

HOUSE No. 4752

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4500). July 12, 2018.

The Commonwealth of Massachusetts

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

An Act amending the charter of the city known as the town of Bridgewater.

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. Chapter 52 of the acts of 2010 is hereby repealed.

2 SECTION 2. The following shall be the charter for the city known as the town of Bridgewater:-

3 ARTICLE 1-INCORPORATION AND AUTHORITY

4 DEFINITIONS

5 As used in the Charter, the following words shall, unless the context clearly requires otherwise,
6 have the following meanings:

Term	Definition
Administrative code	A written description of the administrative organization of Town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each Town office, department and multiple member body consistent with this Charter and applicable state law. The Administrative Code is composed of four parts, the purpose of which is to detail the various responsibilities, authorities, and

	methods of administering municipal agency services. The parts describe the elective organization, the multiple-member appointive organization, the administrative organization, and the administrative procedures of the Town.
Charter	This Charter and any amendments to it made through any methods provided under Article II of the Articles of Amendments to the Constitution of the Commonwealth of Massachusetts.
City	The body politic and corporate called the Town of Bridgewater in this Charter.
Department Head	Department Heads shall be defined by ordinance and shall appear in the Administrative Code.
Emergency	A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
Emergency Measure	An emergency is an unexpected and difficult or dangerous situation, especially an accident, which happens suddenly. An emergency measure is the actions required to deal with it.
Ex-Officio	An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin, meaning literally “from the office,” and the sense intended is “by right of office.”
Experts	A person or persons who has special skill or knowledge in some particular field.
Group Petition	A request signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its successor.
Individual petition	A petition signed by a voter, as certified by the Town Board of Registrars of Voters, or its successor.
Initiative Petition	An initiative petition is a way for citizens to propose binding laws and constitutional amendments for approval by the voters on the statewide ballot. The first step in the process is for ten voters to sign the petition containing the proposed law or constitutional amendment and to file it with the Attorney General’s Office.
Majority vote	A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this Charter, or by the Town Council’s own rules.
Measure	An ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the Town Council.
Multiple member body or organization	Any board, commission or committee in the Town.
Order	In a general sense, a mandate or precept; a command or direction authoritatively given.
Ordinance	A law, statute, or regulation enacted by the municipal government.
Quorum	In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.

Referendum Petition	A referendum petition is a way for citizens to seek to repeal of a law recently enacted by the Town Council.
Resolution	The official expression of the opinion or will of the body.
Special election	An election for a particular emergency; out of the regular course; as one held to fill a vacancy arising by death of the incumbent of the office.
Supplemental Appropriation	Additional budget authority providing for activities and needs that are too urgent to be delayed until the next regular or periodic appropriation.
Town agency or agency	A board, commission, committee, department or office of Town government, whether elected, appointed or otherwise constituted.
Town officer	An individual who has been elected or appointed to exercise the functions of a Town office for the benefit of the public. Town officers are distinguishable from other employees in that they are required to take an oath of office.
Voters	Registered voters of the Town

8 Section 1-1. Incorporation

9 The inhabitants of the Town of Bridgewater, within its territorial limits as now or may hereafter
10 be established by law, shall continue to be a body politic and corporate, known as the “Town of
11 Bridgewater.” The Town of Bridgewater shall constitutionally have a city form of government.

12 Section 1-2. Short Title

13 This instrument may be cited and shall be known as the Bridgewater Home Rule Charter.

14 Section 1-3. Division of Powers

15 All legislative powers of the Town shall be exercised by a Town Council. The administration of
16 all Town fiscal, business and municipal affairs shall be vested in the executive branch headed by
17 the Town Manager.

18 Section 1-4. Powers of the Town

19 The intent and purpose of this Charter is to secure for the voters of the Town of Bridgewater,
20 through the adoption of this Charter, all the powers possible to secure for their government under
21 Article LXXXIX of the Amendments to the Constitution and Laws of the Commonwealth.

22 Section 1-5. Interpretation of Powers

23 The powers of the Town under the Charter shall be construed and interpreted liberally in favor of
24 the Town, and the specific mention of a particular power is not intended to limit in any way the
25 general powers of the Town as enumerated in Section 1-4.

26 Section 1-6. Intergovernmental Relations

27 The Town may enter into agreements with any other unit of government to perform jointly or in
28 cooperation, by contract or otherwise, any of its powers or functions.

29 Section 1-7. Town Seal and Town Flag

30 The Town seal and Town flag in existence at the time this Charter is adopted, unless the Town
31 Council shall adopt another seal or flag, shall continue to be the Town seal and Town flag and
32 shall be kept in the custody of the Town Clerk. Papers or documents issued from any office or
33 board of the Town may be attested by use of the Town seal. The Town flag shall be displayed
34 within the Town Council chambers.

