SENATE . . . . . No. 1985

Senate, Thursday, July 30, 2015 – Text of the Senate amendment (Senator Creem) to the House Bill relative to the charter of the city of Newton (House, No. 3563).

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SECTION 1. The first sentence of section 1-2 of article 1 of the charter of the city of Newton, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words "Board of Aldermen" and inserting in place thereof the following words:- city council.

SECTION 2. Said charter is hereby further amended by striking out article 2 and inserting in place thereof the following article:-

ARTICLE 2.

LEGISLATIVE BRANCH

Sec. 2-1. Composition; Eligibility; Election and Term.

(a) Composition—There shall be a city council of 24 members which shall exercise the legislative powers of the city. Sixteen of these members, to be known as councilors at large, shall be nominated and elected by the voters at large, 2 such councilors at large to be elected from each of the 8 wards of the city. The other 8 members, to be known as ward councilors, shall be nominated and elected by and from the voters of each ward, 1 ward councilor

15 to be elected from each of the 8 wards of the city. The city council shall be the judge of the
16 election and qualification of its members.

17 (b) Eligibility—Only voters shall be eligible to hold the office of councilor. A
18 candidate for the office of councilor shall be a resident of the ward from which the candidate
19 seeks election as of the date that the election commission makes available blank forms for the
20 nomination of candidates for office. In order to hold the office of councilor, a candidate shall
21 have continuously been a resident of the ward from which the candidate is elected from the date
22 that the election commission made the blank forms available until and including the first day of
23 the term for which the candidate is elected. A member of the city council shall, notwithstanding
24 the member's removal from 1 ward of the city to another, continue to serve and to perform the
25 member's official duties during the member's term of office. The removal from residency within
26 the city shall create a vacancy in such office.

27 (c) Election and Term—The terms of councilors shall be 2 years beginning on the
28 first secular day of January after their election and until their successors are qualified.

29 Sec. 2-2. President and Vice-President of the City Council.

30 After the mayor-elect and a majority of the councilors-elect have been sworn, the city
31 council shall be called together by the mayor who shall preside. The city council shall then elect,
32 from among its members, a president and vice-president to serve at the pleasure of the city
33 council. The president shall preside at meetings of the city council and perform such other
34 functions as may be assigned by the charter, by ordinance or by vote of the city council. The
35 vice-president shall act as president during the absence or disability of the president.

36 Sec. 2 3. General Powers and Duties.

Except as otherwise provided by law or this charter, all powers of the city shall be vested in the city council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Sec. 2-4. Prohibitions.

(a) Appointment After Expiration of Term—No former councilor shall hold any compensated appointive city office or city employment until 1 year after the expiration of the former councilor's service on the city council. This provision shall not prohibit a former city employee or city officer from resuming the duties of a city officer or city employee at the conclusion of such service as councilor.

(b) Interference in Administration—No member or committee of the city council shall directly or indirectly take part in the conduct of the executive or administrative business of the city.

Sec. 2-5. Filling of Vacancies.

(a) Special Election—If there be a vacancy, by failure to elect or otherwise, on the city council within the first 15 calendar months of the term for which councilors are elected, the city council shall forthwith call a special election to fill the vacancy. The election shall be by the voters of the whole city in the case of councilors at large or by the voters entitled to such representation in the case of ward councilors.

(b) After Regular City Election—If a vacancy shall occur after 15 calendar months of the term for which councilors are elected, no special election shall be held. In the case of a vacancy in the office of ward councilor, the person elected at the next regular city election to

58 the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term
59 for which that person was elected, serve for the balance of the then-unexpired term. In the case
60 of a vacancy in the office of councilor at large, the person elected at the next regular city election
61 to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the
62 term for which that person was elected, serve for the balance of the then-unexpired term. If no
63 incumbent councilor at large from the ward in which the vacancy exists is elected at the election
64 for such office, the candidate who receives the highest number of votes shall be deemed to be
65 elected to the seat in which the vacancy exists and shall serve as aforesaid.

66 Sec. 2-6. Exercise of Powers; Quorum; Rules of Procedure.

67 (a) Exercise of Powers—Except as otherwise provided by law or this charter, the
68 legislative powers of the city council may be exercised in a manner determined by it.

69 (b) Quorum—A majority of the city council then in office shall constitute a
70 quorum but a smaller number may meet and adjourn from time to time. The affirmative vote of a
71 majority of the full council shall be necessary to adopt any appropriation order. While a quorum
72 is present, any other motion or measure may be adopted by a majority vote except as otherwise
73 provided by law or this charter.

74 (c) Rules of Procedure—The city council shall from time to time establish rules
75 for its proceedings. Regular meetings of the city council shall be held at a time and place fixed
76 by ordinance. Special meetings of the city council may be held on the call of the mayor as
77 provided in subsection (b) of section 3-7, on the call of the president of the city council or on the
78 call of any 7 or more members by written notice delivered to the place of residence or business
79 of each member at least 24 hours in advance of the time set.

80 Except as otherwise authorized by sections 18 to 25, inclusive, of chapter 30A of the
81 General Laws, all sessions of the city council shall be open to the public and press. Every matter
82 coming before the city council for action shall be put to a vote, the result of which shall be duly
83 recorded. A full, accurate and up-to-date record of the proceedings of the city council shall be
84 kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

85 Sec. 2-7. City Clerk; Comptroller of Accounts.

86 As soon as practicable after the city council has been organized, it shall elect, by ballot or
87 otherwise, a city clerk and a comptroller of accounts as officers of the city to hold office for the
88 term of 2 years and until their successors are qualified, unless they are removed by vote of a
89 majority of the full council taken by ballot. Vacancies in said offices shall be filled for the
90 balance of any unexpired term by the city council.

91 (a) City Clerk—The city clerk shall have such powers and perform such duties as
92 the city council may prescribe in addition to such duties as may be prescribed by law.

93 (b) Comptroller of Accounts—The comptroller of accounts shall keep and have
94 charge of the accounts of the city. The comptroller shall regularly audit the books and accounts
95 of all city agencies and shall have such powers and perform such other duties as the city council
96 may prescribe in addition to such duties as may be prescribed by law.

97 Sec. 2-8. Clerk of the Council; Other Staff.

98 (a) Clerk of the Council—The city council shall elect, by ballot or otherwise, a
99 clerk of the council to hold office at its pleasure. The clerk of the council shall give notice of all
100 meetings of the city council to its members and to the public, keep a record of its proceedings

101 and perform duties as may be assigned by this charter, by ordinance or by other vote of the city
102 council.

