

HOUSE No. 4102

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

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

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

An Act providing a charter for the city of Melrose.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>12/20/2017</i>

HOUSE No. 4102

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 4102) of Paul Brodeur (with the approval of the mayor and board of aldermen) relative to revisions to the charter of the city of Melrose. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act providing a charter for the city of Melrose.

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. The following shall be the charter for the city of Melrose:

2 ARTICLE 1

3 INCORPORATION; SHORT TITLE; DEFINITIONS

4 SECTION 1-1: INCORPORATION

5 The inhabitants of the city of Melrose, within the territorial limits established by law,
6 shall continue to be a municipal corporation, a body corporate and politic, under the name "city
7 of Melrose".

8 SECTION 1-2: SHORT TITLE

9 This act shall be known and may be cited as the city of Melrose Charter.

10 SECTION 1-3: DIVISION OF POWERS

11 The administration of the fiscal, prudential and municipal affairs of Melrose, with the
12 government thereof, shall be vested in an executive branch headed by a mayor and a legislative
13 branch consisting of a board of aldermen. The legislative branch shall never exercise any
14 executive power, and the executive branch shall never exercise any legislative power.

15 SECTION 1-4: POWERS OF THE CITY

16 Subject only to express limitations on the exercise of any power or function by a
17 municipal government in the constitution or General Laws of the commonwealth, it is the
18 intention and the purpose of the voters of Melrose through the adoption of this charter to secure
19 for themselves and their government all of the powers it is possible to secure as fully and as
20 completely as though each such power were specifically and individually enumerated herein.

21 SECTION 1-5: CONSTRUCTION

22 The powers of the city of Melrose under this charter are to be construed liberally in favor
23 of the city, and the specific mention of any particular power is not intended to limit the general
24 powers of the city as stated in section 1-4.

25 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

26 Subject only to express limitations in the constitution or General Laws of the
27 commonwealth, Melrose may exercise any of its powers or perform any of its functions, and may
28 participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the
29 commonwealth or any of its agencies or political subdivisions, or with the United States
30 government or any of its agencies.

31 SECTION 1-7: DEFINITIONS

32 Unless another meaning is clearly apparent from the manner in which the word or phrase
33 is used, the following words and phrases as used in this charter shall have the following
34 meanings:

35 "Business day", any day on which Melrose city hall is open for the citizens of Melrose to
36 conduct routine business.

37 "Charter", this charter and any adopted amendments to it.

38 "City", the city of Melrose.

39 "City agency", any multiple member body, any department, division, or office of the city
40 of Melrose.

41 "City bulletin boards", the official location for public notices designated by the clerk's
42 office and registered with the attorney general where the public may find official notices of
43 meetings; provided, that "city bulletin boards" may include the city's website and an official
44 physical location within City Hall

45 "City officer", when used without further qualification or description, shall mean a person
46 having charge of an office or department of the city who in the exercise of the powers or duties
47 of that position exercises some portion of the sovereign power of the city.

48 "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition
49 which necessitates immediate action or response.

50 "Full board of aldermen", the entire authorized complement of the board of aldermen,
51 notwithstanding any vacancy which might exist.

52 "Full multiple member body", the entire authorized complement of the board of
53 aldermen, school committee or other multiple member body notwithstanding any vacancy which
54 might exist.

55 "General laws" or "Massachusetts General Laws", the General Laws of the
56 commonwealth of Massachusetts, a codification and revision of statutes enacted on December
57 22, 1920, and including all amendments thereto subsequently adopted.

58 "Initiative measure", a measure proposed by the voters through the initiative process
59 provided under this charter.

60 "Local news publication", a newspaper of general circulation within Melrose, with either
61 a weekly or daily circulation. If no general circulation publication exists within Melrose, local
62 news publication shall also include online publications to the extent permitted by law.

63 "Majority vote", when used in connection with a meeting of a multiple member body
64 shall mean a majority of those present and voting, unless another provision is made by
65 ordinance, by law, or by its own rules.

66 "Measure", any ordinance, order, resolution, or other vote or proceeding adopted, or
67 which might be adopted, by the board of aldermen or the school committee.

68 "Multiple member body", any board, commission, committee, sub-committee or other
69 body consisting of two (2) or more persons whether elected, appointed or otherwise constituted,
70 but not including the board of aldermen or the school committee.

71 "Organization or reorganization plan", a plan submitted by the mayor to the board of
72 aldermen which proposes a change in the organization of the administrative structure of the city
73 government, or a change in the way in which a municipal service, or services are delivered.

74 "Previous election", the most recent election to have occurred for the particular position,
75 council or committee which is referenced.

76 "Quorum", a majority of all members of a multiple member body unless some other
77 number is required by law or by ordinance.

78 "Referendum measure", a measure adopted by the board of aldermen or the school
79 committee that is protested under the referendum procedures of this charter.

80 "Voters", registered voters of the city of Melrose.

81 ARTICLE 2

82 LEGISLATIVE BRANCH

83 SECTION 2-1: COMPOSITION, TERM OF OFFICE

84 (a) Composition - There shall be a board of aldermen of eleven (11) members which shall
85 exercise the legislative powers of the city. Four (4) of these members, to be known as aldermen-
86 at-large, shall be nominated and elected by and from the voters at large. Seven (7) of these
87 members, to be known as ward aldermen, shall be nominated and elected by and from the voters
88 of each ward, one (1) such ward alderman to be elected from each of the seven (7) wards into
89 which the city is divided under section 7-5.

90 (b) Term of Office - The term of office for all aldermen shall be for two (2) years each,
91 beginning on the first Monday after the first Tuesday in January in the year following their
92 election, and until their successors have been qualified.

93 (c) Eligibility - Any voter shall be eligible to hold the office of alderman-at-large. A ward
94 alderman shall at the time of election be a voter of the ward from which elected, but if any ward
95 alderman shall during the first twelve (12) months of the term of office remove to another ward
96 in the city, the office shall be deemed vacant and the balance of the unexpired term shall be filled
97 in the manner provided in section 2-11. If the removal occurs after the first twelve (12) months
98 of the term of office such ward alderman may continue to serve for the balance of the term for
99 which elected. If an alderman-at-large or a ward alderman removes from the city during the
100 alderman's term, the office shall immediately be deemed vacant and filled in the manner
101 provided in section 2-11.

102 SECTION 2-2: PRESIDENT

103 (a) Election and Term - As soon as practicable after the aldermen-elect have been
104 qualified following each biennial election, as provided in section 9-10, the members of the board
105 of aldermen shall elect from among its members a president who shall serve for one (1) year. The
106 method of election of the president shall be prescribed within the rules of the board of aldermen.

107 (b) Powers and Duties - The president shall preside at all meetings of the board of
108 aldermen, regulate its proceedings and shall decide all questions of order. The president shall
109 appoint all members of all committees of the board of aldermen, whether special or standing.
110 The president shall have the same powers to vote upon all measures coming before the board of
111 aldermen as any other member of the board of aldermen. The president shall perform any other

112 duties consistent with the office that may be provided by charter, by ordinance or by other vote
113 of the board of aldermen.

114 SECTION 2-3: PROHIBITIONS

115 (a) Holding Other City Office or Position - No member of the board of aldermen shall
116 hold any other city office or city employment for which a salary or other emolument is payable
117 from the city treasury. No former member of the board of aldermen shall hold any compensated
118 appointed city office or appointed city employment until one (1) year following the date on
119 which the former member's service on the board of aldermen has terminated. This provision shall
120 not prevent a city officer or other city employee who has vacated a position in order to serve as a
121 member of the board of aldermen from returning to the same office or other position of city
122 employment held at the time the position was vacated, but no such person shall be eligible for
123 any other municipal position until at least 1 year following the termination of service as a
124 member of the board of aldermen.

125 (b) Interference with Administration - No board of aldermen nor any member of the
126 board of aldermen shall give orders or directions to any officer or employee of the city appointed
127 by the mayor, either publicly or privately.