35 Section 1-8. Ethical Standards

36 Elected and appointed officers and employees of the Town are expected to demonstrate the
37 highest ethical standards, which shall be in compliance with all state and federal laws. Elected

38 and appointed officers and employees are expected to recognize that they act as agents of the
39 public, that they hold offices or positions for the benefit of the public, that the public interest is
40 their primary concern and that they are expected to faithfully discharge the duties of their offices
41 or positions regardless of personal considerations. Elected officers and employees shall not use
42 their official positions to secure or to grant special consideration, treatment, advantage, privilege
43 or exemption to themselves or to any other person beyond that which is available to every other
44 person.

45 ARTICLE II- LEGISLATIVE BRANCH

46 Section 2-1. Composition; Eligibility; Term of Office

47 (a) Composition - There shall be a Town Council consisting of nine members which shall
48 exercise the legislative powers of the Town. Seven of these members, to be known as District
49 Councilors, shall be nominated and elected by and from the voters of the seven districts into
50 which the Town is divided, and two of the members, to be known as Councilors-at-Large, shall
51 be nominated and elected by and from the voters at large.

52 (b) Eligibility - Any voter shall be eligible to hold the office of Councilor-at-Large. A
53 District Councilor must be a voter and resident of the district in which election is sought. If a
54 District Councilor or a Councilor-at-Large moves out of the Town during the term for which
55 elected, such office shall immediately be deemed vacant and filled in the manner provided in
56 section 2-5. If a District Councilor moves from the district from which the Councilor is elected,
57 or is removed by a change in district lines, and more than 14 months remains of the term for
58 which elected, the office shall be deemed vacant and shall be filled in the manner provided in

59 section 2-5. If less than six months of the term remains, the District Councilor who remains a
60 resident of the Town may continue to serve during the term for which elected.

61 (c) Term of Office - The term of office of District Councilors and Councilors-at-Large shall
62 be staggered terms of three years each, beginning on the next business day following the election
63 and continuing until their successors are qualified.

64 (d) Prohibitions - (1) No Councilor shall, while a member of the Town Council, hold any other
65 Town office or position. (2) An elected charter commission membership shall not be considered
66 to be a Town office or position. (3) No former Councilor shall hold any compensated appointive
67 Town office or Town employment until one year after the expiration of service on the Town
68 Council. This provision shall not prevent a Town officer or employee who has taken a leave of
69 absence from such duties to serve as a member of the Town Council from returning to such
70 office or employment following service as a member of the Town Council. (4) Any Councilor
71 who has been finally convicted of a criminal offense involving misconduct in any elective or
72 appointive public office, trust or employment at any time held by him/her shall be deemed to
73 have vacated office and shall not be eligible to serve in any other elective or appointive office or
74 position in the Town.

75 Section 2-2. General Powers and Duties

76 Except as otherwise provided by law or by the Charter, all powers of the Town shall be vested in
77 the Town Council which shall provide for their exercise and for the performance of all duties and
78 obligations imposed on the Town by law.

79 Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties

80 (a) Election - After the Councilors-elect have been sworn, the Town Council shall be called
81 together by the Town Clerk for the purpose of conducting an election among Town Council
82 members for the office of Town Council President and Vice-President to serve at the pleasure of
83 the Town Council. The President shall preside at all meetings of the Town Council and perform
84 such other functions as may be assigned by the Charter, by ordinance or by vote of the Town
85 Council.

86 (b) Term of Office - The term of the Council President shall be for one year beginning on the
87 second Monday following election and continuing until a successor is qualified.

88 (c) Powers and Duties - The powers, duties and responsibilities of the Council President shall
89 include, but not be limited to, the following:

90 1) The Council President shall preside at all meetings of the Town Council, regulate its
91 proceedings and shall decide all questions of order.

92 2) The Council President shall have the same powers to vote upon all measures coming
93 before the Town Council as any other member of the Town Council, but shall have no veto
94 power.

95 3) The Council President shall be recognized as the official head of the Town for all
96 ceremonial purposes and the Council President, or his designee, shall represent the Town in its
97 relations with other units of government.

98 4) In time of public danger or emergency the Council President may, subject to the review
99 of the action by the Town Council, temporarily exercise the Town Council's supervisory powers
100 over the Town Manager, but such delegation shall not exceed seven days unless the Town

101 Council votes to extend the temporary powers not to exceed another seven days. The Town
102 Council may extend the period of delegation by successive extensions of not more than seven
103 days each.