103 (b) Other Staff—The city council may by ordinance establish other staff positions,
104 regular or special, as it shall from time to time deem necessary or desirable to assist the
105 councilors in the performance of their duties.

106 (c) Salaries of Staff to the Council—The city council shall by ordinance establish,
107 and may from time to time modify, a salary schedule and a job description for the clerk of the
108 council and such other positions as it may create to serve as staff to the council.

109 Sec. 2-9. Measures; Emergency Measures; Charter Objection.

110 (a) In General—No measure shall be passed finally on the date on which it is
111 introduced, except in cases of special emergency involving the health or safety of the people or
112 their property. Except as otherwise provided by this charter, every adopted measure shall become
113 effective at the expiration of 20 days after adoption or at any later date specified in this charter.
114 Measures not subject to referendum shall become effective upon adoption. No ordinance shall be
115 amended or repealed except by another ordinance adopted in accordance with the charter or as
116 provided in the initiative and referendum procedures.

117 (b) Emergency Measures—An emergency measure shall be introduced in the
118 form and manner prescribed for measures generally, except that it shall be plainly designated as
119 an emergency measure and shall contain statements after the enacting clause declaring that an
120 emergency exists and describing its scope and nature in clear and specific terms. The emergency
121 as declared and defined in a preamble thereto shall be separately voted on and shall require the
122 affirmative vote of 2/3 of the full council. An emergency measure may be passed with or without

123 amendments or rejected at the meeting at which it is introduced. No measure making a grant,
124 renewal or extension, whatever its kind or nature, or any franchise or special privilege shall be
125 passed as an emergency measure and, except as provided in sections 70 and 71 of chapter 164 of
126 the General Laws and chapter 166 of the General Laws relating to utility lines, no such grant,
127 renewal or extension shall be made other than by ordinance. After its adoption, an emergency
128 measure shall be published as prescribed for other adopted measures. It shall become effective
129 upon adoption or at such later time as it may specify.

130 (c) Charter Objection—On the first occasion that the question on adoption of a
131 measure is put to the city council, if a single member objects to the taking of the vote, the vote
132 shall be postponed until the next meeting of the city council whether regular or special. If 3 or
133 more other members shall join the member in such objection, such postponement shall be until
134 the next regular meeting; provided, however, that for an emergency measure, at least 5 members
135 in all must object. This procedure shall not be used more than once for any matter bearing a
136 single docket number notwithstanding any amendments to the original matter.

137 Sec. 2-10. Delegation of Powers.

138 Except to the extent otherwise prohibited by law, the city council may delegate to 1 or
139 more city agencies the powers vested in the city council by the laws of the commonwealth to
140 grant and issue licenses and permits, and may regulate the granting and issuing of licenses and
141 permits by any such city agency and may, in its discretion, rescind any such delegation without
142 prejudice to any prior action which has been taken.

143 Sec. 2-11. Inquiries and Investigations.

144 The city council may require any city officer or member of a city agency to appear before
145 it and give such information as it may require in relation to the office held, its function and
146 performance. The city council shall give at least 48 hours written notice of the general scope of
147 the inquiry which is to be made to any person it shall require to appear before it under this
148 section.

149 The city council may make investigations into the affairs of the city and into the conduct
150 of any city agency and for this purpose may subpoena witnesses, administer oaths and require the
151 production of evidence.

152 SECTION 3. Article 3 of said charter is hereby amended by striking out sections 3-1 to 3-
153 4, inclusive, and inserting in place thereof the following 4 sections:-

154 Sec. 3-1. Mayor; Election; Term; Compensation.

155 There shall be a mayor elected by and from the voters. The mayor shall be the chief
156 executive officer of the city. The mayor shall devote full time to the office and shall not hold any
157 other elective public office, nor actively engage in any other business, occupation or profession
158 during the term of office as mayor. The mayor shall hold office for the term of 4 years from the
159 first secular day of January following the election and until the mayor's successor is qualified.

160 The mayor shall receive such salary as the city council shall by ordinance from time to
161 time determine but no change in such salary shall take effect during the current term of the
162 mayor in office at the time of the adoption of the ordinance making such change.

163 Sec. 3-2. Executive Powers; Enforcement of Ordinances; Assistants.

164 (a) In General—The executive and administrative powers of the city shall be
165 vested solely in the mayor, and may be exercised by the mayor either personally or through the
166 several city agencies under the mayor's general supervision and control. The mayor shall cause
167 the laws, ordinances, and orders for the government of the city to be enforced, and shall cause a
168 record of all official acts as mayor to be kept. To aid the mayor with official mayoral duties, the
169 mayor may appoint 1 or more assistants, fix their salaries and define their duties.

170 (b) Citizen Assistance Officer—The mayor shall appoint a citizen assistance
171 officer in accordance with section 3-3 and fix the officer's salary. The citizen assistance officer
172 shall be responsible for processing citizen complaints and inquiries that are directed or referred
173 to the officer. The citizen assistance officer shall establish and maintain procedures for the
174 examination and appropriate referral of requests for information or assistance on any municipal
175 matter. The citizen assistance officer shall maintain a central file, open to the public, of all
176 inquiries and complaints together with their resolutions. The citizen assistance officer shall
177 analyze data on citizen complaints and inquiries and shall regularly submit reports as directed by
178 the mayor.

179 Sec. 3-3. Appointments by Mayor.

180 (a) The mayor shall appoint all city officers, department heads and all volunteer
181 members of city boards, commissions, committees and agencies for whom no other method of
182 appointment is provided by this charter or by law. Appointments by the mayor of city officers
183 and department heads shall become effective 30 days from the date of the first regularly
184 scheduled city council meeting after notice of the proposed appointment is filed with the city
185 clerk, unless the city council within said 30 days shall reject such appointment. Appointments by

186 the mayor of volunteer members of city boards, commissions, committees and agencies shall
187 take effect 60 days from the date of the first regularly scheduled city council meeting after the
188 notice of the proposed appointment is filed with the city clerk, unless the city council within said
189 60 days shall reject such appointment. Rejection by the city council shall require a 2/3 vote.

190 (b) The mayor shall appoint a collector-treasurer for a term coterminous with the
191 mayor's term and until a successor for the position of collector-treasurer is qualified unless
192 removed by the mayor prior to the expiration of such term. The mayor shall submit the proposed
193 appointment to the city council as soon as possible after the mayor's term commences or as soon
194 as possible after a vacancy occurs in the collector-treasurer's office. The city council must
195 approve this appointment by majority vote of the full council within 90 days from the date on
196 which notice of the proposed appointment is filed with the city clerk as provided in section 3-4,
197 or the proposed appointment shall not take effect. Removal of the collector-treasurer by the
198 mayor prior to expiration of the collector-treasurer's term in office shall not take effect until
199 approved by majority vote of the full city council. The collector-treasurer shall receive and pay
200 out all money belonging to the city according to the order of its authorized officers. No other
201 person shall have authority to pay any bill of any municipal department. The collector-treasurer
202 shall have such other powers and perform such other duties as the mayor may prescribe in
203 addition to such duties as may be prescribed by law.