128 SECTION 2-4: COMPENSATION

129 (a) Compensation - The members of the board of aldermen shall receive such salary for
130 their services as may from time to time be set by ordinance. No ordinance increasing the salary
131 of aldermen shall be effective unless it shall have been adopted during the first eighteen (18)
132 months of the term for which the board of aldermen is elected and unless it provides that the

133 salary increase is to take effect upon the organization of the city government following the next
134 municipal election.

135 SECTION 2-5: GENERAL POWERS

136 Except as otherwise provided by general law or by this charter, all powers of the city
137 shall be vested in the board of aldermen which shall provide for their exercise and for the
138 performance of all duties and obligations imposed upon the city by law.

139 SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

140 (a) Exercise of Powers - Except as otherwise provided by general law or by this charter,
141 the legislative powers of the board of aldermen may be exercised in a manner determined by it.

142 (b) Quorum - The presence of six (6) members shall constitute a quorum for the
143 transaction of business, but a smaller number may meet and adjourn from time to time. Except as
144 otherwise provided by general law or by this charter, the affirmative vote of eight (8) members
145 shall be required to adopt any ordinance or appropriation order.

146 (c) Rules of Procedure - The board of aldermen shall from time to time adopt rules
147 regulating its procedures, which shall be in addition to the following:

148 (i) Regular meetings of the board of aldermen shall be held at a time and place fixed by
149 ordinance.

150 (ii) Special meetings of the board of aldermen shall be held at the call of the president or
151 at the call of any four (4) or more members, by written notice delivered in hand or via electronic
152 or first class mail to each member and which contains a listing of the items to be acted upon.
153 Except in case of an emergency, of which the president shall be judge, this notice shall be

154 delivered at least forty-eight (48) hours in advance of the time set for such meeting, excluding
155 Saturday, Sunday and legal holidays. A copy of the notice to members shall immediately be
156 posted upon the city bulletin boards.

157 (iii) All sessions of the board of aldermen and of every committee or subcommittee of the
158 board shall at all times be open to the public unless another provision is made by law.

159 (iv) A full, accurate, up-to-date account of the proceedings of the board of aldermen shall
160 be kept, which shall include a record of each vote taken, and which shall be made available with
161 reasonable promptness following each meeting. The minutes of any executive session, shall be
162 made available as soon as their publication would not defeat the lawful purposes of the executive
163 session.

164 SECTION 2-7: ACCESS TO INFORMATION

165 (a) In General - The board of aldermen may make investigations into the affairs of the
166 city and into the conduct and performance of any city agency.

167 (b) City Officers, Members of City Agencies, Employees - The board of aldermen may
168 require any city officer, member of a city agency or city employee to appear before it to give any
169 information that the board of aldermen may require in relation to the municipal services,
170 functions, powers, or duties which are within the scope of responsibility of that person and
171 within the jurisdiction of the board of aldermen. Copies of all notices directed to employees of
172 the school department shall be concurrently provided to the school committee chair.

173 (c) Mayor - The board of aldermen may require the mayor to provide specific information
174 to it on any matter within the jurisdiction of the board of aldermen. The board of aldermen may

175 require the mayor to appear before it, in person, to provide specific information on the conduct of
176 any aspect of the business of the city. The mayor may bring to such meeting any assistant,
177 department head or other city officer or employee the mayor may deem necessary to assist in
178 responding to the questions posed by the board of aldermen.

179 (d) Notice - The board of aldermen shall give forty-eight (48) hours' notice to any person
180 it may require to appear before it under the provisions of this section. The notice shall include
181 specific questions on which the board of aldermen seeks information, and no person called to
182 appear before the board of aldermen under this section shall be required to respond to any
183 question not relevant or related to those presented in advance and in writing.

184 SECTION 2-8: APPOINTMENTS OF THE BOARD OF ALDERMEN

185 (a) City Clerk - The board of aldermen shall elect a city clerk to serve for a term of three
186 (3) years. The city clerk shall be the keeper of vital statistics of the city, the custodian of the city
187 seal and of all records of the city, shall administer the oath of office to all city officers, and shall
188 issue licenses and permits as may be provided by law. The city clerk shall have the powers and
189 duties provided that office by the General Laws of the commonwealth, this charter, ordinances or
190 other votes of the board of aldermen.

191 (b) Clerk of Committees - The board of aldermen shall elect a clerk of committees to
192 serve at the pleasure of the board of aldermen. The clerk of committees shall perform the duties
193 as may be provided by ordinance or by other vote of the board of aldermen.

194 (c) Salary/Compensation - The city clerk and the clerk of committees shall receive such
195 salary or other compensation as may from time to time be provided for these offices by
196 ordinance.

197 SECTION 2-9: ORDINANCES AND OTHER MEASURES

198 (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is
199 introduced, except in case of emergency involving the health or safety of the people or their
200 property. No ordinance shall be regarded as an emergency ordinance unless the emergency is
201 defined and declared in a preamble to the ordinance, separately voted upon and receiving the
202 affirmative vote of 8 or more members of the board of aldermen. Emergency ordinances shall
203 stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in
204 the measure, or unless a second emergency measure adopted under this section is passed
205 extending it, or unless a measure passed under this section has extended it.

206 (b) Measures, In General - The board of aldermen may pass a measure through all of its
207 stages at any one meeting, except proposed ordinances, appropriation orders and loan
208 authorizations, if no member of the board of aldermen shall object; but, if any single member
209 objects, a vote on the measure shall be postponed to the next meeting of the board of aldermen.
210 On the first occasion that the question of adopting any measure is put to the board of aldermen,
211 except an emergency measure as defined in section 2-9(a), if a single member objects to the
212 taking of a vote, the vote shall be postponed until the next regular or special meeting of the board
213 of aldermen. This procedure shall not be used more than once for any measure notwithstanding
214 any amendments made to the original measure.

215 (c) Posting - Every proposed ordinance, appropriation order or loan authorization, except
216 emergency ordinances under section 2-9(a), shall be posted on the city bulletin board and made
217 available at the office of the city clerk at least 10 days before its final passage.

218 SECTION 2-10: BOARD OF ALDERMEN REVIEW OF CERTAIN APPOINTMENTS

219 The mayor shall submit to the board of aldermen the name of each person the mayor
220 desires to appoint to any city office as a department head or as a member of a multiple-member
221 body, but not including any position which is subject to the civil service law. The board of
222 aldermen shall refer each name submitted to it to a standing committee of the board which shall
223 review each candidate for appointment and may make a report with recommendations to the full
224 board of aldermen not less than seven (7) nor more than forty-five (45) days after the referral.
225 The committee may require any person whose name has been referred to it to appear before the
226 committee, or before the board of aldermen, to give any information relevant to the appointment
227 that the committee, or the board of aldermen, may require. Appointments made by the mayor
228 shall become effective on the forty-fifth (45th) day after the date on which notice of the proposed
229 appointment was filed with the city clerk unless approved or rejected by the board of aldermen
230 within the forty-five (45) days.

231 SECTION 2-11: FILLING OF VACANCIES

232 (a) Alderman-at-Large - If a vacancy shall occur in the office of alderman-at-large, the
233 vacancy shall be filled in descending order of votes received by the candidate for the office of
234 alderman-at-large at the preceding city election who received the highest number of votes
235 without being elected, provided such person remains eligible and willing to serve as alderman-at-
236 large. The city clerk shall certify this candidate to the office of councilor-at-large to serve for the
237 balance of the then unexpired term.

238 (b) Ward Alderman - If a vacancy shall occur in the office of ward alderman, it shall be
239 filled in the same manner as provided in section 2-11(a) for the office of alderman-at-large
240 except that the list shall be of the candidates for the office of ward alderman in the ward in which

241 the vacancy occurs, but if there be no candidate on such list who remains eligible and willing to
242 serve, the next highest ranking candidate from among the candidates for election to the
243 alderman-at-large who is a resident of the ward in which the vacancy exists shall be certified and
244 shall serve until the next regular election provided such candidate remains a resident of the ward,
245 is willing to serve as a ward alderman. The city clerk shall certify this candidate to the office of
246 ward alderman to serve for the balance of the then unexpired term.