104 5) The Council President in conjunction with the Town Manager shall prepare and deliver a
105 yearly State of the Town message to the Town Council and citizens of the Town on or before
106 March 15th of each year. The message will address the financial state of the Town, strengths of
107 the Town and areas that need attention, as well as potential opportunities for the betterment of
108 the Town. The State of the Town message should also set the agenda and goals for the Town
109 Council and Town Manager for the ensuing year.

110 6) The Council President shall call no fewer than two meetings, one of which will be the
111 annual state of the town meeting, of the general public each fiscal year for the purpose of
112 obtaining public input to the policies of the Town. The meeting agenda and format shall be
113 determined by the Town Council but shall be designed to obtain public input to the policies of
114 the Town. Members of the public may submit potential items for the agenda of the meetings in
115 accordance with rules adopted by the Town Council. The public shall be given at least 14 days
116 notice of the date and time of such meetings. The notices shall be published in a newspaper of
117 general circulation within the Town, if required by state law, posted on the Town bulletin board,
118 and posted on the Town's official website. The Town Council may provide for additional venues
119 for such postings.

120 Section 2-4. Council Vice President

121 The Town Council shall elect from among its members a Council Vice-President who shall act
122 as Council President during the absence or disability of the Council President and, if a vacancy

123 occurs, shall become Council President until a successor is qualified at the next regular meeting
124 in accordance with the provisions of Section 2-3.

125 The powers of an acting Council President shall be limited to only those powers of the office
126 indispensably essential to the performance of the duties of the office during the period of the
127 temporary absence or disability and no others.

128 Section 2-5. Filling of Vacancies

129 (a) Councilor-at-Large - If a vacancy occurs in the office of Councilor-at-Large during the first
130 30 months of the term for which a Councilor was elected, the vacancy shall be filled in
131 descending order of votes received by the candidate for the office of Councilor-at-Large at the
132 preceding Town election who received the largest number of votes without being elected,
133 provided such person remains eligible and willing to serve and provided such person received
134 votes at least equal to 30 per cent of the vote total received by the person receiving the largest
135 number of votes for the office of Councilor-at-Large at the election. The Town Clerk shall certify
136 such candidate to the office of Councilor-at-Large to serve for the balance of the then unexpired
137 term.

138 If a vacancy occurs in the office of Councilor-at-Large during the last six months of the term for
139 the Councilor-at-Large was elected, the vacancy shall be filled by the person at the most recent
140 annual Town election who received the highest number of votes for the office of Councilor-at-
141 Large and who is not then serving as a member of the Town Council.

142 The person shall be certified by the Town Clerk and shall serve for the remaining months of the
143 term which the person was elected.

144 (b) District Councilor - If a vacancy occurs in the office of District Councilor it shall be filled in
145 the same manner as provided in subsection (a) of section 2-5 for the office of Councilor-at-Large
146 except that the list shall be of the candidates for the office of District Councilor in the district in
147 which the vacancy occurs; provided, however, that if there is no candidate on the list who
148 remains eligible and willing to serve, the next highest ranking candidate from among the
149 candidates for election to the council-at-large who is a resident of the district in which the
150 vacancy exists shall be certified and shall serve until the next regular election provided the
151 candidate remains a resident of the district, is willing to serve as a District Councilor and
152 received votes in the district at least equal to 30 per cent of the vote total received by the person
153 receiving the largest number of votes for the office of District Councilor at the election. The
154 Town Clerk shall certify such candidate to the office of District Councilor to serve for the
155 balance of the then unexpired term.

156 (c) Filling of Vacancies by Town Council - If a vacancy occurs in the office of Councilor-at-
157 Large or District Councilor and there is no available candidate to fill the vacancy in the manner
158 provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining
159 members of the Town Council. To be eligible for election by the Town Council, a person shall
160 be a registered voter of the Town and, in the case of a District Councilor, a resident of such
161 district. Persons elected to fill a vacancy by the Town Council shall serve only until the next
162 regular election, or if so decided, a special election, at which time the vacancy shall be filled by
163 the voters and the person chosen to fill the vacancy shall be sworn and shall serve for the
164 remainder of the unexpired term. Persons serving as Town Councilors under this section shall
165 not be entitled to have the words "candidate for re-election" printed against their names on the
166 election ballot.

167 Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

168 (a) Exercise of Powers - Except as otherwise provided by any general or special law or the
169 Charter, the legislative powers of the Town Council may be exercised in a manner determined by
170 it.

171 (b) Quorum - The presence of five members shall constitute a quorum for the transaction of
172 business. Except as otherwise provided by law or this Charter, the affirmative vote of five
173 members shall be required to adopt any ordinance or appropriation order.