204 (c) The question on rejection of any appointment made by the mayor shall not be
205 subject to charter objection as provided in subsection (c) of section 2-9.

206 Sec. 3-4. Notice of Appointment.

In making appointments, the mayor shall sign and file with the city clerk a notice of appointment, a copy of which shall be filed on the same day with the clerk of the council.

SECTION 4. Said article 3 of said charter is hereby further amended by striking out sections 3-6 to 3-10, inclusive, and inserting in place thereof the following 5 sections:-

Sec. 3-6. Temporary Appointments.

Whenever a vacancy in an office appointed by the mayor occurs, whether by reason of disability, death, resignation or removal from office for any reason, the mayor may appoint the head of another city office or agency, or a city officer or employee, or some other person to perform the duties of the office for a period not to exceed 3 months. Whenever a vacancy continues beyond 3 months, the mayor may make a second 3-month appointment, but no temporary appointment shall be continued beyond 6 months without the approval of the city council.

Sec. 3-7. Communications to the City Council; Calling of Special Meetings of the City Council.

(a) Communications—Within 6 weeks following the start of each fiscal year, the mayor shall submit to the city council, and make available to the public, a complete report on the financial and administrative activities of the city for the preceding fiscal year. The mayor shall from time to time throughout the year, by written communications to the city council, keep it fully informed as to the financial condition and future needs of the city and shall recommend such measures to it as the mayor judges the needs of the city require.

227 (b) Calling Special Meetings—The mayor may at any time call a special meeting
228 of the city council by causing a notice of such meeting that specifies the matters which the mayor
229 desires to be considered to be left at the usual place of residence of each councilor or given to in
230 hand and public notice of the meeting to be posted at least 24 hours in advance of the time set for
231 the meeting; or such lesser period as the Mayor may determine in case of an emergency, of
232 which the mayor shall be the judge.

233 Sec. 3-8 Adoption of Measures; Mayor's Veto.

234 Not sooner than 24 nor more than 96 hours after the adjournment of any meeting of the
235 city council, the clerk of the council shall present to the mayor the record of the proceedings of
236 the meeting and copies of all measures passed at the meeting. If during the 24 hours immediately
237 following such adjournment, a motion to reconsider is filed with the clerk of the council by any
238 member of the city council who is entitled to make such a motion, the measure shall not be
239 presented to the mayor but shall be presented to the city council for reconsideration at its next
240 meeting.

241 Every measure relative to the affairs of the city passed by the city council shall be
242 presented to the mayor for the mayor’s approval except: (i) any measure relating to the internal
243 affairs of the city council; (ii) any measure relating to the election of officers whose election by
244 the city council is authorized by law or this charter; or (iii) the budget.

245 Within 10 days of receipt of a measure, the mayor shall return it to the clerk of the
246 council with or without approval, or with a veto. Upon the mayor's approval of a measure it shall
247 be considered adopted. If a measure is vetoed, the mayor shall attach a written statement
248 explaining the reasons for the veto. Measures vetoed by the mayor shall be considered again by

249 the city council at a meeting no sooner than 7 days after receipt of the mayor's veto. If the city
250 council, notwithstanding such veto by the mayor, shall again pass such measure by a 2/3 vote of
251 the full council, it shall then be considered adopted. Every measure not approved or vetoed by
252 the mayor shall be considered adopted 10 days after it has been presented to the mayor.

253 Sec. 3-9. Temporary Absence from the Office of the Mayor.

254 Whenever by reason of sickness, absence from the city or other cause, the mayor shall be
255 unable to attend to the duties of the office of the mayor, the president of the city council or the
256 vice-president of the city council in the event of the president's disability through sickness or
257 absence shall, as acting mayor, possess the powers of the mayor only in those matters not
258 admitting of delay, but shall have no power to make permanent appointments. During any period
259 in which the president or the vice-president of the city council is serving as acting mayor, the
260 acting mayor shall not serve as the presiding officer of the city council.

261 Sec. 3-10. Vacancy in the Office of the Mayor.

262 If a vacancy occurs in the office of the mayor, by death, resignation, removal from office,
263 failure to elect or otherwise at any time preceding the last 9 calendar months of the term for
264 which the mayor was elected, the city council shall forthwith call a special election to fill the
265 vacancy for the remainder of the unexpired term. If a vacancy occurs in the office of the mayor
266 during the last 9 calendar months of the term for which the mayor was elected, the clerk of the
267 council shall forthwith call a special meeting of the city council and the city council shall by
268 majority vote of the full council elect 1 of its members as acting mayor for the remainder of the
269 unexpired term. If the city council fails to elect an acting mayor as aforesaid within 30 days of
270 the date of the meeting called by the clerk of the council, the president of the city council shall

271 become acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to
272 the faithful performance of the duties of the office. Upon the election and qualification of any
273 member of the city council as acting mayor under this section, a vacancy shall exist in the
274 member's council seat.

275 The restriction contained in section 3-1 relative to holding other office or actively
276 engaging in a business, occupation or profession shall not apply to an acting mayor holding
277 office under this section. The removal from residency within the city shall create a vacancy in
278 the office.

279 SECTION 5. Said charter is hereby further amended by striking out article 4 and
280 inserting in place thereof the following article:-

281 ARTICLE 4.

282 SCHOOL COMMITTEE

283 Sec. 4-1. Composition; Eligibility; Election and Term.

284 (a) Composition—There shall be a school committee of 9 members, which shall
285 exercise control and management of the public schools of the city. Eight of these members, who
286 shall be known as school committee members, shall be nominated and elected by the voters at
287 large, 1 school committee member to be elected from each of the 8 wards of the city. The mayor
288 shall serve, ex officio, as a member of the school committee with full power to vote. The school
289 committee shall be the judge of the election and qualification of its members.

290 (b) Eligibility—Only voters shall be eligible to hold the office of school
291 committee member. A candidate for the office of school committee member shall be a resident of

292 the ward from which the candidate seeks election as of the date that the election commission
293 makes available blank forms for the nomination of candidates for office. In order to hold the
294 office of school committee member, a candidate shall have continuously been a resident of the
295 ward from which the candidate is elected from the date that the election commission made such
296 blank forms available until and including the first day of the term for which the candidate is
297 elected. A member of the school committee shall, notwithstanding the member's removal from 1
298 ward of the city to another, continue to serve and to perform the member's official duties during
299 the member's term of office. The removal from residency within the city shall create a vacancy
300 in such office.