247 (c) Filling of Vacancies By Board of Aldermen - If a vacancy shall occur in the office of
248 alderman-at-large or in that of ward alderman and there is no available candidate to fill the
249 vacancy in the manner provided in section 2-11 (a) or (b), the vacancy shall be filled by the
250 remaining members of the board of aldermen. Persons elected to fill a vacancy by the board of
251 aldermen shall serve only until the next regular election at which time the vacancy shall be filled
252 by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall
253 serve for the remainder of the unexpired term in addition to the term for which elected. Persons
254 serving as aldermen under this section shall not be entitled to have the words "candidate for re-
255 election" printed against their names on the election ballot.

256 ARTICLE 3

257 EXECUTIVE BRANCH

258 SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;
259 COMPENSATION; PROHIBITIONS

260 (a) Mayor, Qualifications - The chief executive officer of the city shall be a mayor,
261 elected by and from the voters of the city at large. Any voter shall be eligible to hold the office of

262 mayor. The mayor shall devote full time to the office and shall not hold any other elective public
263 office.

264 (b) Term of Office - The term of office of the mayor shall be four (4) years beginning on
265 the first (1st) Monday after the first (1st) Tuesday in January following the biennial city election
266 at which chosen and until a successor is qualified.

267 (c) Compensation - The board of aldermen shall, by ordinance, establish an annual salary
268 for the mayor. No ordinance altering the salary of the mayor shall be effective unless it shall
269 have been adopted in the first eighteen (18) months of the term for which aldermen are elected
270 and it provides that the salary is to become effective in January of the year following the next
271 biennial city election.

272 (d) Prohibitions - The mayor shall hold no other city office or city employment for which
273 a salary or other emolument is payable from the city treasury. No former mayor shall hold any
274 compensated appointed city office or city employment until one (1) year following the date on
275 which the former mayor's city service has terminated. This provision shall not prevent a city
276 officer or other city employee who has vacated a position in order to serve as mayor from
277 returning to the same office or other position of city employment held at the time the position
278 was vacated, but no such person shall be eligible for any other municipal position until at least
279 one (1) year after the termination of service as mayor. This prohibition shall not apply to persons
280 covered under the leave of absence provisions of section 37 of chapter 31 of the General Laws.

281 SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

282 The executive powers of the city shall be vested solely in the mayor and may be
283 exercised by the mayor either personally or through the several city agencies under the general

284 supervision and control of the office of the mayor. The mayor shall cause this charter, the laws,
285 the ordinances and other orders for the government of the city to be enforced, and shall cause a
286 record of all official acts of the executive branch of the city government to be kept. The mayor
287 shall exercise general supervision and direction over all city agencies, unless otherwise provided
288 by law or by this charter. Each city agency shall furnish to the mayor, immediately upon request,
289 any information, materials or otherwise as the mayor may request and as the needs of the office
290 of mayor and the interest of the city may require. The mayor shall supervise, direct and be
291 responsible for the efficient administration of all city activities and functions placed under the
292 control of the mayor by law or by this charter. The mayor shall be responsible for the efficient
293 and effective coordination of the activities of all agencies of the city and for this purpose shall
294 have authority, consistent with law, to call together for consultation, conference and discussion at
295 reasonable times all persons serving the city, whether elected directly by the voters, chosen by
296 persons elected directly by the voters, or otherwise. The mayor shall be, by virtue of the office, a
297 member of every appointed multiple member body of the city. The mayor shall have a right, as
298 an ex officio member, to attend any meeting of any appointed multiple member body of the city,
299 at any time, including executive sessions, to participate in the discussions, to make motions and
300 to exercise every other right of a regular member of such body, but not including the right to
301 vote.

302 SECTION 3-3: APPOINTMENTS BY THE MAYOR

303 The mayor shall appoint, subject to the review of such appointments by the board of
304 aldermen under section 2-10, all city officers and department heads and the members of
305 multiple-member bodies for whom no other method of appointment or selection is provided by
306 this charter. All appointments to multiple-member bodies shall be for terms established under

307 section 5-1. Upon the expiration of the term of any member of a multiple member body, a
308 successor shall be appointed in like manner. The mayor shall fill any vacancy for the remainder
309 of the unexpired term of any member of a multiple member body. All persons classified as
310 department heads shall, subject to the consent of the mayor, appoint, promote and discipline all
311 assistants, subordinates and other employees of the agency for which that person is responsible.
312 All appointments and promotions made by the mayor shall be made on the basis of merit and
313 fitness demonstrated by examination, past performance or by other evidence of competence and
314 suitability. Each person appointed to fill an office or position shall be a person especially fitted
315 by education, training and previous work experience to perform the duties of the office or
316 position for which chosen.

317 SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

318 (a) City Officers and Department Heads - The mayor may, in writing, remove or suspend
319 any city officer, or the head of any city department appointed by the mayor. In addition, the
320 mayor may file a written statement, with the city clerk, setting forth in precise detail the specific
321 reasons for the removal or suspension. A copy of the written statement shall be delivered in
322 hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or
323 department head. The city officer or department head may make a written reply by filing such a
324 reply statement, with the city clerk, within ten (10) days after the date the statement of the mayor
325 has been filed; but, this reply shall have no effect upon the removal or suspension unless the
326 mayor shall so determine. The decision of the mayor in suspending or removing a city officer or
327 a department head shall be final, it being the intention of this provision to vest all authority and
328 to fix all responsibility for such suspension or removal solely in the mayor.

329 (b) Other City Employees - Unless some other procedure is specified in a collective
330 bargaining agreement or by civil service law, a department head may suspend or remove any
331 assistant, subordinate or other employee of the agency for which that person is responsible. The
332 decision of the department head to suspend or remove any assistant, subordinate or other
333 employee shall be subject to review by the mayor. A person for whom a department head has
334 determined a suspension or removal is appropriate may seek review of this determination by the
335 mayor by filing a petition for review, in the office of the mayor, in writing, within ten (10) days
336 following receipt of notice of this determination. The decision of the mayor shall be final, it
337 being the intention of this provision to vest all authority and to fix all responsibility for
338 suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar
339 to any other review as may be provided by law.

340 SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES

341 Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs
342 of the city require that the office be filled, the mayor may designate the head of another city
343 agency or a city officer or city employee or some other person to perform the duties of the office
344 on a temporary basis until the position can be filled as otherwise provided by law or by this
345 charter. The mayor shall file a certificate in substantially the following form, with the city clerk,
346 whenever a person is designated under this section:

347 I designate (name of person) to perform the duties of the office of (designate office in
348 which vacancy exists) on a temporary basis until the office can be filled by (here set out the
349 regular procedure for filling the vacancy, or when the regular officer shall return). I certify that

350 said person is qualified to perform the duties which will be required and that I make this
351 designation solely in the interests of the city of Melrose.

352 (signed)

353 Mayor

354 Persons serving as temporary officers under this section shall have only those powers of
355 the office essential to the performance of the duties of the office during the period of the
356 temporary appointment. Notwithstanding any general or special law to the contrary, no
357 temporary appointment shall be for more than one hundred twenty (120) days, but not more than
358 one (1) sixty (60) day extension of a temporary appointment may be made when a permanent
359 vacancy exists in the office.

360 SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

361 (a) Communications to the Board of Aldermen - The mayor shall, from time to time, by
362 written communications, recommend to the board of aldermen for its consideration such
363 measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, from
364 time to time, by written communication, keep the board of aldermen fully informed of the
365 financial and administrative condition of the city and shall specifically indicate in these such
366 reports any fiscal, financial or administrative problems of the city.

367 (b) Special Meetings of the Board of Aldermen - The mayor may at any time call a
368 special meeting of the board of aldermen, for any purpose, by causing a notice of the meeting to
369 be delivered in hand, or via electronic or first class mail to each member of the board of
370 aldermen. This notice shall, except in an emergency of which the mayor shall be the sole judge,

371 be delivered at least forty-eight (48) hours in advance of the time set, excluding Saturday,
372 Sunday and legal holidays, and shall specify the purpose or purposes for which the meeting is to
373 be held. A copy of each such notice shall immediately be posted on the city bulletin board.

