721 (b) Adoption of the Budget

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

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

To: (b) Adoption of the Budget

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

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

Purpose: Clarify language.

Change to Section 6-1 Administrative Organization from:

(a) Organization of Town Agencies

The organization of town government into operating agencies for the provision of services and the administration of government may, be accomplished through either of two methods provided for in Section 6-1 (a) (1) and (2). Subject only to the express prohibitions of

749 the laws of the commonwealth or the provisions of this charter the town may organize operating
750 agencies as deemed in the best interest of the town.

751 (1) Organization by Ordinance

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

756 (2) Executive Reorganization Plans

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

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

765 (b) Publication of Reorganization Plans

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

769 To: Section 6-1 Administrative Organization

770 (a) Organization of City Agencies

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

776 (1) Organization by Ordinance

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

782 (2) Executive Reorganization Plans

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

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

(b) Publication of Administrative Orders

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

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

Change Section 6-2 Management of Human Resources from:

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

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

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

815 To: Section 6-2 Management of Human Resources

816 The mayor shall adopt rules and regulations establishing a human resources system. The
817 human resources system shall make use of current concepts of human resources management and
818 may include, but not be limited to, the following elements: a method of administration; human
819 resources policies indicating the rights, obligations and benefits of employees; a classification
820 plan; a compensation schedule; a method of recruiting and selecting employees based upon merit
821 principles; a centralized record keeping system; a performance appraisal system; disciplinary
822 procedures; and other elements that are determined necessary.

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

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

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

832 Change Section 6-3 Department of Administration and Finance from:

833 (a) Department Established

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

839 (b) Responsibilities of the Chief Financial Officer

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

853 The chief financial officer shall supervise the offices and functions of the town
854 accountant; treasurer, and collector. The chief financial officer shall also direct and supervise the
855 daily operations of the board of assessors' office, provided however, that the board of assessors
856 shall continue to have the other powers, duties and responsibilities which are given to boards of
857 assessors under the laws of the commonwealth. The chief financial officer may serve as the
858 town accountant or the treasurer but may not serve as both officers.

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

861 To: (a) Department Established

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

867 (b) Responsibilities of the Chief Financial Officer

868 The chief financial officer shall be responsible for the coordination of all financial
869 services and activities; maintenance of all accounting records and other financial statements;
870 payment of all obligations; receipt of all funds due; assistance to all other city agencies in any
871 matter related to financial affairs; monitoring of expenditures of all funds; including periodic
872 reporting to appropriate agencies on the status of accounts; maintaining a full and complete
873 inventory of city real and personal property; supervision of all data processing or information
874 management functions, unless otherwise provided, and any other matter relating to city finances

875 as may be determined necessary or desirable. The chief financial officer shall assist the mayor
876 with the preparation of the annual operating budget, financial forecasts, capital improvement
877 program and other financial documents. The chief financial officer shall also keep the mayor
878 fully informed as to the financial condition of the city and make recommendations as deemed
879 necessary and perform such other duties as necessary or as may be assigned.

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

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

888 Purpose: Removes requirement that CFO serve as chief procurement officer (as Section
889 2-2 makes the Mayor to be the City's chief procurement officer). Clarify language.

890 Change Section 6-4 Liquor Licensing Commission from:

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

894 To: 6-4 Liquor Licensing Commission -

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

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

899 Change Section 7-1 City Elections; General and Preliminary from:

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

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

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

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

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

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

913 Change Section 7-3 Regular Election from:

914 Information to Voters

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

917 To: (a) Information to Voters

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

921 Purpose: Clarify language.

922 Change Section 7-5 Application of State Laws from:

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

928 To: Section 7-5 Application of State Laws

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

934 Purpose: Clarify language.

935 Change Section 8-2 Citizen Initiative Measures from:

936 Commencement of Proceedings

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

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

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

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

952 When such certificate has been so transmitted, said petition shall be deemed to be valid
953 unless written objections are made with regard to the signatures thereon by a voter within forty-
954 eight hours after such certification by filing such objections with the municipal council or the

955 school committee, and a copy thereof with the registrars of voters. The validity of any objection
956 to the certification shall be determined in accordance with the laws of the commonwealth.

957 To: (a) Commencement of Proceedings

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

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

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

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

973 When such certificate has been so transmitted, said petition shall be deemed to be valid
974 unless written objections are made with regard to the signatures thereon by a voter within forty-
975 eight hours after such certification by filing such objections with the city council or the school

976 committee, and a copy thereof with the registrars of voters. The validity of any objection to the
977 certification shall be determined in accordance with the laws of the Commonwealth.