174 (c) Rules of Procedure - The Town Council shall from time to time establish written rules for
175 its proceedings. The rules shall be available for public inspection at the office of the Town Clerk.

176 1) Regular meetings of the Town Council shall be held at a time and place fixed by ordinance but
177 shall be at least monthly.

178 2) Special meetings may be held on the call of the president of the Town Council, or on the call
179 of three or more members, by written notice delivered to each member of the Town Council by
180 the Town Clerk at least 48 hours before the time set.

181 3) Except as otherwise authorized by a general or special law all sessions of the Town Council
182 shall be open to the public.

183 4) Every matter coming before the Town Council for action shall be put to a vote, the result of
184 which shall be duly recorded.

185 5) All Town Council votes on ordinances, appropriation orders or loan authorizations shall be
186 taken by roll call vote, and shall be duly recorded by the clerk of the council.

187 6) A full, accurate, and up-to-date record of the proceedings of the Town Council shall be kept
188 and shall be open to inspection by the public.

189 7) All meetings of the Town Council shall provide for a period of public comment. Regular
190 meetings of the Town Council shall provide for a period of public comment, provided however,
191 that the Town Council may promulgate rules that regulate such period of public comment as
192 deemed appropriate.

193 8) Any Council Member may, from time to time, submit to the Town Council proposed Town
194 policies, goals and other objectives for its consideration.

195 9) The Town Council may amend, modify or reject any proposal submitted by the Council
196 President before adopting the same in its final form.

197 10) Nothing in this subsection shall preclude any member of the Town Council from
198 recommending Town policies, goals and other objectives to the Town Council.

199 11) The Town Council shall be responsible for ensuring that the Charter, the laws, the ordinances
200 and other plans, policies and orders for the government of the Town are properly implemented
201 and enforced.

202 12) The Town Council shall not direct or request the appointment or employment of any person,
203 or the removal of any person, or in any manner attempt to participate in the appointment or
204 removal of a person in the administrative service of the Town for which the Town Manager is
205 responsible.

206 13) The Town Council shall deal with the officers and employees serving under the Town
207 Manager solely through the Town Manager and the Council President shall not give any orders
208 or directions to any such officer or employee, either publicly or privately.

209 14) The Town Council shall perform such other duties consistent with the office as may be
210 provided by charter or by ordinance.

211 Section 2-7. Measures; Emergency Measures; Charter Objection

212 (a) Measures - No measure shall be passed finally on the date on which it is introduced,
213 except in the case of an emergency. Except as required by Massachusetts General Law, measures
214 passed by the Town Council shall become effective 72 hours after final passage. No ordinance
215 shall be amended or repealed except by another ordinance adopted in accordance with the
216 Charter or as provided in the initiative and referendum procedures.

217 (b) Emergency Measures - An emergency measure shall be introduced in the form and
218 manner prescribed for measures generally except that it shall be plainly designated as an
219 emergency measure and shall contain statements after the enacting clause declaring that an
220 emergency exists and describing its scope and nature in clear and specific terms.

221 A preamble which declares and defines the emergency shall be separately voted on and shall
222 require the affirmative vote of two-thirds of the Town Council.

223 An emergency measure may be passed with or without amendment or rejected at the meeting at
224 which it is introduced.

225 No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or
226 special privilege shall be passed as an emergency measure, and except as provided by any
227 general or special law, no such grant, renewal or extension shall be made otherwise than by
228 ordinance.

229 After its adoption, an emergency measure shall be published as prescribed for other adopted
230 measures. An emergency measure shall become effective upon adoption or at such later time as it
231 may specify.

232 (c) Charter Objection –

233 (1) On the first occasion that the question on adoption of a measure is put to the Town Council, if
234 a single member objects to the taking of the vote, the vote shall be postponed until the next
235 meeting of the Town Council whether regular or special. If two members shall object, such
236 postponement shall be until the next regular meeting; provided, however, that for a
237 postponement of an emergency measure at least four members, in all, must object, and the
238 postponement shall be until the next regular meeting.

239 (2) This procedure shall not be used more than once for any matter bearing a single docket
240 number notwithstanding any amendment to the original matter.

241 (3) A charter objection shall have privilege over all motions but must be raised prior to or at the
242 call for a vote by the presiding officer and all debate shall cease.

243 (4) Before taking a vote on any measure the Council President or Councilor acting as the
244 presiding officer shall ask if there is a charter objection to the measure.

245 Section 2-8. Council Staff

246 The Town Council may employ such staff and experts as are necessary to conduct the business
247 of the Town Council. The Town Council shall set the salaries of such staff.