374 SECTION 3-7: APPROVAL OF MAYOR, EXCEPTION (VETO)

375 Every order, ordinance, resolution or vote adopted or passed by the board of aldermen
376 relative to the affairs of the city, except memorial resolutions, the selection of city officers by the
377 board of aldermen and any matters relating to the internal affairs of the board of aldermen, shall
378 be presented to the mayor for approval. If the mayor approves of the measure, the mayor shall
379 sign it; if the mayor disapproves of the measure, the mayor shall return the measure, with the
380 specific reason or reasons for such disapproval attached to it, in writing, to the board of
381 aldermen. The board of aldermen shall enter the objections of the mayor on its records, and not
382 sooner than ten (10) days, nor later than thirty (30) days from the date of its return to the board of
383 aldermen, shall again consider the same measure. If the board of aldermen, notwithstanding the
384 disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-
385 thirds (2/3) vote of the full board, it shall then be deemed in force, notwithstanding the failure of
386 the mayor to approve it. If the mayor has neither signed a measure nor returned it to the board of
387 aldermen within ten (10) days following the date it was presented to the mayor, the measure shall
388 be deemed approved and in force.

389 SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR

390 (a) Acting Mayor - Whenever, by reason of sickness, absence from the city or other
391 cause, the mayor shall be unable to perform the duties of the office, the president of the board of
392 aldermen shall be the acting mayor.

393 (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the
394 mayor that are essential to the conduct of the business of the city in an orderly and efficient
395 manner and on which action may not be delayed. The acting mayor shall have no authority to
396 make any permanent appointment or removal from city service unless the disability of the mayor
397 shall extend beyond sixty (60) days, nor shall an acting mayor approve or disapprove of any
398 measure adopted by the board of aldermen unless the time within which the mayor must act
399 would expire before the return of the mayor. During any period in which any member of the
400 board of aldermen is serving as acting mayor, that alderman shall not vote as a member of the
401 board of aldermen.

402 SECTION 3-9: DELEGATION OF AUTHORITY BY MAYOR

403 The mayor may authorize any subordinate officer or employee of the city to exercise any
404 power or perform any function or any duty which is assigned by this charter, or otherwise, to the
405 mayor, and the mayor may rescind or revoke any such authorizations previously made, but all
406 acts performed under any such delegation of authority during a period of authorization shall be
407 and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor
408 to delegate his powers and duties as a school committee member, the power of appointment to
409 city office or employment or to sign or return measures approved by the board of aldermen.

410 SECTION 3-10: VACANCY IN OFFICE OF MAYOR

411 (a) Special Election - If a vacancy in the office of mayor occurs during the first two (2)
412 years of the term for which the mayor is elected, whether by reason of death, resignation,
413 removal from office, incapacity, or otherwise, the board of aldermen shall immediately, in the
414 manner provided in section 7-1, order a special election to be held within one hundred twenty

415 (120) days following the date the vacancy is created, to fill the vacancy for the balance of the
416 then unexpired term. If a regular city election is to be held within one hundred eighty (180) days
417 following the date the vacancy is created a special election need not be held and the position
418 shall be filled by vote at such regular election.

419 (b) President of Aldermen To Serve As Mayor - If a vacancy in the office of mayor
420 occurs in the third (3rd) or fourth (4th) year of the term for which the mayor is elected, whether
421 by reason of death, resignation, removal from office, or otherwise, the president of the board of
422 aldermen shall become the mayor. Upon the qualification of the president of the board of
423 aldermen as the mayor, under this section, a vacancy shall exist in that seat on the board of
424 aldermen which shall be filled in the manner provided in section 2-11. A president serving as
425 mayor under this subsection shall not be entitled to have the words "candidate for re-election"
426 printed against their name on the election ballot if they are seeking the office of Mayor.

427 (c) Powers, Term of Office - The mayor elected under Section 3-10(a) or (b) shall have
428 all the powers of the mayor. A person elected under subsection (a), shall serve for the balance of
429 the term unexpired at the time of election to the office. A person chosen under subsection (b),
430 shall serve until the time of the next regular election at which time the person elected to fill the
431 office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired
432 term.

433 ARTICLE 4

434 SCHOOL COMMITTEE

435 SECTION 4-1: COMPOSITION, TERM OF OFFICE

436 (a) Composition - There shall be a school committee, which shall consist of seven (7)
437 members. Six of these members shall be nominated and elected by and from the voters of the city
438 at large. The mayor shall serve, by virtue of office, as the seventh (7th) member of the school
439 committee with all of the same powers and duties as the members elected by the voters as school
440 committee members.

441 (b) Term of Office - The term of office for the six (6) school committee members elected
442 by the voters shall be for four (4) years, beginning on the first (1st) Monday after the first (1st)
443 Tuesday in January in the year following their election, and until their successors have been
444 qualified. The terms of office shall be so arranged that three (3) such terms are to be filled at
445 each biennial election.

446 (c) Eligibility - A school committee member shall at the time of election be a voter. If a
447 school committee member removes from the city during the term for which elected, the office
448 shall immediately be deemed vacant and filled in the manner provided in section 4-6.

449 SECTION 4-2: SCHOOL COMMITTEE CHAIR

450 (a) Election and Term - As soon as practicable after the school committee members-elect
451 have been qualified following each biennial city election, as provided in section 9-10, the school
452 committee shall organize by electing one (1) of the persons elected to the office of school
453 committee member to serve as school committee chair.

454 (b) Powers and Duties - The school committee chair, or a designee, shall preside at all
455 meetings of the school committee, regulate its proceedings and decide all questions of order. The
456 school committee chair shall appoint all members of all committees of the school committee,
457 whether special or standing. The school committee chair shall have the same powers to vote

458 upon all measures coming before the school committee as any other member of the school
459 committee. The school committee chair shall perform such other duties consistent with the office
460 as may be provided by this charter or by vote of the school committee in accordance with the by-
461 laws and policies of the school committee.

462 SECTION 4-3: PROHIBITIONS

463 No member of the school committee shall hold any other city office or city employment
464 for which a salary or other emolument is payable from the city treasury. No former member of
465 the school committee shall hold any compensated appointed city office or city employment until
466 one (1) year following the date on which the member's service on the school committee has
467 terminated. This provision shall not prevent a city officer or other city employee who has vacated
468 a position in order to serve as a member of the school committee from returning to the same
469 office or other position of city employment held at the time the position was vacated, but no such
470 person shall be eligible for any other municipal position until at least one (1) year following the
471 termination of service as a member of the school committee.

472 SECTION 4-4: COMPENSATION

473 The board of aldermen may, by ordinance, establish an annual salary for members of the
474 school committee. No vote increasing the salary of school committee members shall be effective
475 unless it shall have been adopted during the first eighteen (18) months of the term for which
476 school committee members are elected and unless it provides that the salary is to take effect upon
477 the organization of the city government following the next municipal election. Notwithstanding
478 any general or special law to the contrary, members elected to the school committee shall not be
479 eligible to participate in the city's group health or life insurance programs.

480 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

481 The school committee shall have all powers which are conferred on school committees
482 by the General Laws and such additional powers and duties as may be provided by this charter,
483 by ordinance, or otherwise and not inconsistent with the grant of powers conferred by general
484 laws. The powers and duties of the school committee shall include the following:

485 (1) To elect a superintendent of the schools who shall be charged with the administration
486 of the school system, subject only to policy guidelines and directives adopted by the school
487 committee and, upon the recommendation of the superintendent, to establish and appoint
488 assistant or associate superintendents as provided in section 59 of chapter 71 of the General
489 Laws.

490 (2) To make all reasonable rules and regulations for the management of the public school
491 system and for conducting the business of the school committee as may be deemed necessary or
492 desirable.

493 (3) To adopt and to oversee the administration of an annual operating budget for the
494 school department, subject to appropriation by the board of aldermen. The school committee
495 shall have general charge and superintendence of all school buildings and grounds and shall
496 furnish all school buildings with proper fixtures, furniture and equipment. The school committee
497 shall provide ordinary maintenance of all school buildings and grounds; unless a central
498 municipal maintenance department which may include maintenance of school buildings and
499 grounds is established in accordance with law. Whenever the school committee shall determine
500 that additional classrooms are necessary to meet the educational needs of the community, at least
501 1 member of the school committee, or a designee of the school committee, shall serve on the

502 agency, board or committee to which the planning or construction of such new, remodeled or
503 renovated school building is delegated.