978 Purpose: Clarify language

979 Change Section 8-2 Citizen Initiative Measures from:

980 Referral to Town Attorney

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

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

990 To: (b) Referral to City Solicitor

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

993 Within fifteen days after receipt by the city solicitor of the petition the city solicitor shall
994 advise the city clerk in writing whether the measure may be proposed by initiative procedures
995 and whether it may be lawfully passed by the city council or the school committee. If the opinion
996 of the city solicitor is that the measure may not lawfully be passed, the city solicitor shall state

997 the reason or reasons therefore in said reply. The city clerk shall forthwith furnish a copy of the
998 city solicitor's opinion to the person designated on the petition as filing the same.

999 Purpose: Clarify language and the typographical error in word "latter" is fixed to be the
1000 correct word "later".

1001 Change Section 8-2 Citizen Initiative Measures from:

1002 (d) Ballot Question

1003 The ballots used when voting upon a proposed measure under this section shall state the
1004 nature of the measure in terms sufficient to show the substance thereof by preparation of a fair,
1005 concise summary by the town attorney and approved by the registrars of voters.

1006 The full text of the measure shall be published in a least one local newspaper at least
1007 seven days before the election at which the question shall appear on the ballot.

1008 The ballot used when voting upon a proposed measure under this section shall contain the
1009 question in substantially the follow form:

1010 Shall the following measure which was proposed by an initiative petition take effect?

1011 (Text of measure summary) Yes_____ No_____

1012 If a majority of the votes cast on the question is in the affirmative the measure shall be
1013 deemed to be effective forthwith, unless a later date is specified in the measure.

1014 To: (d) Ballot Question

1015 The ballots used when voting upon a proposed measure under this section shall state the
1016 nature of the measure in terms sufficient to show the substance thereof by preparation of a fair,
1017 concise summary by the city solicitor and approved by the registrars of voters.

1018 The full text of the measure shall be published in at least one local newspaper at least
1019 seven days before the election at which the question shall appear on the ballot. The full text of
1020 the proposed measure shall also be made available at city hall and the public library for a
1021 minimum of fourteen days prior to the election and at polling places on the day of the election.
1022 The ballot used when voting upon a proposed measure under this section shall contain the
1023 question in substantially the follow form:

1024 Shall the following measure which was proposed by an initiative petition take effect?

1025 (Text of measure summary) Yes_____ No_____

1026 If a majority of the votes cast on the question is in the affirmative the measure shall be
1027 deemed to be effective forthwith, unless a later date is specified in the measure.

1028 Purpose: Require text of the proposed measure be available prior to the election and at
1029 the polling place during the election.

1030 Change Section 8-5 Measures not Subject to Initiative and Referendum from:

1031 Measures which include the following subject matter shall not be subject to initiative or
1032 referendum procedures:

1033 revenue loan orders, (b) appropriations for the payment of debt or debt service, (c)
1034 internal operational procedures of the municipal council and the school committee; (d)
1035 emergency measures; (e) the town budget or any appropriation contained therein or the school

1036 committee budget or any appropriation contained therein, or the capital improvements program
1037 or any item contained therein; (f) appropriation of funds to implement a collective bargaining
1038 agreement; (g) procedures relating to election, appointment, removal, discharge or any other
1039 personnel action; and (h) proceedings providing for the submission or referral of a matter to the
1040 voters at an election.

1041 To: Section 8-5 Measures not Subject to Initiative and Referendum

1042 Measures which include the following subject matter shall not be subject to initiative or
1043 referendum procedures:

1044 revenue loan orders, (b) appropriations for the payment of debt or debt service, (c)
1045 internal operational procedures of the city council and the school committee, (d) emergency
1046 measures, (e) the city budget or any appropriation contained therein or the school committee
1047 budget or any appropriation contained therein, (f) appropriation of funds to implement a
1048 collective bargaining agreement, (g) procedures relating to election, appointment, removal,
1049 discharge or any other personnel action, (h) proceedings providing for the submission or referral
1050 of a matter to the voters at an election; and (i) setting of property tax rate.

1051 Purpose: Add restriction from referendum on setting of the property tax rate consistent
1052 with state law.

1053 Change Section 8-8 Recall of Elected Officials from:

1054 (a) Application

1055 Any person who holds an elected town office with more than six months remaining of the
1056 term of office for which such person was elected, at the time of the filing of the affidavit may be

1057 recalled from office by the voters in the manner provided in this section. No recall petition may
1058 be filed against an officer within six months after taking office.