248 The Town Council shall appoint an officer of the Town who shall have the title of Council Clerk.

249 The Council Clerk shall give notice of Town Council meetings to its members and the public,
250 keep the journal of its proceedings and perform such other duties as are assigned by this Charter,
251 by the Town Council or by general or special law.

252 Section 2-9. Publication Requirements

253 Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and
254 revenue loan orders, shall be published in accordance with the requirements of Massachusetts
255 General Laws, posted on the Town's official website, and posted in any additional manner that
256 may be provided by ordinance.

257 Section 2-10. Delegation of Powers

258 The Town Council may delegate to one or more Town agencies, the powers vested in the Town
259 Council by general or special law to grant and issue licenses and permits and may regulate the
260 granting and issuing of licenses and permits by any such town agency, and may in its discretion,
261 rescind any such delegation without prejudice to any prior action which has been taken.

262 Section 2-11. Inquiries and Investigations

263 The Town Council may require any town officer or member of a board or commission to appear
264 before it and give such information as it may require in relation to an office held by such person,

265 its function and performance. The Town Council shall give at least 48 hours written notice of the
266 general scope of the inquiry to any person it requires to appear before it under this section. The
267 Town Council may make investigation into the affairs of the town and into the conduct of any
268 town agency, and for this purpose may subpoena witnesses, administer oaths and require the
269 production of evidence. The Town Council shall adopt rules of procedure to conduct the
270 investigations.

271 Section 2-12. Compensation; Expenses

272 Salary - Expenses - Subject to appropriation, the town council members shall be entitled to
273 reimbursement of their actual and necessary expenses incurred in the performance of their duties.

274 ARTICLE III- ELECTED OFFICIALS

275 Section 3-1. General Provisions

276 The offices to be filled by ballot of the voters of the entire town shall be Town Council, regional
277 School Committee, a Board of Library Trustees and members of regional authorities or districts
278 as may be established by general or special law, intergovernmental agreement or otherwise. All
279 other offices, boards, committees and agencies shall be appointed by the Town Manager as
280 defined in section 4-3 and as detailed in the administrative code.

281 Any voter shall be eligible to hold any elective town office, except as noted in Section 2-1(d).

282 The regular town election of town officers shall be held annually on the Saturday preceding the
283 last Monday in April.

284 Notwithstanding their election by the voters, the town officers named in this section shall be
285 subject to the call of the Town Council or the Town Manager, at all reasonable times, for
286 consultation, conference and discussion on any matter relating to their respective offices.

287 Section 3-2. Library Trustees

288 (a) Composition, Election - There shall be a Board of Library Trustees composed of nine
289 members, all elected by and from the voters at large.

290 (b) Term of Office - The terms of Library Trustee members shall be staggered terms of three
291 years each, beginning on the next business day following the election and continuing until a
292 successor is qualified.

293 (c) Powers and Duties - The Library Trustees shall ensure that members of the Bridgewater
294 community have the right and means to free and open access to information and ideas. The
295 library protects intellectual freedom, promotes literacy and encourages life-long learning.

296 (d) Filling of Vacancies - If a vacancy occurs in the membership of the Library Trustees
297 whether by failure to elect or otherwise, the Library Trustees have 30 days from the date the
298 vacancy is declared to exist by the Town Clerk under section 109 of chapter 41 of the General
299 Laws, to act to appoint a person to fill the vacancy. The appointments will be approved by the
300 Town Council. If the vacancy is not filled within 30 days after the vacancy is declared to exist
301 the appointment will defer to the Town Council. The appointee will serve for the balance of the
302 unexpired term. A person so chosen shall be sworn and commence to serve forthwith. Library
303 Trustees or Town Council shall give consideration to whichever of the defeated candidates for

304 the seat in which the vacancy is declared to exist received the highest number of votes at the last
305 regular town election immediately preceding the date the vacancy is declared to exist.

306 Section 3.3. Elected Official Recall Provision

307 (a) Any holder of an elective office in the Town of Bridgewater may be recalled and removed
308 therefrom by the qualified voters of said Town as herein provided.