504 SECTION 4-6: FILLING OF VACANCIES

505 (a) Runner-Up to Succeed to Office - If a vacancy shall occur in the office of school
506 committee member, the vacancy shall be filled in descending order of votes received by the
507 candidate for the office of school committee member at the preceding city election who received
508 the highest number of votes without being elected, provided such person remains eligible and
509 willing to serve as a school committee member. The city clerk shall certify this candidate to the
510 office of school committee to serve for the balance of the then unexpired term.

511 (b) Filling of Vacancies By School Committee - Whenever a vacancy shall occur in the
512 office of school committee member and there is no available candidate to fill the vacancy in the
513 manner provided in section 4-6 (a), the vacancy shall be filled by the remaining members of the
514 school committee. Persons elected to fill a vacancy by the school committee shall serve only
515 until the next regular election at which time the vacancy shall be filled by the voters and the
516 person chosen to fill the vacancy shall immediately be sworn and shall serve for the remainder of
517 the unexpired term in addition to the term for which elected. Persons serving as school
518 committee members under this section shall not be entitled to have the words "candidate for re-
519 election" printed against their names on the election ballot.

520 ARTICLE 5

521 ADMINISTRATIVE ORGANIZATION

522 SECTION 5-1: ORGANIZATION OF CITY AGENCIES

523 The organization of the city into operating agencies for the provision of services and the
524 administration of the government may be accomplished only through an administrative order
525 filed with the board of aldermen by the mayor. No administrative order may originate with the
526 board of aldermen. The mayor may, subject only to express prohibitions in a general law or this
527 charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to
528 establish such new city agencies as is deemed necessary, but no function assigned by this charter
529 to a particular city agency may be discontinued or assigned to any other city agency unless this
530 charter specifically so provides. The mayor may from time to time prepare and submit to the
531 board of aldermen administrative orders that establish operating divisions for the orderly,
532 efficient or convenient conduct of the business of the city. These administrative orders shall be
533 accompanied by a message of the mayor which explains the benefits expected to ensue and
534 advises the board of aldermen if any provision of an administrative order shall require
535 amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the
536 mayor proposes an administrative order, the board of aldermen shall hold one or more public
537 hearings on the proposal giving notice by publication in a local newspaper, which notice shall
538 describe the scope of the proposal and the time and place at which the public hearing will be
539 held, not less than seven (7) nor more than fourteen (14) days following said publication. An
540 organization or reorganization plan shall become effective at the expiration of sixty (60) days
541 following the date the proposal is submitted to the board of aldermen unless the board of
542 aldermen shall, by a majority vote, within such period vote to disapprove the plan. The board of
543 aldermen may not vote to amend or to alter it.

544 SECTION 5-2: MERIT PRINCIPLE

545 All appointments and promotions of city officers and employees shall be made on the
546 basis of merit and fitness demonstrated by examination, past performance or other evidence of
547 competence and suitability.

548 ARTICLE 6

549 FINANCE AND FISCAL PROCEDURES

550 SECTION 6-1: FISCAL YEAR

551 The fiscal year of the city shall begin on the first day of July and shall end on the last day
552 of June, unless another period is required by general law.

553 SECTION 6-2: ANNUAL BUDGET POLICY

554 The mayor shall call a joint meeting of the board of aldermen and school committee
555 before the commencement of the budget process to review the financial condition of the city,
556 revenue and expenditure forecasts, and other relevant information prepared by the mayor in order
557 to develop a coordinated budget.

558 SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

559 At least forty-five (45) days before the beginning of the fiscal year, the mayor shall
560 submit to the board of aldermen a proposed operating budget for all city agencies, which shall
561 include the school department, for the ensuing fiscal year with an accompanying budget message
562 and supporting documents. The budget message submitted by the mayor shall explain the
563 operating budget in fiscal terms and in terms of work programs for all city agencies. It shall
564 outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important
565 features of the proposed operating budget and indicate any major variations from the current

566 operating budget, fiscal policies, revenues and expenditures together with reasons for these
567 changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and
568 activities and shall be in the form the mayor deems desirable. The school budget, as adopted by
569 the school committee shall be submitted to the mayor within a reasonable time before the
570 submission of the proposed operating budget to the board of aldermen. The mayor shall notify
571 the school committee of the date by which the budget of the school committee shall be submitted
572 to the mayor. The mayor and the school committee chair shall coordinate the dates and times of
573 the school committee's budget process under the laws of the commonwealth.

574 SECTION 6-4: ACTION ON THE OPERATING BUDGET

575 (a) Public Hearing - The board of aldermen shall publish in at least one (1) newspaper of
576 general circulation in the city a notice of the proposed operating budget as submitted by the
577 mayor. The notice shall state (i) the times and places where copies of the entire proposed
578 operating budget are available for inspection by the public, and (ii) the date, time and place not
579 less than fourteen (14) days after its publication, when a public hearing on the proposed
580 operating budget will be held by the board of aldermen.

581 (b) Adoption of the Budget - The board of aldermen shall adopt the operating budget,
582 with or without amendments, within forty-five (45) days following the date the budget is filed
583 with the city clerk. In amending the operating budget, the board of aldermen may delete or
584 decrease any amounts except expenditures required by law, but except on the recommendation of
585 the mayor, the board of aldermen shall not increase any item in or the total of the proposed
586 operating budget, unless otherwise authorized by the laws of the commonwealth. If the board of
587 aldermen fails to take action on any item in the operating budget within forty-five (45) days after

588 receipt of the budget, that amount shall, without any action by the board of aldermen, become a
589 part of the appropriations for the year, and be available for the purposes specified.

590 SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

591 The mayor shall submit a capital improvement program to the board of aldermen every
592 three (3) years and at least one hundred twenty (120) days before the start of the fiscal year in
593 which the program report is due. The capital improvement program shall include:

594 (1) a clear and concise general summary of its contents;

595 (2) a list of all capital improvements proposed to be undertaken during the next ensuing
596 five (5) years, with supporting information as to the need for each capital improvement;

597 (3) cost estimates, methods of financing and recommended time schedules for each
598 improvement; and,

599 (4) the estimated annual cost of operating and maintaining each facility and piece of
600 major equipment involved.

601 This information is to be annually revised by the mayor with regard to the capital
602 improvements still pending or in the process of being acquired, improved or constructed.

603 SECTION 6-6: INDEPENDENT AUDIT

604 The board of aldermen shall annually provide for an outside audit of the books and
605 accounts of the city to be made by a certified public accountant, or a firm of certified public
606 accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or
607 any of its officers. The mayor shall annually provide to the board of aldermen a sum of money

608 sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in
609 writing, by the board of aldermen. The award of a contract to audit shall be made by the board of
610 aldermen on or before September fifteenth of each year. The clerk of committees shall
611 coordinate the work of the individual or firm selected. The report of the audit shall be filed in
612 final form with the board of aldermen not later than March first (1st) in the year following its
613 award.

614 SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

615 Except as otherwise may be provided by law, no official of the city of Melrose shall
616 knowingly and intentionally expend in any fiscal year any sums in excess of the appropriations
617 duly made in accordance with law, or involve the city in any contract for the future payment of
618 money in excess of these appropriations. It is the intention of this section that section 31 of
619 chapter 44 of the General Laws shall be strictly enforced. Any official who violates this section
620 shall be personally liable to the city for any amounts so expended to the extent that the city does
621 not recover these amounts from the person to whom the sums were paid.

622 ARTICLE 7

623 ELECTIONS

624 SECTION 7-1: CITY ELECTIONS: GENERAL, PRELIMINARY FOR OFFICE OF
625 MAYOR

626 The regular general city election shall be held on the first Tuesday following the first
627 Monday in November in each odd-numbered year. A preliminary election for the purpose of
628 nominating candidates for mayor shall be held on the third Tuesday in September in each odd-

629 numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the
630 board of aldermen, reschedule this election to the fourth Tuesday to avoid a conflict with any
631 civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is
632 to be held, a preliminary election shall be conducted, if necessary, 28 days before the date
633 established for the special election.