1059 (b) Recall Petitions

1060 A recall affidavit signed by a least three hundred voters for any officer elected at large
1061 and by at least one hundred for any officer elected by district may be filed with the town clerk
1062 containing the name of the office whose recall is sought and a statement of the grounds for recall.
1063 The board of registrars of voters shall certify such petitions with regard to the sufficiency and
1064 validity of the signatures of voters and within five working days following such filing the town
1065 clerk shall deliver to the ten persons first named on such petitions, petition blanks demanding
1066 said recall, printed forms of which the town clerk shall keep available. The blanks may be
1067 completed by printing or typewriting; they shall be addressed to the municipal council; they shall
1068 contain the names of the ten persons to whom they are issued and the grounds for the recall as
1069 stated in the affidavit; they shall be dated and signed by the town clerk. A copy of the petition
1070 shall be entered into the records kept in the office of the town clerk.

1071 The recall petitions shall be returned to the office of the town clerk within twenty days
1072 following the date the blanks are issued, signed by a least twenty percent of the total number of
1073 persons who voted at the most recent municipal election for officers elected at large, and, for
1074 officers elected by district signed by at least twenty percent of the total number of persons who
1075 voted at the most recent municipal election from the district officer sought to be recalled
1076 represents.

1077 The town clerk shall forthwith submit the petition to the registrars of voters, and the
1078 registrars shall within five working days, certify thereon the names of the registered voters of the
1079 town, or from the district the officer sought to be recalled represents.

1080 To: Section 8-8 Recall of Elected Officials

1081 (a) Application

1082 Any person who holds an elected city office with more than six months remaining of the
1083 term of office for which such person was elected, at the time of the filing of the affidavit may be
1084 recalled from office by the voters in the manner provided in this section. No recall petition may
1085 be filed against an officer until six months after taking office.

1086 (b) Recall Requests

1087 A recall affidavit signed by a least three hundred voters with a minimum of twenty five
1088 (25) signatures from each district for any officer elected at large and by at least one hundred for
1089 any officer elected by district may be filed with the city clerk containing the name of the office
1090 whose recall is sought and a statement of the reasons for recall (and any reasons shall suffice).
1091 The board of registrars of voters shall certify such Requests with regard to the sufficiency and
1092 validity of the signatures of voters. Within five business days following such filing the city clerk
1093 shall deliver to the ten persons first named on such Requests, Requests blanks demanding said
1094 recall, printed forms of which the city clerk shall keep available. The blanks may be completed
1095 by printing or typewriting; they shall be addressed to the city council; they shall contain the
1096 names of the ten persons to whom they are issued and the reasons for the recall as stated in the
1097 affidavit; they shall be dated and signed by the city clerk. A copy of the Requests shall be
1098 entered into the records kept in the office of the city clerk.

1099 Purpose: Require a minimum of signatures from each district for recall of officers elected
1100 at large. Clarify language.

1101 (c) Recall Petitions

1102 The recall petitions shall be returned to the office of the city clerk within twenty days
1103 following the date the blanks are issued, signed by a least ten (10) percent of the total number of
1104 persons registered to vote for officers who are elected at-large, and, for officers elected by
1105 district signed by at least ten (10) percent of the total number of persons registered to vote in
1106 such district.

1107 The city clerk shall forthwith submit the petition to the registrars of voters, and the
1108 registrars shall within five business days, certify thereon the names of the registered voters of the
1109 city, or from the district the officer sought to be recalled represents.

1110 Purpose: Set threshold of voters signatures based on number of eligible registered voters
1111 not number of voters in last election.

1112 (d) Recall Election

1113 If the petition signatures shall be found and certified by the city clerk to be sufficient and
1114 valid, the city clerk shall submit the same with such certificate to the city council within five
1115 business days, and the city council shall forthwith give written notice of the receipt of the
1116 certificate to the officer sought to be recalled, and shall, if the officer does not resign within five
1117 days thereafter, order an election to be held on a Tuesday fixed by them not less than 65 days but
1118 not more than 90 days after the date of the city clerk's certificate, provided however, that if any
1119 city election is otherwise to occur within one hundred twenty days after the date of said

1120 certificate, the city council may, at its discretion, omit the calling of a special election and submit
1121 the proposed recall to the voters at such approaching election. The recall election for any officer
1122 elected by district shall only be held in the district that the officer represents. Should multiple
1123 officers from more than one district be subject to recall, the election shall be held only in those
1124 districts.

1125 If a vacancy occurs in said office after a recall election has been ordered, the election
1126 shall not proceed as provided in this section, and the resulting vacancy shall be filled as provided
1127 in this charter.

1128 Purpose: Require special election occur on a Tuesday. Clarify language regarding
1129 multiple recalls and the filling of vacancies.

1130 (e) Office Holder

1131 The incumbent shall continue to perform the duties of the office until the recall election.
1132 If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the
1133 unexpired term subject to recall as before.

1134 If recalled, the officer shall be deemed removed and the office vacant. The vacancy
1135 resulting from the recall shall be filled in accordance with the provisions of this charter. Any
1136 person appointed to fill such vacancy shall hold office for the unexpired term of the officer
1137 recalled.