301 (c) Election and Term—The terms of school committee members shall be 2 years
302 beginning on the first secular day of January after their election and until their successors are
303 qualified. No person shall be eligible for election to the school committee for a fifth consecutive
304 full term.

305 Sec. 4-2. Organization; Quorum; Rules of Procedure.

306 (a) Organization—After the mayor-elect and a majority of the school committee
307 members-elect have been sworn, the school committee shall be called together by the mayor who
308 shall preside. The school committee shall then elect from among its members a chair and a vice-
309 chair, who shall act as chair during the absence or disability of the chair. The school committee
310 shall also elect a secretary who shall not be 1 of its members. The chair, vice-chair and secretary
311 shall serve at the pleasure of the school committee.

312 (b) Quorum—A majority of the school committee then in office shall constitute a
313 quorum but a smaller number may meet and adjourn from time to time.

(c) Rules of Procedure—The school committee shall from time to time establish rules for its proceedings.

Except as otherwise authorized by sections 18 to 25, inclusive, of chapter 30A of the General Laws, all sessions of the school committee shall be open to the public and press. A full, accurate and up-to-date record of the proceedings of the school committee shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

Sec. 4-3. General Powers and Duties.

The school committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as the city council may by ordinance from time to time assign. The powers of the school committee shall include, but not be limited to, the power to: (i) appoint a superintendent; (ii) appoint all other officers and employees connected with the schools, fix their compensation and define their duties, make rules concerning their tenure of office and discharge them at its pleasure; (iii) furnish all school buildings with proper fixtures, furnishings and equipment; and (iv) provide ordinary maintenance and repairs on all school buildings up to a maximum expenditure equal to 2 per cent of the school department's operating budget adopted for the preceding fiscal year; provided, however, that sums in excess of the maximum for the provision of ordinary maintenance and repairs may be appropriated by the mayor and the city council and no sums appropriated to accounts for ordinary maintenance and repairs shall be transferred without a 2/3 vote of the city council.

Sec. 4-4. New School Buildings.

Whenever in the opinion of the school committee a new schoolhouse is required or material alterations are needed, it shall send a written communication to the city council stating

336 the locality and the nature of the further provisions for schools which are needed; provided,
337 however, that no schoolhouse shall be located, built or materially altered until the school
338 committee shall have been consulted as to the proposed location and plans and had full
339 opportunity to set forth its requirements.

340 Sec. 4-5. Prohibitions.

341 No former school committee member shall hold any compensated appointive city office
342 or city employment until 1 year after the expiration of the member's service on the school
343 committee. This provision shall not prohibit a former city employee or city officer from
344 resuming the duties of the city officer or city employee at the conclusion of service on the school
345 committee.

346 Sec. 4-6. Filling of Vacancies.

347 If there be a vacancy, by failure to elect or otherwise, on the school committee within the
348 first 15 calendar months of the term for which school committee members are elected, the city
349 council shall forthwith call a special election to fill the vacancy. The election shall be by the
350 voters of the whole city.

351 If the vacancy shall occur after 15 calendar months of the term for which school
352 committee members are elected, no special election shall be held and the person elected at the
353 next regular city election to the seat in which the vacancy exists shall immediately be sworn and
354 shall, in addition to the term for which the member was elected, serve for the balance of the then-
355 unexpired term.

SECTION 6. Article 5 of said charter is hereby amended by striking out sections 5-1 to 5-3, inclusive, and inserting in place thereof the following 3 sections:-

Sec. 5-1. Submission of Budget; Budget Message.

Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message and supporting documents.

The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall: (i) outline the proposed financial policies of the city for the ensuing fiscal year; (ii) describe the important features of the budget; (iii) indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues and the reasons for such changes; (iv) summarize the city's debt position; and (v) include such other material as the mayor deems desirable or the city council may reasonably require.

Sec. 5-2. Action on the Budget.

The city council shall adopt the budget, with or without amendments, within 45 days following the day the budget is received by the city council. In amending the budget, the city council may delete or decrease any programs or amounts, except expenditures required by law or for debt service, but it may not increase any programs or amounts.

If the city council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, such amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

377 Sec. 5-3. Capital Improvement Program.

378 (a) Submission—The mayor shall prepare and submit to the city council a 5-year
379 capital improvement program at least 6 months prior to receipt of the next fiscal year's operating
380 budget.

381 (b) Contents—The capital improvement program shall include: (i) a clear
382 summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during
383 the next 5 fiscal years with supporting data; (iii) cost estimates, method of financing and
384 recommended time schedules; and (iv) the estimated annual cost of operating and maintaining
385 the facilities included. The above information shall be revised and extended each year.

386 (c) Public Hearing—The city council shall publish in 1 or more newspapers of
387 general circulation in the city the general summary of the capital improvement program and a
388 notice stating: (i) the times and places where copies of the capital improvement program are
389 available for inspection by the public; and (ii) the date, time and place, not less than 2 weeks
390 after the publication, when a public hearing on the program will be held by the city council.

391 (d) Adoption—After the public hearing, concurrently with the passage of the next
392 fiscal year's budget, the city council shall by resolution adopt the capital improvement program
393 with or without amendments.

394 SECTION 7. Article 6 of said charter is hereby amended by striking out sections 6-1 and
395 6-2 and inserting in place thereof the following 2 sections:-

396 Sec. 6-1. Reorganization Plans by City Council.

397 Except as otherwise provided by law or this charter, the city council may by ordinance:
398 (i) reorganize, consolidate or abolish any existing city agency in whole or in part; (ii) establish
399 new city agencies; and (iii) prescribe the functions of any city agencies. All city agencies under
400 the direction and supervision of the mayor shall be headed and administered by officers
401 appointed by the mayor.

402 Sec. 6-2. Reorganization Plans by Mayor.

403 (a) The mayor may, from time to time, prepare and submit to the city council
404 reorganization plans which may, subject to applicable law and this charter, reorganize,
405 consolidate or abolish any city agency, in whole or in part, or establish new city agencies as the
406 mayor considers necessary or expedient. The reorganization plan shall be accompanied by an
407 explanatory memo which shall include: (i) reference to any ordinances to be repealed or
408 modified; and (ii) a summary of proposed ordinance language changes to be put into effect by
409 the plan.