634 SECTION 7-2: NON-PARTISAN ELECTIONS

635 All elections for city offices shall be non-partisan, and election ballots shall be printed
636 without any party mark, emblem, or other designation.

637 SECTION 7-3: PRELIMINARY ELECTION, MAYOR

638 (a) Ballot Position - The order in which names of candidates appear on the ballot shall be
639 determined by a drawing, by lot, conducted by the city clerk, which shall be open to the public.

640 (b) Determination of Candidates – The two (2) persons receiving at a preliminary election
641 the highest number of votes for nomination for mayor shall be the sole candidates for that office
642 whose names shall be printed on the official ballots to be used at the regular general city election
643 at which the office is to be voted upon, and no acceptance of a nomination shall be necessary to
644 its validity. If the preliminary election results in a tie vote among candidates for nomination
645 receiving the lowest number of votes which, but for the tie vote, would entitle a person receiving
646 the same to have his name printed on the official ballots for the election, all candidates
647 participating in the tie vote shall have their names printed on the official ballots, even though the
648 ballots will have a number of candidates exceeding twice the number to be elected.

649 (c) Condition Making Preliminary Unnecessary - If at the expiration of time for filing
650 statements, the number of candidates for mayor to be voted upon at any preliminary election is
651 not greater than two (2), then no preliminary election shall be held. The candidates whose
652 statements have been filed with the city clerk shall be deemed to have been nominated to the
653 office, their names shall be voted upon for the office at the succeeding general election, and the
654 city clerk shall not print their names on the ballots to be used at the preliminary election.

655 SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION

656 The order in which names of candidates appear on the ballot for each office shall be
657 determined by a drawing, by lot, conducted by the city clerk. The drawing shall be open to the
658 public and conducted on or before the thirtieth day preceding the date of the election.

659 SECTION 7-5: WARDS

660 The territory of the city shall be divided into seven (7) wards so established as to consist
661 of as nearly an equal number of inhabitants as it is possible to achieve based on compact and
662 contiguous territory, bounded as far as possible by the center line of known streets or ways or by
663 other well-defined limits. Each such ward shall be composed of voting precincts established in
664 accordance with the General Laws. The board of aldermen shall from time to time, but at least
665 once in each ten (10) years, review these wards to insure their uniformity in number of
666 inhabitants.

667 SECTION 7-6: APPLICATION OF STATE GENERAL LAWS

668 Except as otherwise expressly provided in this charter and authorized by law, all city
669 elections shall be governed by the laws of the commonwealth relating to the right to vote, the

670 registration of voters, the nomination of candidates, the conduct of preliminary, general and
671 special elections, the submission of charters, charter amendments and other propositions to the
672 voters, the counting of votes, the recounting of votes, and the determination of results.

673 ARTICLE 8

674 CITIZEN PARTICIPATION MECHANISMS

675 SECTION 8-1 FREE PETITION

676 The board of aldermen or the school committee shall hold a public hearing and act with
677 respect to every petition which is addressed to it, which is signed by fifty (50) or more voters,
678 along with their addresses, and which seeks the passage of a measure. The hearing shall be held
679 by the board of aldermen or the school committee, or, in either case, by a committee or sub-
680 committee thereof, and the action by the board of aldermen or the school committee shall be
681 taken not later than six (6) weeks after the petition is filed with the city clerk or the school
682 committee. Hearings on two (2) or more petitions filed under this section may be held at the
683 same time and place. The city clerk or the school committee shall mail notice of the hearing to
684 the ten (10) persons whose names appear first on the petition at least seven (7) days before the
685 hearing. Notice, by publication, of all such hearings shall be at public expense.

686 SECTION 8-2: CITIZEN INITIATIVE MEASURES

687 (a) Commencement - Initiative procedures shall be started by the filing of a proposed
688 initiative petition with the city clerk or the secretary of the school committee. The petition shall
689 be addressed to the board of aldermen or to the school committee, shall contain a request for the
690 passage of a particular measure which shall be set forth in full in the petition, and shall be signed

691 by at least five-hundred (500) voters and their addresses. At least fifty (50) signatures must be
692 certified from each ward. The petition shall be accompanied by an affidavit signed by ten (10)
693 voters and containing their residential address stating they will constitute the petitioners
694 committee and be responsible for circulating the petition and filing it in proper form, as well as
695 designating one member as its clerk.

696 (b) Referral to City Solicitor - The city clerk or the executive secretary of the school
697 committee shall immediately following receipt of a proposed petition deliver a copy of the
698 petition to the city solicitor. The city solicitor shall, within fifteen (15) days following receipt of
699 a copy of the petition, in writing, advise the board of aldermen or the school committee whether
700 the measure as proposed may lawfully be proposed by the initiative process and whether, in its
701 present form it may be lawfully adopted by the board of aldermen or the school committee. If the
702 opinion of the city solicitor is that the measure is not in proper form, the reply shall state the
703 reasons for this opinion, in full. A copy of the opinion of the city solicitor shall also be mailed to
704 the person designated as clerk of the petitioners committee.

705 (c) Submission to City Clerk - If the opinion of the city solicitor is that the petition is in a
706 proper form, the city clerk shall provide blank forms for the use of subsequent signers, and shall
707 print at the top of each blank form a fair, concise summary of the proposed measure, as
708 determined by the city solicitor, together with the names and addresses of the first ten (10) voters
709 who signed the originating petition. Within thirty (30) days following the date the blank forms
710 are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by
711 at least fifteen per cent (15%) of the total number of voters as of the date of the most recent city
712 election. Signatures to an initiative petition need not all be on one (1) paper, but all papers
713 pertaining to any one measure shall be fastened together and shall be filed as a single instrument,

714 with the endorsement on it of the name and residence address of the person designated as filing
715 the same. With each signature on the petition there shall also appear the street and number of the
716 residence of each signer. Within ten (10) days following the filing of the petition, the board of
717 registrars of voters shall ascertain by what number of voters the petition has been signed, and
718 what percentage that number is of the total number of voters as of the date of the most recent city
719 election. The board of registrars of voters shall attach to the petition a certificate showing the
720 results of its examination and shall return the petition to the city clerk, or the secretary of the
721 school committee, depending on how the petition is addressed. A copy of the board of registrars
722 of voters' certificate shall also be mailed to the person designated as clerk of the petitioners
723 committee.

724 (d) Action on Petitions – Within thirty (30) days following the date a petition has been
725 returned to the city clerk or the executive secretary of the school committee, and after publication
726 under subsection (f), the board of aldermen or the school committee shall act with respect to each
727 initiative petition by passing it without change, by passing a measure which is stated to be in lieu
728 of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an
729 initiative measure shall be deemed to be a rejection of the initiative measure. If the board of
730 aldermen or the school committee fails to act with respect to any initiative measure which is
731 presented to it within thirty (30) days following the date the measure is returned to it, the
732 measure shall be deemed to have been rejected on the thirtieth (30th) day. If an initiative
733 measure is rejected, the city clerk or the secretary of the school committee shall promptly give
734 notice of that fact to the person designated as the clerk of the petitioners committee, by certified
735 mail.

736 (e) Supplementary Petitions – Within sixty (60) days following the date an initiative
737 petition has been rejected, a supplemental initiative petition may be filed with the city clerk or
738 the secretary of the school committee, but only by persons constituting the original petitioners
739 committee. The supplemental initiative petition shall be signed by a number of additional voters
740 which is equal to at least five per cent (5%) of the total number of voters as of the date of the
741 most recent city election, and the signatures on the initial petition filed under subsection (c), and
742 the signatures on the supplemental petition filed under this subsection, taken together, shall
743 contain the signatures of at least twenty per cent (20%) of the total number of voters in the city.
744 If the number of signatures to this supplemental petition is found to be sufficient by the city
745 clerk, the board of aldermen shall call a special election to be held on a date fixed by it not less
746 than thirty five (35) nor more than ninety (90) days following the date of the certificate of the
747 city clerk that a sufficient number of voters have signed the supplemental initiative petition and
748 shall submit the proposed measure, without alteration, to the voters for determination, but if any
749 other city election is to be held within one hundred twenty (120) days following the date of the
750 certificate, the board of aldermen may omit the calling of such special election and cause the
751 question to appear on the election ballot at the approaching election for determination by the
752 voters.