1138 (f) Ballot Proposition:

1139 The form of the question to be voted upon shall be substantially as follows: “Shall – here
1140 insert the name and title of the elective officer whose recall is sought – be recalled?” If a

1141 majority of the votes cast upon the question of recall is in the affirmative, such elected officer
1142 shall be recalled.

1143 No recall election shall be effective unless at least thirty percent of the eligible registered
1144 voters in the city or in the district, as applicable, shall have voted.

1145 Purpose: Clarify language.

1146 (g) Repeat of Recall

1147 In the case of an officer subjected to a recall election and not recalled thereby, no recall
1148 petition shall be filed against such officer for at least six months after the election which the
1149 officer's recall was submitted to the voters of the city.

1150 (h) Office Holder Recalled

1151 No person recalled from office or who has resigned from office while recalling
1152 proceedings were pending against such person, shall be appointed to any city office within two
1153 years after such recall or resignation.

1154 Change Section 9-3 Rules of Interpretation from:

1155 (d) Computation of Time

1156 Except as pertaining to the computation of time for elections and open meetings of
1157 government bodies, in computing time under this charter, if seven days or less, only business
1158 days, not including Saturdays, Sundays, or legal holidays shall be counted; if more than seven
1159 days, every day shall be counted.

1160 To: (d) Computation of Time

1161 Except as pertaining to the computation of time for elections and open meetings of
1162 government bodies, in computing time under this charter, if seven days or less, only business
1163 days, not including Saturdays, Sundays, or legal holidays shall be counted; if more than seven
1164 days, every day shall be counted. All days shall be considered 24 hours long commencing at 12
1165 midnight and ending at 11:59:59 p.m.

1166 Purpose: Clarify computation of time.

1167 Change Section 9-4 Definitions from:

1168 Unless another meaning is clearly apparent from the manner in which the word is used,
1169 the following words as used in this act shall have the following meanings:

1170 To: Section 9-4 Definitions

1171 Unless another meaning is clearly apparent from the manner in which the word is used,
1172 the following words as used in this charter shall have the following meanings:

1173 Purpose: Clarify language.

1174 Change Section 9-4 Definitions from:

1175 Charter – The word “charter” shall mean this charter and any amendments to it made
1176 through any methods provided under Article LXXXIX of the Amendments to the Constitution of
1177 the Commonwealth.

1178 To: (a) Charter – The word “charter” shall mean this charter and any amendments to it
1179 made through any methods provided under Article LXXXIX of the Amendments to the
1180 Constitution of the Commonwealth.

1181 Purpose: Cite the proper Amendment Article.

1182 Change Section 9-5 Board, Committees or Commissions from:

1183 Except as otherwise provided by this charter, all boards, commissions and committees
1184 shall consist of three or more members appointed for terms of three years each, so arranged that
1185 the term of one-third of the members, or as nearly the number as may be possible, shall expire
1186 each year. All members of boards, commissions, and committees shall serve without
1187 compensation or benefits and shall be sworn into office within four weeks of their appointment.
1188 All board, commission or committee members must take the oath of office prior to entering upon
1189 the duties of their office.

1190 To: (a) Board, Committees or Commissions; Term of Office; In General

1191 Except subcommittees of the city council and as otherwise provided by law or this
1192 charter, all boards, commissions and committees shall consist of three or more members
1193 appointed by the mayor for terms of three years each, so arranged that the term of one-third of
1194 the members, or as nearly the number as may be possible, shall expire each year. All members
1195 of boards, commissions, and committees shall serve without compensation or benefits and shall
1196 be sworn into office within four weeks of their appointment. All board, commission or
1197 committee members must take the oath of office prior to entering upon the duties of their office.

1198 Purpose: Clarify language.

1199 Change Section 9-5 Board, Committees or Commissions from:

1200 All boards, committees and commissions shall meet regularly at such times and places

1201 as they shall determine, but not less than quarterly. Special meetings of any board,
1202 commission or committee shall be held on the call of the chair or by a majority of its members,
1203 by written notice delivered in hand or to the place of residence of each member and which
1204 contains notice of the matters to be acted upon. Except in the case of any emergency, all notices
1205 shall be delivered at least forty-eight hours in advance of the time set forth for such meeting. A
1206 copy of such notice shall, forthwith, be posted upon the town bulletin board.

1207 Upon petition signed by at least one hundred voters requesting a special meeting of any
1208 board, commission or committee, said board, commissioner committee shall hold a special
1209 meeting within fifteen days of notice from the town clerk that a petition has been filed. Any
1210 such petition must state the purpose or purposes for which such meeting is requested.

1211 If any member of an appointed board, commission or committee fails to attend one half
1212 of the meetings held by such board, committee or commission during a calendar year, the
1213 municipal council may declare the office held by such member to be vacant.