309 (b) One hundred or more of a district's registered voters, or in the case of an at large official one
310 hundred or more registered voters, may file with the Town Clerk an affidavit containing the
311 name of the officer and the office held whose recall is sought and a statement of the grounds
312 upon which the recall is based. The Town Clerk shall, within two business days, submit the
313 affidavit with the Board of Registrars, which shall, within five days of receipt of the affidavit,
314 certify thereon the number of signatures which are names of registered voters of the Town. The
315 Town Clerk shall, upon certification of the required signatures by the Board of Registrars,
316 deliver to said voters making the affidavit copies of petition blanks demanding such recall,
317 copies of which shall be kept available. The blanks shall be issued by the Town Clerk with said
318 Clerk's signature and official seal attached thereto. They shall be dated, shall be addressed to the
319 Town Council, and shall contain the names of all persons to whom they are issued, the name of
320 the person whose recall is sought, the office held by the person named, the grounds of recall as
321 stated in the affidavit, and shall demand the election of a successor to said office. A copy of the
322 petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall
323 petition forms shall be returned and filed with the Town Clerk within twenty-one days after the
324 certification of the affidavit by the Board of Registrars, and shall have been signed by no less
325 than ten percent (10%) of the registered voters of the district or the town, as the case may be, as

326 of the date of the most recent Town Election, who shall add to their signatures the street and
327 number if any, of their residences. The Town Clerk shall within twenty-four hours of receipt of
328 the petition, submit the recall petition forms to the Board of Registrars of voters in the town, and
329 the Registrars shall, within fourteen days, certify thereon the number of signatures which are
330 names of registered voters of the Town and submit the certification to the Town Clerk.

331 (c) If the recall petition forms to be certified by the Board of Registrars shall be found sufficient
332 by containing not less than ten percent (10%) of the registered voters of the district or the Town,
333 as the case may be, as of the date of the most recent Town Election, the Town Clerk shall submit
334 the recall petition forms to the Town Council within 2 business days. The Town Council shall,
335 within seven days of receiving the recall petition forms, give written notice to the officer sought
336 to be recalled and shall, if the officer does not resign within five days thereafter, order an
337 election to be held on a date fixed by them not less than sixty nor more than ninety days after the
338 date on which the Town Clerk submitted the recall petition forms to the Town Council pursuant
339 to this subsection; provided, however, if any other Town Election is to occur within one hundred
340 days after certification, the Town Council shall postpone the holding of the recall election to the
341 date of such other election. If a vacancy occurs in said office after a recall election has been
342 ordered, the election shall nevertheless proceed as specified in the section provided.

343 (d) An officer sought to be removed may be a candidate to succeed him or herself and, unless the
344 officer requests otherwise in writing, the Town Clerk shall place his name on the ballot without
345 nomination. The nomination of other candidates, the publication of the warrant for the recall
346 election, and the conduct of the same, shall all be in accordance with the provisions of law
347 relating to elections, unless otherwise provided in this section.

348 (e) The incumbent shall continue to perform the duties of office until the recall election. If then
349 re-elected, he or she shall continue in office for the remainder of the unexpired term, subject to
350 recall as before, except as provided in this section. If the majority of the votes cast upon the
351 question of recall is in the affirmative, the candidate receiving the highest number of votes shall
352 be declared elected. If not re-elected in the recall election, the officer shall be deemed removed
353 upon the qualification of his successor, who shall hold office during the unexpired term. If the
354 successor fails to qualify within five days after receiving notification of his or her election, the
355 incumbent shall be deemed removed and the office vacant.

356 (f) Ballots used in a recall election shall submit the following proposition in the order indicated:
357 “FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer)
358 (office held).”

359 Immediately at the right of each proposition there shall be an oval in which the voter, by filling
360 in the oval, may vote for either of said propositions. Under the proposition shall appear the word
361 "Candidates", the direction "Vote for One", and beneath this the names of candidates nominated
362 as provided in this section. In the case of machine voting or punch card balloting, or other forms
363 of balloting provision shall be made to allow the same intent of the voter. If a majority of the
364 votes cast upon the question of recall is in the affirmative, the candidate receiving the highest
365 number of votes shall be declared elected. If a majority of votes on the question is in the
366 negative, the ballots for candidates need not be counted.

367 (g) No recall petition shall be filed against an officer within six months after taking office, or in
368 the case of an officer subjected to a recall election and not removed thereby, until at least six
369 months after that election.

370 (h) No person who has been recalled from an office or who has resigned from office while recall
371 proceedings were pending against him, shall be appointed to any town office within two years
372 after such removal by recall or resignation.

373 ARTICLE III-A – TOWN CLERK

374 Section 3-A. Appointment, Term of Office, Powers and Duties

375 (a) Appointment – A Town Clerk shall be appointed by the Town Council.

376 (b) Term of Office – The term of office for a Town Clerk shall be for three years beginning on
377 the second Monday following appointment and continuing until a successor is qualified.