410 (b) Every reorganization plan shall, upon receipt by the clerk of the council, be
411 referred to an appropriate committee of the city council which shall, not more than 30 days later,
412 hold a public hearing on the matter and shall, not later than the second regular meeting of the city
413 council following the hearing, report either that it approves or disapproves of the plan. A
414 reorganization plan shall become effective 90 days after the date it is received by the city council
415 unless the city council has prior to that date voted to disapprove the reorganization plan or unless
416 a later effective date is specified in the plan. A reorganization plan presented by the mayor to the
417 city council under this section may not be amended by the city council but shall either be

418 approved or rejected as submitted and shall not be subject to charter objection as provided in
419 subsection (c) of section 2-9.

420 SECTION 8. Article 7 of said charter is hereby further amended by striking out sections
421 7-2 and 7-3 and inserting in place thereof the following 2 sections:-

422 Sec. 7-2. Comprehensive Plan.

423 (a) Content—There shall be a comprehensive plan setting forth in graphic and
424 textual form policies to govern the future physical development of the entire city. The plan shall
425 cover the entire city and all of its functions and services or shall consist of a combination of
426 plans governing specific functions and services or specific geographic areas.

427 (b) Adoption—Upon receipt from the mayor of a proposed comprehensive plan or
428 a proposed modification of the existing plan, the city council shall refer the proposal to the
429 planning and development board which shall, within a time specified by the city council, report
430 its recommendations on the proposal. After receipt of the recommendations of the planning and
431 development board, the city council shall hold a public hearing on the proposed comprehensive
432 plan or the proposed modification of the comprehensive plan and shall by resolution adopt the
433 same with or without amendments. The city council may thereafter from time to time modify the
434 comprehensive plan.

435 (c) Effect—The comprehensive plan shall serve as a guide to all future action by
436 the city council concerning land use and development regulations, urban renewal programs and
437 expenditures for capital improvements.

438 Sec. 7-3. Implementation of the Comprehensive Plan.

439 (a) Land Use and Development Regulations—In accordance with the General
440 Laws, the city council may by ordinance adopt land use and development regulations including,
441 but not limited to, an official map and zoning regulations.

442 (b) Urban Renewal—In accordance with the General Laws, the city council may
443 by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for
444 the alleviation or prevention of slums, obsolescence, blight or other conditions or deterioration.

445 (c) Action by the City Council—Before acting on any proposed ordinance
446 concerning land use and development regulations, urban renewal or expenditures for capital
447 improvements, where the ordinance involves a matter covered by the comprehensive plan, the
448 city council shall refer the proposal to the planning and development board which shall, within a
449 time specified by the city council and prior to the public hearing on the proposed ordinance,
450 report in writing its recommendations on the proposal. Upon adopting any such ordinance, the
451 city council shall make findings and report on the relationship between the ordinance and the
452 comprehensive plan and the comprehensive plan shall be deemed to be amended in accordance
453 with the findings and report.

454 SECTION 9. Section 8-2 of article 8 of said charter is hereby amended by striking out
455 subsection (c) and inserting in place thereof the following subsection:-

456 (c) Information to Voters—If the candidate in a regular city election is an incumbent of
457 the office to which the candidate seeks election, against the candidate's name shall appear the
458 phrase "Candidate for Re-election".

459 SECTION 10. The second sentence of subsection (a) of section 8-3 of said article 8, as
460 most recently amended by section 1 of chapter 26 of the acts of 2015, is hereby further amended

461 by striking out the words “board of aldermen” and inserting in place thereof the following
462 words:- city council.

463 SECTION 11. Subsection (b) of said section 8-3 is hereby amended by striking out the
464 word “aldermen” and inserting in place thereof, in each instance, the following word:-
465 “councilor”.

466 SECTION 12. Said subsection (b) of said section 8-3 is hereby further amended by
467 striking out the word “committeeman” and inserting in place thereof the following words:-
468 committee member.

469 SECTION 13. Said article 8 of said charter is hereby further amended by striking out
470 section 8-4 and inserting in place thereof the following section:-

471 Section 8-4. Special Elections.

472 Special elections to fill the office of councilor, mayor or school committee member as
473 provided in sections 2-5, 3-10 and 4-6 shall be held within 120 days following the date on which
474 the election is called. Persons elected at the elections shall immediately be sworn and assume
475 their office.

476 SECTION 14. Article 9 of said charter is hereby amended by striking out sections 9-2 to
477 9-8, inclusive, and inserting in place thereof the following 7 sections:-

478 Sec. 9-2. Establishment of Neighborhood Service Areas.

479 The city council may establish 1 or more neighborhood service areas to provide services
480 or functions that the neighborhood area council is authorized to undertake.

481 Sec. 9-3. Creation by Petition.

482 (a) A petition may be submitted to the city council requesting the establishment of
483 a neighborhood service area to provide any service or services which the city is otherwise
484 authorized by law to provide. The petition must be signed by 20 per cent of the voters residing in
485 the area. The petition shall describe the territorial boundaries of the proposed service area, shall
486 specify the services to be provided, and shall indicate the size of the neighborhood area council.

487 (b) Upon receipt of the petition, the council shall submit the petition for
488 verification of signatures on the petition and, within 30 days following verification, the city
489 council shall hold a public hearing on the question of whether or not the requested neighborhood
490 service area shall be established. The hearing may be adjourned from time to time but shall be
491 completed within 60 days of its commencement.

492 (c) Within 30 days following the public hearing, the city council shall by
493 resolution approve or disapprove the establishment of the requested neighborhood service area.

494 (d) A resolution approving the creation of the neighborhood service area may
495 contain amendments or modifications of the area's boundaries, functions, or the size of the
496 neighborhood area council as set forth in the petition.

497 Sec. 9-4. Boundary Changes of a Neighborhood Service Area.

498 The city council may, pursuant to a request from a neighborhood area council
499 accompanied by a petition signed by at least 20 per cent of the voters residing in the area to be
500 added or deleted, enlarge, diminish or otherwise alter the boundaries of any existing

501 neighborhood service area following the procedures set forth in subsections (b) to (d), inclusive,
502 of section 9-3.

503 Sec. 9-5. Considerations in Setting Boundaries.

504 In establishing neighborhood service area boundaries and determining those services to
505 be undertaken by a neighborhood area council, the city council shall study and take into
506 consideration, but not be limited to, the following: (i) the extent to which the area constitutes a
507 neighborhood with common concerns and a capacity for local neighborhood initiative, leadership
508 and decision making with respect to city government; (ii) city agency authority and resources
509 which may appropriately be either transferred or shared with the neighborhood council; (iii)
510 population density, distribution and growth within a neighborhood service area to assure that its
511 boundaries reflect the most effective territory for local participation and control; and (iv) citizen
512 access to, control of and participation in neighborhood service area activities and functions.