1214 Each board, commission or committee shall determine its own rules of order of business
1215 unless another provision is made by ordinance, and shall provide for the keeping of a journal of
1216 its proceedings. Such rules and journal shall be available for public inspection and copies shall
1217 be maintained by the town clerk and the public library.

1218 If requested by any member, any vote of any board, commission or committee shall be
1219 taken by a call of the roll and the vote shall be recorded in the journal provided, however, if the
1220 vote is unanimous, only that fact need be recorded.

1221 A majority of the members of a board, commission or committee shall constitute a
1222 quorum, but a smaller number may meet and adjourn from time to time.

1223 To: (b) Uniform Procedures Applicable to Boards, Commissions and Committees

1224 All boards, commissions and committees shall meet regularly at such times and places as
1225 they shall determine, but not less than quarterly. Special meetings of any board, commission or
1226 committee shall be held on the call of the chair or by a majority of its members, by written notice
1227 delivered in hand or to the place of residence of each member and which contains notice of the
1228 matters to be acted upon. Except in the case of any emergency, all notices shall be delivered at
1229 least forty-eight hours in advance of the time set forth for such meeting. A copy of such notice
1230 shall, forthwith, be posted upon the city bulletin board.

1231 Upon petition signed by at least one hundred voters requesting a special meeting of any
1232 board, commission or committee, said board, commission or committee shall hold a special
1233 meeting within fifteen days of notice from the city clerk that a petition has been filed. Any such
1234 petition must state the purpose or purposes for which such meeting is requested.

1235 If any member of an appointed board, commission or committee fails to attend one half
1236 of the meetings held by such board, commission or committee during a calendar year, upon
1237 notice to the mayor from the City Council, board, commission or committee affected, the mayor
1238 shall within thirty (30) days of said notice determine, based on his or her own investigation, of
1239 which a public record shall be kept, to retain said member or fill the vacancy.

1240 Each board, commission or committee shall determine its own rules of order of business
1241 unless another provision is made by ordinance, and shall provide for the keeping of a journal of
1242 its proceedings. Such rules and journal shall be available for public inspection and copies shall
1243 be maintained by the city clerk and the public library.

1244 If requested by any member, any vote of any board, commission or committee shall be
1245 taken by a call of the roll and the vote shall be recorded in the journal provided, however, if the
1246 vote is unanimous, only that fact need be recorded.

1247 A majority of the members of a board, commission or committee shall constitute a
1248 quorum, but a smaller number may meet and adjourn from time to time.

1249 Purpose: Clarifies language making declaration of vacancy and reappointment of absent
1250 board, commission or committee members reside with the mayor, who serves as appointing
1251 authority.

1252 NO CHANGE; Maintain Section 9-5 (c) Board, Committees or Commissions: as it
1253 appears in 1996 Charter

1254 (c) Multiple Office Holding

1255 No member of a board, committee or commission may serve on another city board,
1256 commission or committee, provided however, nothing shall prohibit any member of a board,
1257 committee or commission to serve on an ad hoc, temporary advisory committee, or committee
1258 established for the purpose of coordinating the exercise of power, duties and responsibilities of
1259 respective boards, commissions, and committees. No city employee may serve on a board,
1260 commission or committee unless required by virtue of the office held by said employee.

1261 Purpose: Maintain limitation on volunteers and employees interested in serving the city
1262 through board, commissions and committees.

1263 Change Section 9-7 Re-enactment and Publication of Ordinances from:

1264 Within one year after the election of the municipal council, it shall cause a review,
1265 revision and recodification of town ordinances. After this initial review at five-year intervals
1266 thereafter, the municipal council shall cause to be prepared a proposed revision or recodification
1267 of all town ordinances which shall be submitted to the municipal council for reenactment. Such
1268 revision or recodification shall be prepared by a committee established by the municipal council.
1269 Such revisions or recodification shall be prepared under the supervision of the town attorney or if
1270 the municipal council so directs by special counsel retained for such purposes. Within eight
1271 months following its appointment, the committee shall cause to be published in a local
1272 newspaper (a) a report summarizing its recommendations and noting the times and places within
1273 the town where complete copies of the report shall be available for inspection by the public, and
1274 (b) the date, time and place not less than two weeks following such publication when a public
1275 hearing shall be held by the committee on the preliminary report. Copies of the revised
1276 ordinances shall be made available for public distribution. In each year between such
1277 reenactment and publication an annual supplement shall be published containing all ordinances
1278 and amendments to ordinances that had been adopted in the previous year.