378 (c) Powers and Duties – The Town Clerk shall: (1) be the keeper of vital statistics of the Town;
379 (2) be the custodian of the Town seal and all records of the Town; (3) administer the oath of
380 office to all Town officers; (4) issue licenses and permits as may be provided by law and (5) be
381 responsible for the conduct of elections and all matters relating thereto.

382 The Town Clerk shall have the powers and duties provided under any general or special law, the
383 Charter, ordinance or other Town Council vote.

384 ARTICLE IV- TOWN MANAGER

385 Section 4-1. Appointment, Qualifications, Term of Office

386 The Town Council shall appoint by a majority vote of the full Town Council, a Town Manager.

387 The Town Manager shall be a person of proven administrative ability, especially qualified by
388 education and training with prior experience as a city or town manager or an assistant city or
389 town manager or the equivalent public or private sector level experience. The Town Council may

390 from time to time establish additional qualifications as deemed necessary and appropriate. The
391 Town Manager shall devote full-time to the duties of the office and shall not hold any other
392 elective or appointive office in the town, nor shall the Town Manager engage in other business
393 unless such business is approved in advance by a majority vote in public session of the Town
394 Council. The Town Manager need not be a resident of the town, but must be a United States
395 citizen.

396 Section 4-2. Administrative Powers and Duties

397 (A) The Town Manager shall be the chief administrative officer of the town and shall be
398 responsible to the Town Council for the proper operation of town affairs for which the Town
399 Manager is given responsibility under this Charter. The powers, duties and responsibilities of the
400 Town Manager shall apply to all municipal departments excluding the regional school districts,
401 and shall include, but shall not be limited to, the following:

402 1) to supervise, direct and be responsible for the efficient administration of all officers
403 appointed by the Town Manager and their respective departments and of all functions for which
404 the Town Manager is given responsibility under this Charter, by ordinance or by vote of the
405 Town Council;

406 2) to administer either directly or through a person supervised by the Town Manager, in
407 accordance with this Charter, all provisions of any general or special law applicable to the town,
408 all ordinances and all regulations established by the Town Council;

409 3) to coordinate all activities of town departments or appointed boards, committees or
410 agencies;

- 411 4) to provide consultative services to elected boards, committees or agencies;
- 412 5) to attend all regular and special meetings of the Town Council, unless excused, and
413 answer all questions addressed to the Town Manager which are related to matters under the
414 general supervision of the Town Manager;
- 415 6) to have the right to take part in discussions of the Town Council, but not vote;
- 416 7) to keep the Town Council fully informed as to the needs of the town, and to recommend
417 to the Town Council for adoption, such measures requiring action by them as the Town Manager
418 deems necessary or expedient;
- 419 8) to make recommendations to the Town Council concerning the affairs of the town and
420 facilitate the work of the Town Council in developing policy;
- 421 9) to ensure that complete and full records of the financial and administrative activity of the
422 town are maintained and to render reports to the Town Council and finance committee as may be
423 required;
- 424 10) to be responsible for the rental, use, maintenance and repair of all town facilities;
- 425 11) to be responsible for the purchase of all supplies, materials and equipment and approve
426 the award of all contracts;
- 427 12) to develop and maintain a full and complete inventory of all town-owned real and
428 personal property;

- 429 13) to administer personnel policies, practices or rules and regulations, any compensation
430 plan and related matters for all town employees and to administer all collective bargaining
431 agreements entered into by the town;
- 432 14) to fix the compensation of all town employees and officers appointed by the Town
433 Manager within the limits established by appropriation and applicable compensation plan;
- 434 15) to be responsible for the negotiation of all contracts with town employees over wages,
435 and other terms and conditions of employment. The Town Manager may employ special counsel
436 to assist in the performance of these duties. Insofar as they require appropriations, contracts shall
437 be subject to the approval of the Town Council.
- 438 16) to prepare and submit an annual operating budget, capital improvement program and a
439 long term financial forecast as provided in Article VI;
- 440 17) to ensure that the Council President is kept fully informed of and fully involved in the
441 town's emergency preparedness planning and preparation;
- 442 18) to keep the Town Council fully informed as to the financial condition of the town and to
443 make recommendations to the Town Council as the Town Manager determines necessary or
444 expedient;
- 445 19) to assist the Town Council to develop long-term goals for the town and strategies to
446 implement these goals;
- 447 20) to investigate or inquire into the affairs of any town department, agency or office;

448 21) to delegate, authorize or direct a subordinate or employee of the town to exercise any
449 power, duty or responsibility which the office of Town Manager may exercise; provided,
450 however, that all acts that are performed under the delegation shall be considered to be the acts
451 of the Town Manager;

452 22) to perform such other duties as necessary or as may be assigned by this Charter, by
453 ordinance or by vote of the Town Council;

454 23) to provide staff support services for the Council President and Town Council members;

455 24) to serve as the town's liaison to any regional entity of which the town is a member and to
456 explore opportunities for intergovernmental cooperation;

457 25) to promote partnerships among Town Council, staff, citizens and businesses in
458 developing public policy and building a sense of community; and

459 26) to hold regular informational sessions with departments and community-based
460 organizations.