753 (f) Publication - The full text of any initiative measure which is submitted to the voters
754 shall be published in at least one (1) newspaper of general circulation in the city not less than
755 seven (7) nor more than fourteen (14) days preceding the date of the election at which the
756 question is to be voted upon. Additional copies of the full text shall be available for distribution
757 to the public in the office of the city clerk.

758 (g) Form of Question - The ballots used when voting on a measure proposed by the voters
759 under this section shall contain a question in substantially the following form: Shall the
760 following measure which was proposed by an initiative petition take effect?

761 (Here insert a fair, concise summary prepared by the petitioners, and approved by the city
762 solicitor.)

763 o YES

764 o NO

765 (h) Time of Taking Effect - If a majority of the votes cast on the question is in the
766 affirmative, the measure shall be deemed to be effective immediately, unless a later date is
767 specified in the measure.

768 SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

769 (a) Petition, Effect on Final Vote - If, within twenty-one (21) days following the date on
770 which the board of aldermen or the school committee has voted finally to approve of any
771 measure, a petition signed by a number of voters equal to at least twelve per cent (12%) of the
772 total number of voters as of the date of the most recent general city election and addressed to the
773 board of aldermen or to the school committee as the case may be, protesting against the measure
774 or any part of it is filed with the secretary of the school committee or city clerk, the effective date
775 of such measure shall be temporarily suspended. The school committee or the board of aldermen
776 shall immediately reconsider its vote on the measure or part of it, and, if the measure is not
777 rescinded, the board of aldermen shall provide for the submission of the question for a
778 determination by the voters either at a special election which it may call at its convenience, or

779 within such time as may be requested by the school committee, or at the next regular city
780 election, but pending this submission and determination, the effect of the measure shall continue
781 to be suspended.

782 (b) Certain Initiative Provisions to Apply - The petition described in this section shall be
783 termed a referendum petition and the applicable provisions of section 8-2 as they relate to the
784 filing and certification of signatures shall apply to such referendum petitions, except that the
785 words "measure or part thereof protested against" shall be deemed to replace the word "measure"
786 and the word "referendum" shall be deemed to replace the word "initiative". The measure or part
787 protested against shall be null and void unless a majority of those voting on the question shall
788 vote in favor of the measure or part protested against at the election.

789 SECTION 8-4: INELIGIBLE MEASURES

790 None of the following shall be subject to the initiative or the referendum procedures:

791 (1) proceedings relating to the internal organization or operation of the board of aldermen
792 or of the school committee;

793 (2) an emergency measure adopted under this charter;

794 (3) the city budget or the school committee budget as a whole;

795 (4) any appropriation for the payment of the city's debt or debt service;

796 (5) an appropriation of funds to implement a collective bargaining agreement;

797 (6) proceedings relating to the appointment, removal, discharge, employment, promotion,
798 transfer, demotion, or other personnel action;

799 (7) any proceedings repealing or rescinding a measure or part of it which is protested by
800 referendum procedures;

801 (8) any proceedings providing for the submission or referral to the voters at an election;

802 (9) memorial resolutions and other votes constituting ordinary, routine matters not
803 suitable as the subject of an initiative or referendum petition;

804 (10) setting of property tax rate; and

805 (11) setting of water and sewer rates.

806 SECTION 8-5: SUBMISSION OF OTHER MATTERS TO VOTERS

807 The board of aldermen may of its own motion, and shall at the request of the school
808 committee if a measure originates with that body and pertains to affairs under its jurisdiction,
809 submit to the voters at any regular city election for adoption or rejection any measure in the same
810 manner and with the same force and effect as are hereby provided for submission by petitions of
811 voters.

812 SECTION 8-6: CONFLICTING PROVISIONS

813 If two (2) or more measures passed at the same election contain conflicting provisions,
814 only the (1) one receiving the greatest number of affirmative votes shall take effect.

815 ARTICLE 9

816 GENERAL PROVISIONS

817 SECTION 9-1: CHARTER CHANGES

818 This charter may be replaced, revised or amended in accordance with any procedure
819 made available under the state constitution, or by statutes enacted in accordance with the state
820 constitution.

821 SECTION 9-2: SEVERABILITY

822 The provisions of this charter are severable. If any provision of this charter is held invalid
823 the other provisions shall not be affected by this holding. If the application of this charter, or any
824 of its provisions, to any person or circumstance is held invalid, the application of this charter and
825 its provisions to other persons and circumstances shall not be affected thereby.

826 SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

827 To the extent that any specific provision of this charter shall conflict with any provision
828 expressed in general terms, the specific provision shall prevail.

829 SECTION 9-4: RULES AND REGULATIONS

830 A copy of all rules and regulations adopted by any city agency shall be placed on file in
831 the office of the city clerk and shall be available for review by any person who requests such
832 information at any reasonable time. Unless an emergency exists as determined by the mayor, no
833 rule or regulation adopted by any city agency shall become effective until five (5) days following
834 the date it is so filed.

835

836 SECTION 9-5: PERIODIC REVIEW OF CHARTER

837 Not later than the first day of July, at ten (10) year intervals, in each year ending in a nine
838 (9), the mayor, board of aldermen, and school committee shall provide for a review to be made
839 of the city charter. This review shall be made by a special committee to consist of nine (9)
840 members all of whom shall be voters of the city, four (4) of whom shall be appointed by the
841 mayor and four (4) of whom shall be appointed by the board of aldermen president and one (1)
842 of whom shall be appointed by the school committee chair. At least two (2) of the persons
843 appointed by the board of aldermen president shall be members of the board of aldermen. The
844 one (1) individual appointed by the school committee chair shall be a current or former member
845 of the school committee. The special committee shall file its report with the city clerk, not later
846 than the first (1st) day of May in the year following the year in which the order to invoke the
847 committee was approved. The recommendations of the special committee shall appear on the
848 board of aldermen's agenda for action before the fifteenth (15th) day of June in that year and if
849 not so scheduled by the city clerk the matter shall come before the board of aldermen for action
850 at its next meeting held following the fifteenth (15th) day of June, and no other business shall be
851 in order until such report has been acted upon, by roll call vote.

852 SECTION 9-6: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
853 BODIES

854 (a) Meetings - All appointed multiple member bodies of the city shall meet regularly at
855 the times and places that they by their own rules prescribe. Special meetings of any multiple
856 member body shall be held on the call of the chairman or by one-third of the members of the
857 body by written notice delivered in hand or via electronic or first class mail to the place of
858 residence of each member at least forty-eight (48) hours in advance of the time set, excluding
859 Saturday, Sunday and legal holidays, which shall contain notice of the subjects to be acted upon.

860 A copy of the notice shall also be posted on the city bulletin board. Except as may otherwise be
861 authorized by law, all meetings of all multiple member bodies shall at all times be open to the
862 public.

863 (b) Rules and Journals - Each appointed multiple member body shall determine its own
864 rules and order of business and shall provide for keeping a journal of its proceedings. These rules
865 and journals shall be a public record, and certified copies shall be placed on file in the office of
866 the city clerk and in the Melrose Public Library.

867 (c) Voting - If requested by any member, any vote of any appointed multiple member
868 body shall be taken by a call of the roll and the vote of each member shall be recorded in the
869 journal, but if the vote is unanimous, only that fact need be recorded.

870 (d) Quorum - A majority of the members of an appointed multiple member body shall
871 constitute a quorum, but a smaller number may meet and adjourn from time to time. Unless some
872 other provision is made by the multiple member body's own rules while a quorum is present,
873 except on procedural matters, a majority of the full membership of the body shall be required to
874 adopt any vote representing an exercise of the powers of the multiple member body.