1279 To: Section 9-7 Re-enactment and Publication of Ordinances

1280 No later than the first day in July, at five year intervals, in each year ending in a five or a
1281 zero, the city council shall cause to be prepared a proposed revision or re-codification of all city
1282 ordinances which shall be submitted to the city council for re-enactment. Such revision or re-
1283 codification shall be prepared by a committee established by the city council. Such revisions or
1284 re-codification shall be prepared under the supervision of the city solicitor or if the city council
1285 so directs by special counsel retained for such purposes. Within eight months following its
1286 appointment, the committee shall cause to be published in a local newspaper (a) the times and

1287 places within the city where complete copies of the report shall be available for inspection by the
1288 public, and (b) the date, time and place not less than fourteen days following such publication
1289 when a public hearing shall be held by the committee Copies of the revised ordinances shall be
1290 made available for public distribution. In each year between such re-enactment and publication
1291 an annual supplement shall be published containing all ordinances and amendments to
1292 ordinances that had been adopted in the previous year.

1293 Purpose: Clarify language and simplify re-codification as needed.

1294 Change Section 9-8 Code of Ethics from:

1295 The mayor shall prepare and submit to the municipal council a code of ethics which shall
1296 be applicable to all elected and appointed officials and employees of the town.

1297 To: Section 9-8 Code of Ethics

1298 The mayor shall prepare and submit to the city council a code of ethics or revisions to the
1299 code of ethics which shall be applicable to all elected and appointed officials and employees of
1300 the city which shall become effective upon the approval by a majority vote of the city council.

1301 Purpose: Clarify language and add a provision for council approval of Code of Ethics.

1302 Change Section 9-9 Periodic Review of the Charter and the Need for Appointed Boards,
1303 Commissions and Committees from:

1304 Five years from the adoption of this charter, and at ten year intervals thereafter, the
1305 mayor, subject to the approval of the municipal council, shall appoint a special committee to
1306 review this charter and make any recommendations deemed necessary. During the course of any
1307 such charter review, the special committee shall review the purpose and need for each appointed

1308 board, committee and commission of the town and shall report any findings and
1309 recommendations.

1310 As follows:

1311 A. Change Section 9-9 Periodic Review of the Charter and the Need for Appointed
1312 Boards, Commissions and Committees to the following:

1313 Section 9-9 Periodic Review of the Charter

1314 Beginning in 2018 and at ten year intervals in each year ending in an eight, thereafter, the
1315 mayor, subject to approval of the City Council, shall appoint a special committee to review this
1316 charter and to issue a report to the mayor and the city council containing any recommendations
1317 for changes to the charter deemed advisable by said special committee.

1318 Purpose: Clarify language and specify the year in which future charter reviews should
1319 occur.

1320 B. Add a New Section 9-10 Periodic Review of the Need for Appointed Boards,
1321 Commissions and Committees as follows:

1322 Section 9-10 Periodic Review of the Need for Appointed Boards, Commissions and
1323 Committees

1324 Beginning in 2013 and at ten year intervals in each year ending in a three thereafter, the
1325 mayor, subject to approval of the City Council, shall appoint a special committee to review the
1326 purpose and need for each appointed board, commission and committee of the city and to issue a
1327 report to the mayor and the city council containing any recommendations for changes deemed

1328 advisable by said special committee of the city and shall report any findings and
1329 recommendations.

1330 Purpose: Clarify language and specify the year in which future reviews should occur.

1331 Change PART X Transition Provisions from:

1332 All ordinances, resolutions, rules, regulations, and votes of the town meeting which are in
1333 force at the time this act is adopted, not inconsistent with the provisions of this charter, shall
1334 continue in full force until amended or repealed.

1335 Where provisions of this charter conflict with provisions of town ordinances, rules,
1336 regulations, orders, and special acts and acceptances of laws of the Commonwealth, the
1337 provisions of this charter shall govern. All provisions of town ordinances, rules, regulations,
1338 orders and administrative actions not superseded by this charter shall remain in force.

1339 To: Section 10-1 Continuation of Existing Laws

1340 All ordinances, resolutions, rules, regulations, and votes of the city council which are in
1341 force at the time this act is adopted, not inconsistent with the provisions of this charter, shall
1342 continue in full force until amended or repealed.

1343 Where provisions of this charter, as amended, conflict with city ordinances, rules,
1344 regulations, orders, special acts and acceptances of laws of the Commonwealth, the provisions of
1345 this charter shall govern. All provisions of city ordinances, rules, regulations, orders and
1346 administrative actions not superseded by this charter shall remain in force.

1347 Purpose: Clarify language.

1348 No Change; Maintain PART X Transition Provisions Sections 10-2 to 10-6 as per
1349 original 1996 Charter

1350 Section 10-2 Existing Officials and Employees

1351 Any person holding a city office or employment under the city shall retain such office or
1352 employment and shall continue to perform the duties of the office until provision shall have been
1353 made in accordance with this charter for the performance of the said duties by another person or
1354 agency. No person in the permanent full-time service or employment of the city shall forfeit pay
1355 grade or time in service. Each such person shall be retained in a capacity as similar to the
1356 person's former capacity as is practical.