513 Sec. 9-6. Dissolution of a Neighborhood Service Area.

514 (a) The city council may, after a public hearing, dissolve a neighborhood service
515 area on the initiative of the city council or pursuant to a petition signed by at least 20 per cent of
516 the voters living within the neighborhood service area.

517 (b) The city council shall give notice, in a newspaper of general circulation in the
518 neighborhood service area, of its intention to hold a public hearing on a proposed dissolution.
519 The notice shall be given not less than 14 days before the date of the public hearing.

520 Sec. 9-7. Election of Neighborhood Area Councils; Vacancies.

521 (a) A neighborhood area council shall consist of 5 to 9 members. The term of
522 office of each member shall be 2 years and until a successor is qualified.

523 (b) The neighborhood area council members shall be elected at large by and from
524 voters residing in the neighborhood service area at the time of the election. The city council shall
525 determine the time and manner of holding the elections. The ward city councilor or ward city
526 councilors who represent any portion of the area included in a neighborhood service area shall
527 serve, ex officio with no power to vote, as members of the neighborhood area council.

528 (c) A vacancy shall be filled by the neighborhood area council by appointment.
529 Members so appointed shall serve for the remainder of the unexpired term and until their
530 successors are qualified.

531 Sec. 9 8. Neighborhood Area Council Powers and Functions.

532 A neighborhood area council may exercise any powers and perform any functions within
533 the neighborhood service area expressly authorized by the city council, which may include but
534 not be limited to:

535 (i) advisory or delegated substantive authority or both, with respect to such programs as a
536 community action program, urban renewal, relocation, public housing, planning and zoning
537 actions and other physical development programs, crime prevention and juvenile delinquency
538 programs, health services, code inspection, recreation, education, and workforce training;
539 provided, however, that nothing contained herein shall be construed to authorize the city council
540 to delegate to any neighborhood area council any substantive authority with regard to zoning;

541 (ii) self help projects, such as supplemental refuse collection, beautification, minor street
542 and sidewalk repair, establishment and maintenance of neighborhood community centers, street
543 fairs and festivals, cultural activities, recreation and housing rehabilitation and sale; and

544 (iii) acceptance of funds from the public, but not including the city and private sources,
545 including public subscriptions; and

546 (iv) expenditure of monies to meet overhead costs of council administration and support
547 for neighborhood service area projects.

548 SECTION 15. Section 9-10 of said article 9 is hereby amended by striking out the words
549 "Board of Aldermen" and inserting in place thereof the following words:- city council.

550 SECTION 16. Article 10 of said charter is hereby amended by striking out sections 10-1
551 to 10-5, inclusive, and inserting in place thereof the following 5 sections:-

552 Sec. 10-1. Individual, Discretionary Petitions.

553 The city council and the school committee shall receive all petitions addressed to either
554 of them and may in their discretion take such action with regard to the petitions as they deem
555 necessary and advisable.

556 Sec. 10-2. Group Petitions; Action Required.

557 The city council or the school committee shall hold a public hearing and act with respect
558 to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks
559 the passage of a measure. The hearing shall be held by the city council or the school committee
560 or, in either case, by a committee or subcommittee of either the city council or school committee
561 and the action by the city council or school committee shall be taken not later than 3 months after

562 the petition is filed with the city clerk. Hearings on 2 or more petitions filed under this section
563 may be held at the same time and place and the city clerk shall mail notice of the hearing to the
564 first 50 certified signers whose names appear on each petition at least 48 hours before the
565 hearing. Notice by publication of all such hearings shall be at public expense.

566 Sec. 10-3. Initiative: Repeat Matters.

567 Except as otherwise provided by law or this charter, a measure may be proposed to the
568 city council or the school committee in accordance with this article, but no measure which is
569 substantially the same as any other measure submitted or referred to the voters and disapproved
570 by them within 2 years or which would have the effect of repealing any measure so submitted or
571 referred and approved by the voters within 2 years may be proposed by initiative procedures.

572 Sec. 10-4. Initiative: Commencement of Proceedings; Referral to City Solicitor.

573 Initiative procedures shall be started by the filing of an initiative petition with the city
574 clerk. The petition shall be addressed to the city council or the school committee, shall contain a
575 request for passage of a particular measure set forth in the petition and shall be signed by at least
576 50 voters. If the city clerk determines that at least 50 of the filers are voters, the city clerk shall
577 transmit a copy of the petition to the city solicitor.

578 Sec. 10-5. Initiative: Opinion of Solicitor.

579 Within 15 days after receipt of the petition, the city solicitor shall advise the city clerk in
580 writing whether the measure may be proposed by initiative procedures and whether it may
581 lawfully be passed by the city council or the school committee. If the opinion of the city solicitor
582 is that the measure may not lawfully be passed, the city solicitor shall state the reason or reasons

583 for the opinion in the reply. The city clerk shall furnish a copy of the city solicitor's opinion to
584 the person whose name first appears on the initiative petition.

585 SECTION 17. Said article 10 of said charter is hereby further amended by striking out
586 sections 10-7 to 10-16, inclusive, and inserting in place thereof the following 10 sections:-

587 Sec. 10-7. Initiative; Validation of Signatures; Action on Petition.

588 The sufficiency of the number of signatures to an initiative petition shall be determined in
589 accordance with section 10-14. Within 30 days after an initiative petition is presented to the city
590 council or the school committee, the city council or the school committee shall act with respect
591 to the initiative measure by passing it without change, by rejecting it or by passing some other
592 measure stated to be in lieu of the initiative measure. The passage of a measure in lieu of an
593 initiative measure shall be deemed a rejection of the initiative measure. If the city council or the
594 school committee fails to act with respect to the initiative measure as required by this section
595 within 30 days after presentation, the measure shall be deemed to have been rejected on the
596 thirtieth day after presentation. If an initiative measure is rejected, the city clerk shall promptly
597 give written notice of that fact to the first 10 petitioners. Initiative measures shall not be subject
598 to charter objection as provided in subsection (c) of section 2-9.

599 Sec. 10-8. Initiative: Supplemental Petitions; Submission to Voters.

600 Within 45 days after notice of the rejection of an initiative measure has been given by the
601 city clerk, a supplemental initiative petition addressed to the city council or the school committee
602 on forms prepared in accordance with section 10-13 may be filed with the city clerk. The
603 supplemental initiative petition shall be signed by a number of additional voters which is at least
604 equal to 5 per cent of the total number of voters registered to vote at the most recent preceding

605 regular city election. The sufficiency of the number of signatures to a supplemental initiative
606 petition shall be determined in accordance with section 10-14. If the number of signatures to a
607 supplemental initiative petition is sufficient, the city council shall provide for submission of the
608 initiative measure to the voters in accordance with section 10-15.