875 SECTION 9-7: NUMBER AND GENDER

876 Words importing the singular number may extend and be applied to several persons or
877 things; words importing the plural number may include the singular; and words importing the
878 masculine gender shall include the feminine gender.

879 SECTION 9-8: REFERENCES TO GENERAL LAWS

880 All references to General Laws contained in this charter refer to the General Laws of the
881 commonwealth of Massachusetts and laws enacted which apply alike to all cities and towns, to
882 all cities, or to a class of two (2) or more cities, or cities and towns of which Melrose is a
883 member, and are intended to refer to and to include any amendments or revisions to such
884 chapters or sections or to the corresponding chapters and sections of any rearrangement, revision
885 or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

886 SECTION 9-9: COMPUTATION OF TIME

887 In computing time under this charter the day of the act or event after which the
888 designated period of time begins to run shall not be included. The last day of the period shall be
889 included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
890 extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of
891 time designated is fewer than seven (7) days, intermediate Saturdays, Sundays and legal holidays
892 shall not be included.

893 SECTION 9-10: OATH OF OFFICE OF MAYOR, BOARD OF ALDERMEN, AND
894 SCHOOL COMMITTEE

895 A mayor-elect, the board of aldermen-elect, and the school committee members-elect
896 shall, on the first (1st) Monday after the first (1st) Tuesday in January of each even-numbered
897 year, meet and be sworn to the faithful discharge of their duties. The oath may be administered to
898 the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace. The
899 oath may be administered to the members of the board of aldermen and the school committee by
900 the mayor, after the mayor has been duly sworn, or by any of the above-named officials. A
901 certificate that the oath or oaths have been taken shall be entered in the journal of the board of

902 aldermen. In case of the absence of the mayor or mayor-elect, as the case may be, or any
903 member-elect of the board of aldermen or school committee on the day the oath of office is
904 administered, the oath may at any time thereafter be administered to that person. A certificate of
905 each oath subsequently taken shall be entered in the journal of the board of aldermen. After the
906 oath has been administered to the board of aldermen present, they shall organize by electing from
907 among their number a person to serve as the president, as provided in section 2-2. If the city
908 clerk is unable to preside during this election the board of aldermen member senior in years of
909 service on the board of aldermen shall preside during this election. If two (2) or more members
910 are equally senior in years of service on the board of aldermen, the member senior both in years
911 of service and age shall preside. The president shall be sworn by the city clerk, or, in the case of
912 the absence of the city clerk, by any person qualified to take oaths or affirmations. After the oath
913 has been administered to the school committee members present, they shall organize by electing
914 from among their number a person to serve as the chair, as provided in section 4-2. If the city
915 clerk is unable to preside during this election the member senior in years of service on the school
916 committee shall preside during the election. If two (2) or more members are equally senior in
917 years of service on the school committee the member senior both in years of service and age
918 shall preside. The chair and the vice-chair shall be sworn by the city clerk, or, in the case of the
919 absence of the city clerk, by any person qualified to take oaths or affirmations.

920 SECTION 9-11: CERTIFICATE OF ELECTION OR APPOINTMENT

921 Every person who is elected, including those elected by the board of aldermen, or
922 appointed to an office of the city, shall receive a certificate of such election or appointment from
923 the city clerk. Except as otherwise provided by law, every person who is elected, including those
924 elected by the board of aldermen, or appointed to an office of the city before performing any act

925 under this appointment or election, shall take and subscribe to an oath to qualify to enter upon
926 the duties. A record of this oath shall be kept by the city clerk.

927 SECTION 9-12: LIMITATION ON OFFICE HOLDING

928 No person shall simultaneously hold more than one (1) full-time city office or position of
929 employment. Any hours worked in any part-time position shall not be the same or otherwise
930 conflict with the hours worked in a full-time position.

931 SECTION 9-13: ENFORCEMENT OF CHARTER PROVISIONS

932 It shall be the duty of the mayor to see that this charter is faithfully followed and
933 complied with by all city agencies and city employees. Whenever it appears to the mayor that
934 any city agency or city employee is failing to follow any provision of this charter the mayor
935 shall, in writing, cause notice to be given to that agency or employee directing compliance with
936 this charter. If it shall appear to the board of aldermen that the mayor personally is not following
937 the provisions of this charter it shall, by resolution or order, direct the attention of the mayor to
938 those charter provisions in which they believe there is a failure to comply. The procedures made
939 available in chapter 231A of the General Laws may be used to determine the rights, duties, status
940 or other legal relations arising under this charter, including any question of construction or
941 validity which may be involved in such determination.

942 ARTICLE 10

943 TRANSITIONAL PROVISIONS

944 SECTION 10-1: CONTINUATION OF EXISTING LAWS

945 All General Laws, special laws, city ordinances, and rules and regulations of or
946 pertaining to Melrose, including special acts creating regional entities and arrangements of which
947 the city is a member, that are in force when this charter takes effect, and not specifically or by
948 implication repealed by this charter, shall continue in full force and effect until amended or
949 repealed, or rescinded by law, or until they expire by their own limitation. In any case in which
950 the provisions of this charter are found to be inconsistent with the provisions of any general or
951 special law that would otherwise be applicable, the provisions of this charter shall be deemed to
952 prevail. Every inconsistency between the prior law and this charter shall be decided in favor of
953 this charter.

954 SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

955 All city agencies shall continue to perform their duties until re-elected, reappointed, or
956 until successors to their respective positions are duly appointed or elected, or until their duties
957 have been transferred and assumed by another city agency.

958 SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

959 All records, property and equipment whatsoever of any city agency, or part thereof, the
960 powers and duties of which are assigned in whole or in part to another city agency, shall be
961 transferred immediately to that agency.

962 SECTION 10-4: EFFECT ON OBLIGATIONS, TAXES, ETC.

963 All official bonds, recognizances, obligations, contracts, and other instruments entered
964 into or executed by or to the city before the adoption of this charter, and all taxes, assessments,
965 fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and

966 collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided
967 in this charter, shall continue without abatement and remain unaffected by this charter; and no
968 legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this
969 charter.

970 SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL LAWS

971 (a) Certain Special Laws Recognized and Retained - The following special acts are
972 hereby especially recognized and retained: chapter 124 of the acts of 1936, chapter 39 of the acts
973 of 1962, chapter 150 of the acts of 1984, and chapter 71 of the acts of 1992.

974 (b) Certain Special Laws Recognized and Retained, in part - the following special acts
975 which amended the original city charter of 1899, relating to the organization of the city's
976 government, are recognized and retained in part as follows: so much of chapter 144 of the acts of
977 1920 and chapter 78 of the acts of 1926 as relates to the establishment of the committee in charge
978 of the care of Memorial Hall, until such time as the mayor may act pursuant to Article 5 of this
979 charter.

980 SECTION 10-6: TIME OF TAKING EFFECT

981 This charter shall take effect in accordance with the following schedule:

982 (1) All city officers and employees shall continue to perform their duties in the same
983 manner and to the same extent as they have performed the same prior to the ratification by the
984 voters of the home rule charter.

985 (2) The first (1st) election of officers under this charter shall be held on the first (1st)
986 Tuesday following the first (1st) Monday in November 2019 for the purpose of electing a mayor,

987 a board of aldermen and members of the school committee. A preliminary election for the
988 purpose of nominating candidates to be elected mayor at such election shall be held on the third
989 (3rd) Tuesday of September 2019, if necessary, as provided in Article Seven (7) of this charter.
990 At the city election held in November 2019, the three (3) school committee candidates receiving
991 the highest number of votes shall be declared elected to a four (4) year term .

992 (3) On the first (1st) Tuesday following the first (1st) Monday in January of each even-
993 numbered year the persons elected as mayor, board of aldermen members, and school committee
994 members shall be sworn to the faithful performance of their duties.

995 (4) Not later than thirty (30) days following the date of the ratification of this charter, the
996 city clerk shall give to each member of the General Court who represent any part of Melrose a
997 copy of the vote ratifying this charter.

998 SECTION 2. Section 1 of chapter 105 of the acts of 2005 is hereby repealed.

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