1357 Section 10-3 Continuation of Government

1358 All city officers, boards, commissions or agencies shall continue to perform their duties
1359 until reappointed or until successors to their respective positions are fully appointed or elected or
1360 until their duties have been transferred and assumed by another city office, board, commission or
1361 agency.

1362 Section 10-4 Continuation of Obligations

1363 All official bonds, obligations, contracts and other instruments entered into or executed
1364 by or to the city before the adoption of this act, and all taxes, special assessments, fines,
1365 penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and
1366 collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise
1367 provided, shall continue and remain unaffected by this act. No legal act done by or in favor of the
1368 city shall be rendered invalid by the adoption of this act.

1369 Section 10-5 Transfer of Records and Property

1370 All records, property and equipment whatsoever of any office, board, commission,
1371 committee or agency or part thereof, the powers and duties of which are assigned in whole or in
1372 part to another city office, board, commission, or agency shall be transferred forthwith to such
1373 office, board, commission or agency.

1374 Section 10-6 Time of Taking Effect

1375 This act shall become fully effective upon passage in accordance with the following
1376 schedule and except as otherwise provided in this section:

1377 A special election to elect the first officers under this charter shall be held July 30, 1996.
1378 At such election the voters shall elect a mayor and the City Council. A preliminary election for
1379 the nomination of candidates for the office of the mayor and City Councilors shall be held on
1380 June 25, 1996. The polls at such special election shall be open from 7:00 AM to 7:00 PM.

1381 Existing six precincts shall be used as council districts. The initial City Council elected
1382 under this charter shall serve a term extending to the organization of city government following
1383 the regular city election to be held in November, 1999. At such regular municipal election held in
1384 November 1999, the City Council shall be elected and shall take office in accordance with the
1385 provisions of this charter.

1386 The first mayor elected under this charter shall serve a term extending to the organization
1387 of city government following the regular city election to be held in November 1999. At such
1388 regular city election to be held in November 1999, a mayor shall be elected and take office in
1389 accordance with the provisions of this charter.

1390 As soon as possible following the election, the city clerk shall call together persons
1391 elected to the City Council and the person elected as mayor for the purpose of taking their oath
1392 of office. As soon as members of the City Council take the oath of office, the City Council shall
1393 choose a president and vice president of that City Council and to adopt any temporary rules
1394 governing the conduct of meetings of the City Council.

1395 Following the organization meeting of the City Council, the City Council shall prepare to
1396 assume its full powers, duties and responsibilities which will devolve upon the City Council
1397 under this charter. The City Council president shall forthwith appoint a committee of the council
1398 to develop rules and regulations governing the conduct of council meetings and business. Said
1399 committee shall propose such rules and regulations to the City Council within 30 days after
1400 appointment.

1401 The representative city meeting in office at the time of the election shall continue to
1402 conduct all the legislative business of the city until the full power of the mayor and City Council
1403 shall become operative. Thirty days after the mayor and members of the City Council take the
1404 oath of office, the term of office of all members of the representative city meeting shall terminate
1405 and the representative city meeting shall cease to exist and the power of the City Council shall
1406 become fully effective.

1407 The office of moderator shall cease to exist when the representative city meeting ceases
1408 to exist.

1409 The board of selectmen shall continue to be responsible for the general operation and
1410 business of city government and shall continue to perform all of the powers, duties and
1411 responsibilities of the office until thirty days after the mayor and members of the City Council

1412 take the oath of office; the terms of office of members of the board of selectmen shall terminate
1413 and the board of selectmen shall cease to exist and the powers of the mayor shall become fully
1414 effective at this time. The mayor shall assume all executive powers, duties and responsibilities
1415 held by the board of selectmen. The mayor shall have the right to attend and participate in all
1416 meetings of the school committee but may not vote until a new school committee is organized in
1417 January, 1998.

1418 The office of city manager shall continue to serve until the power of the mayor become
1419 fully effective at which time the office of city manager shall cease to exist. The mayor shall
1420 assume all administrative responsibilities of the office of city manager. The incumbent in the
1421 office of city manager, if any, at the time the mayor assumes all powers under this charter shall
1422 continue to be employed by the city as the chief financial officer established in accordance with
1423 Section 6 of this charter, for a period of not less than six months.

1424 The initial salary of the mayor shall be \$50,000 per year. The initial salary of members of
1425 the City Council shall be \$1,200 per year, provided that the president of the City Council shall
1426 receive \$1,500 per year.