609 Sec. 10-9. Referendum: Right to Refer to Registered Voters.

610 Except as otherwise provided by law or this charter, any measure passed by the city
611 council or the school committee, including a measure proposed by initiative procedures and
612 passed by the city council or the school committee, may be protested and referred to the voters in
613 accordance with this article.

614 Sec. 10-10. Referendum: Commencement of Proceedings.

615 Referendum procedures shall be started by the filing of a referendum petition with the
616 city clerk within 20 days after the final passage by the city council or the school committee of the
617 measure to which the petition relates. The petition shall be addressed to the city council or the
618 school committee on forms prepared in accordance with section 10-13 and shall be signed by a
619 number of voters which is at least equal to 5 per cent of the total number of voters registered to
620 vote at the most recent preceding regular city election. Whenever referendum procedures are
621 started in accordance with this section, the referendum measure shall thereupon be suspended
622 from taking effect and such suspension shall remain in force until: (i) it is determined that there
623 is an insufficient number of signatures to the petition; (ii) the referendum measure has been
624 repealed or rescinded by the city council or the school committee; or (iii) the question of whether
625 the measure should take effect has been determined by the voters.

626 Sec. 10-11. Referendum: Validation of Signatures; Action on Petition.

The sufficiency of the number of signatures to a referendum petition shall be determined in accordance with section 10-14. Within 30 days after a referendum petition is presented to the city council, it shall reconsider the referendum measure and shall repeal or rescind it or the city council shall provide for referring the matter to the voters in accordance with section 10-15. Within 30 days after a referendum petition is presented to the school committee it shall likewise reconsider and repeal or rescind the referendum measure or shall notify the city council that it has failed to take such action with respect to the measure. Upon receipt of such notice, the city council shall thereupon provide for referring the matter to the voters in accordance with said section 10-15.

Sec. 10-12. Initiative and Referendum: Ineligible Measures.

None of the following measures shall be subject to initiative or referendum procedures: (i) proceedings relating to the organization or operation of the city council or school committee; (ii) an emergency measure passed in conformity with this charter; (iii) the city budget or the school committee budget; (iv) revenue loan orders; (v) any appropriations for the payment of the city's debts or obligations; (vi) appropriations of funds necessary to implement a written agreement executed under section 7 of chapter 150E of the General Laws; (vii) any proceedings or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee; (viii) any proceedings repealing or rescinding a measure or a part of a measure, which is protested by referendum procedures; and (ix) any proceeding providing for the submission or referral of a matter to the voters at an election.

Sec. 10-13. Initiative and Referendum: Forms of Petitions.

649 (a) Signatures to initiative, supplemental initiative and referendum petitions need
650 not all be on 1 paper.

651 (b) Each separate page of an initiative, supplemental initiative and referendum
652 petition on which signatures in addition to those of the original filers of the petition are obtained
653 shall bear the names and addresses of any 10 original filers of the petition and shall also have the
654 following 2 sentences in substantially the following form at the top of the petition:

655 "Each of the undersigned requests that the (City Council) (School Committee) of
656 the City of Newton pass the following measure (set forth initiative measure in full). Each of the
657 undersigned certifies that the signer is a registered voter of the City and that the signer has not
658 signed this initiative petition more than once."

659 (c) Each separate page of a supplemental initiative petition shall have the
660 following 2 sentences in substantially the following form at the top:

661 "Each of the undersigned requests that the following measure which was
662 presented by an initiative petition and then rejected by the (City Council) (School Committee) of
663 the City of Newton be submitted to all the registered voters of the City (set forth initiative
664 measure in full). Each of the undersigned certifies that the undersigned is a registered voter of
665 the City and has not signed this supplemental initiative petition more than once."

666 (d) Each separate page of a referendum petition shall have 2 sentences in
667 substantially the following form at the top:

668 "(Each of the undersigned protests the action of the (City Council) (School
669 Committee) of the City of Newton whereby it passed the following measure: (set forth the

670 protested measure in full), and requests that such measure be repealed or rescinded.); or (Each of
671 the undersigned protests the action of the (City Council) (School Committee) of the City of
672 Newton in passing (describe measure in general terms) insofar as said measure contains the
673 following provisions: (set forth the protested provisions in full), and requests that such provisions
674 be repealed or rescinded.) Each of the undersigned certifies that the signer is a registered voter of
675 the City and the signer has not signed this referendum petition more than once."

676 (e) All initiative, supplemental initiative, and referendum petitions shall require
677 the following information to be furnished by each signer in accordance with the following
678 instructions which shall appear on each page:

679 Name*

680 Present Address (Street and Number)

681 * Written signature of voter; provided, however, that a registered voter prevented
682 from writing by physical disability may authorize another person to write the voter's signature
683 and address.

684 Registered Address (Street and Number on January 1, 20**)

685 1……

686 2……

687 3……

688 ** If a voter was registered later than this date, the registered address on the later
689 date shall be used.

690 (f) If a petition is expected to be filed in the period between July 15 and
691 December 31, the year inserted in "Registered Address" in subsection (e) shall be the then-
692 current year. If a petition is expected to be filed in the period between January 1 and July 15, the
693 year inserted in “Registered Address” in said subsection (e) shall be the preceding year.

694 Sec. 10-14. Initiative and Referendum Procedures; Validation; Notice; Objections.

695 Whenever a completed initiative petition, a supplemental initiative petition, or a
696 referendum petition is filed with the city clerk, the city clerk shall submit the petition to the
697 election commission forthwith. The election commission shall thereupon examine the petition
698 and place a check mark against each signature which the commission determines is the name of a
699 voter, except that when the commission has checked a number of signatures which is 40 per cent
700 greater than the minimum number of signatures required for a valid petition, the commission
701 need not examine or check any further signatures. The commission shall prepare a certificate
702 showing the number of signatures to the petition which have been checked by the commission
703 and the number of voters who were entitled to vote at the most recent preceding regular city
704 election and the commission shall return the petition with the certificate to the city clerk. The
705 number of persons who were so entitled to vote shall be deemed to be the number of voters for
706 the purposes of sections 10-6, 10-8 and 10-10. The city clerk shall hold the petition and the
707 commission's certificate available for public inspection during ordinary office hours for 2 full
708 days; provided, however, that unless written objections to the certificate of the commission are
709 filed by a voter within said period, the commission's certificate shall be deemed conclusive. If
710 objections are so filed, the city clerk shall promptly give written notice of that fact to the first 10
711 petitioners. Objections to the sufficiency or validity of the signatures on any petition shall be
712 disposed of forthwith in the manner provided by the General Laws and, to the extent required,

713 the commission shall revise the certificate accordingly. If the certificate of the commission or its
714 revised certificate, if any, shows that the number of signatures to the petition is insufficient, the
715 city clerk shall give written notice of that fact to the first 10 petitioners and shall retain the
716 petition for at least 6 months after which period the city clerk may destroy the petition. If the
717 original or revised certificate shows that the number of signatures is sufficient, the city clerk
718 shall present the petition and the applicable certificate to the city council or the school committee
719 as may be appropriate.