1427 The mayor shall appoint forthwith, a liquor licensing commission established under
1428 Section 6-4 of this charter.

1429 Until such time as another form of organization is provided for in accordance with
1430 Section 6-1 of this charter, there shall continue to be a trust commission. Incumbents serving as
1431 members of the hospital trust commission shall continue to serve for the balance of the terms of
1432 office for which they were elected. Upon the expiration of the terms of office of members of the

1433 hospital trust commission, or if a vacancy shall sooner occur, the officers shall be appointed by
1434 the mayor.

1435 The mayor shall review the organization of city government and shall prepare an
1436 executive reorganization plan in accordance with Section 6-1 of this charter. The mayor shall
1437 submit the executive reorganization plan to the City Council within eighteen months after the
1438 initial election of a mayor, as provided for in this charter. The mayor shall give careful
1439 consideration to the organization of economic development functions in the city and the
1440 streamlining of the local permitting processes.

1441 At the first regular municipal election held under this charter in November, 1997, the city
1442 shall elect: six members of the school committee, nine members of the board of library trustees;
1443 seven members of the planning board; and four members of the housing authority.

1444 The school committee shall remain as currently constituted until a new school committee
1445 is elected and takes office in January, 1998 in accordance with the provisions of this charter. The
1446 incumbents in the office of school committee member elected to office in April 1996 shall
1447 continue to serve until the new school committee is organized, at which time their term of office
1448 shall terminate. The incumbent in the office of school committee whose term expires in April,
1449 1997 shall have said term of office extended until the organization of the new school committee,
1450 at which time any such term of office shall terminate. The remaining incumbents in the office of
1451 school committee shall continue to serve until the organization of the new school committee, at
1452 which time their terms of office shall terminate. At such regular city election the three candidates
1453 receiving the highest number of votes shall be elected to serve a term of four years and the other
1454 three candidates elected shall be elected to serve a term of two years and thereafter upon the

1455 expiration of said terms of office candidates shall be elected for terms of four years in
1456 accordance with provisions of this charter.

1457 At the regular city election to be held in November, 1997, the city shall elect nine
1458 members of the board of library trustees. The board of library trustees shall remain as currently
1459 constituted until a new board of library trustees is elected and takes office in January, 1998. The
1460 incumbent members of the office of board of library trustees elected to office in April, 1996 shall
1461 continue to serve until the new board of library trustees is organized, at which time their terms of
1462 office shall terminate. The incumbent members in the office of board of library trustees whose
1463 terms expire in April 1997, shall have the term of office extended until the organization of the
1464 new board of library trustees in January of 1998. The remaining incumbent members of the
1465 office of board of library trustees shall continue to serve until the organization of the new board
1466 of library trustees in January, 1998, at which time their terms of office shall terminate. At such
1467 regular city election the five candidates receiving the highest number of votes shall be elected to
1468 serve a term of four years and the other four candidates elected shall be elected to serve terms of
1469 two years and thereafter upon the expiration of said terms of office, candidates shall be elected
1470 for terms of four years in accordance with provisions of this charter.

1471 At the regular city election to be held in November, 1997, the city shall elect a seven
1472 member planning board. The present planning board shall remain as currently constituted until a
1473 new planning board is elected and takes office in January, 1998. The incumbent in the office of
1474 planning board member elected to office in April, 1996 shall continue to serve until the new
1475 planning board is organized in January, 1998, at which time the member's term of office shall
1476 terminate. The incumbent in the office of planning board whose term expires in April, 1997,
1477 shall have the term of office extended until the organization of the new planning board in

1478 January, 1998, at which time said term of office shall terminate. At such election the four
1479 candidates receiving the highest number of votes shall be elected to serve a term of four years
1480 and the other three candidates elected shall be elected to serve terms of two years and thereafter
1481 upon the expiration of said terms of office candidates shall be elected for terms of four years in
1482 accordance with provisions of this charter.

1483 At the regular city election to be held in November, 1997, the city shall elect four
1484 members of the housing authority. At such municipal election the two candidates receiving the
1485 highest number of votes shall be elected to serve a term of four years and the other two
1486 candidates elected shall be elected to serve a term of two years and thereafter upon the expiration
1487 of said terms of office candidates shall be elected for terms of four years in accordance with
1488 provisions of this charter. The incumbent elected members of the housing authority shall have
1489 their terms of office extended to or terminated in January, 1998, and thereafter upon the
1490 expiration of said terms of office candidates shall be elected for terms of four years in
1491 accordance with provisions of this charter.

1492 Purpose: the purpose of this section was to allow for the transition from city to city
1493 government, which was completed in 1996. The provisions are no longer applicable or
1494 necessary.

1495 SECTION 3. This act shall take effect upon its passage.