720 Sec. 10-15. Initiative and Referendum: Referral to Voters.

721 Whenever an initiative measure is to be submitted to the voters or a referendum measure
722 is to be referred to the voters, the city council shall provide for the submission or referral at the
723 next regular city election; but in the case of a referendum measure the city council may (i) within
724 30 days after a decision by the city council or the school committee not to repeal or rescind a
725 measure or (ii) in the case of inaction by the city council or the school committee on the repeal or
726 rescission of a measure within 30 days following the 30-day period referred to in section 10-11,
727 call a special election to be held within 120 days of the vote.

728 Sec. 10-16. Initiative and Referendum: Form of Question.

729 (a) At the election at which an initiative measure is submitted to the registered
730 voters, the ballot shall contain a question in substantially the following form:

731 "Shall the following measure which was proposed by an initiative petition
732 addressed to the (City Council) (School Committee) take effect? (Text of proposed measure)
733 Yes——— No———?".

734 (b) At the election at which a referendum measure is referred to the voters, the
735 ballot shall contain a question in substantially the same form as 1 of the following:

736 "Shall the following measure which was passed by the (City Council) (School
737 Committee) be approved? (Text of measure) Yes——— No———?"; or

738 "Shall the following provisions of the (describe measure in general terms) which
739 was passed by the (City Council) (School Committee) be approved? (Text of provisions) Yes—
740 —— No———??.

741 (c) Whenever an initiative measure or referendum measure is to be submitted or
742 referred to the voters, the city clerk shall furnish a copy of the measure to the election
743 commission. If the election commission deems it necessary or desirable, the commission shall
744 prepare a fair and concise summary of the measure for use on the ballot or ballot label in lieu of
745 the full text of the measure. The full text of the measure which is the subject matter of the
746 petition shall be mailed to each household in which a voter resides.

747 SECTION 18. Said article 10 of said charter is hereby further amended by striking out
748 section 10-19 and inserting in place thereof the following section:-

749 Sec. 10-19. Initiative and Referendum: Effect of Veto by the Mayor.

750 Nothing in this article shall be construed to impair a mayor's power to veto action by the
751 city council to the extent that the power is conferred on the mayor, except that the mayor shall
752 not have any power to veto city council proceedings providing for the submission of an initiative
753 measure or the referral of a referendum measure to the voters. If the mayor vetoes an initiative
754 measure passed by the city council or vetoes proceedings of the city council repealing or

755 rescinding a referendum measure and the city council fails to override the mayor's veto, the city
756 council shall provide for submitting the initiative measure or referring the referendum measure to
757 the voters.

758 SECTION 19. Article 11 of said charter is hereby amended by striking out section 11-1
759 and inserting in place thereof the following section:-

760 Sec. 11-1. Certificate of Election and Appointment.

761 Every person who is elected, including those elected by the city council, or appointed by
762 the mayor to an office shall receive a certificate of the election or appointment from the city
763 clerk. Except as otherwise provided by law, before performing any act under the election or
764 appointment, the person shall take and subscribe to an oath to qualify the person to enter upon
765 the duties of the office. A record of the taking of the oath shall be made by the city clerk. Any
766 oath required by this section may be administered by the mayor or any officer authorized by law
767 to administer oaths. Records of transactions of all officers and boards shall be properly kept and
768 shall, subject to such reasonable restrictions as the city council may prescribe, be open to the
769 inspection of the public.

770 SECTION 20. Said article 11 of said charter is hereby further amended by striking out
771 sections 11-4 and 11-5 and inserting in place thereof the following 2 sections:-

772 Sec. 11-4. Reenactment and Publication of Ordinances.

773 The city council shall, not later than 1 year after the charter is adopted and at 5-year
774 intervals thereafter, cause to be prepared by a special committee of the city council appointed for
775 that purpose a proposed revision or recodification of all ordinances of the city which shall be

776 presented to the city council for reenactment. The revisions or recodifications shall be prepared
777 under the supervision of the city solicitor or, if the city council so directs, by special counsel
778 retained for that purpose.

779 Sec. 11-5. Liability of City Officers and Agencies.

780 All city officers and members of city agencies shall be deemed to be public or municipal
781 officers or officials. Subject to appropriation, the city may indemnify any such officer or member
782 for expenses or damages incurred in the defense or settlement of a claim against the officer or
783 member which arose while acting within the scope of the officer or member's official duties or
784 employment, but only to the extent and subject to the limitations imposed by the General Laws.

785 SECTION 21. Section 11-7 of said article 11 is hereby amended by striking out the words
786 "Board of Aldermen" and inserting in place thereof the following words:- city council.

787 SECTION 22. Said article 11 of said charter is hereby further amended by striking out
788 section 11-13 and inserting in place thereof the following section:-

789 Section 11-13. Definitions.

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

792 "Charter", the charter and any amendments to the charter made through any of the
793 methods provided under Article LXXXIX of the Amendments to the State Constitution.

794 "City", the city of Newton.

795 “City agency”, any board, commission, committee, council, department or office of the
796 city government; provided, however, that “city agency” shall not include a neighborhood area
797 council as provided in article 9.

798 “Full council”, the entire authorized complement of the city council notwithstanding any
799 vacancies which might exist.

800 “Initiative measure”, a measure proposed by initiative procedures under the charter.

801 “Majority vote”, a majority of those present and voting; provided, however, that a
802 quorum of the body shall be present.

803 “Measure”, an ordinance passed or which could be passed by the city council or an order,
804 resolution, vote or other proceeding passed or which could be passed by the city council or the
805 school committee.

806 “Referendum measure”, a measure that is protested by referendum procedures under this
807 charter.

808 “Voters”, the registered voters of the city of Newton.

809 SECTION 23. This act shall take effect on January 1, 2016.