461 (B) With the consent of Town Council, the Town Manager may serve as the head of one or more
462 departments, offices or agencies or may appoint one person as the head of two or more of them.

463 Section 4-3. Powers of Appointment

464 (a) Department Heads - Except as otherwise provided by this Charter, the Town Manager
465 shall appoint, based upon merit and fitness alone, all department heads. All appointments of
466 department heads, as defined within the administrative code, shall be subject to the ratification of
467 the Town Council. The Town Manager shall also appoint officers, subordinates and employees

468 for whom no other method of selection is provided in this Charter; provided, however, that the
469 Town Manager shall not appoint employees of the regional school district and persons serving
470 under officers elected directly by the voters of Bridgewater. In accordance with the procedures
471 set forth in section 5-2, the Town Manager may be required to consult with or engage in a joint
472 recruitment and selection process with multiple member bodies, before the appointment of
473 department heads or employees who perform tasks under the jurisdiction of the multiple member
474 bodies.

475 (b) Boards, Committees, and Agencies - Except as otherwise provided by this Charter, the
476 Town Manager shall appoint all boards, committees and agencies. Members of all appointed
477 boards and committees shall be residents of the town. All appointments of boards, committees
478 and agencies, as defined within the administrative code, shall be subject to the ratification of the
479 Town Council. The Town Manager shall form a citizen's advisory committee to help in
480 evaluating and selecting those individuals for appointment. The number and terms of office of
481 the committee shall be established by ordinance.

482 Section 4-4. Powers of Suspension, Removal

483 The Town Manager shall have the authority to suspend or remove department heads and
484 appointive administrative officers provided for by or under this Charter, except as otherwise
485 provided by-law, collective bargaining agreements, this Charter or personnel rules adopted
486 pursuant to this Charter. The Town Manager may authorize an administrative officer subject to
487 the manager's direction and supervision to exercise these powers with respect to subordinates in
488 that officer's department, office or agency.

489 Section 4-5. Compensation

490 The Town Manager shall receive such compensation for services as the Town Council shall
491 determine, but such compensation shall be within the limits of available appropriations.

492 Section 4-6. Vacancy in Office

493 A vacancy in the office of Town Manager shall be filled as soon as possible by the Town
494 Council. Pending appointment of the Town Manager or the filling of any vacancy, the Town
495 Council shall forthwith appoint some other qualified person to perform the duties of the Town
496 Manager. The appointment of the acting Town Manager shall be for a term not to exceed three
497 months; provided, however, that a renewal, not to exceed an additional three months may be
498 provided.

499 Section 4-7. Temporary Absence

500 The Town Manager shall designate by letter filed with the Town Council and Town Clerk, a
501 qualified officer of the Town to perform the duties of the Town Manager during a temporary
502 absence or disability. The Town Council may not revoke such designation until at least 14 days
503 have elapsed whereupon it may appoint such other person to perform the duties of the Town
504 Manager. In the event of failure of the Town Manager to make such designation or if the person
505 so designated is for any reason unable to serve, or is deemed not qualified by the Town Council,
506 the Town Council may designate some other qualified person to perform the duties of the Town
507 Manager until the Town Manager returns.

508 Section 4-8. Removal of Town Manager

509 The Town Council, by affirmative vote of a majority of the full Town Council, may vote to
510 terminate, remove or suspend the Town Manager from office in accordance with the following
511 procedure:

512 (1) Before removal or termination the Town Council shall adopt a preliminary resolution of
513 removal by the affirmative vote of a majority of the full Town Council. The preliminary
514 resolution may suspend the Town Manager for a period not to exceed 30 days. A copy of the
515 resolution shall be delivered to the Town Manager forthwith. If so requested by the Town
516 Manager, the Town Council shall provide a written statement setting forth the reasons for the
517 removal or termination.

518 (2) Within five days after the receipt of the preliminary resolution, the Town Manager may
519 request a public hearing by filing a written request for such hearing with the Town Council. If
520 such a hearing is requested, the hearing shall be held at a meeting of the Town Council not later
521 than 20 days from the date of request. At such hearing the Town Manager shall be entitled to
522 address the Town Council and make comments related to the preliminary resolution.

523 (3) If a public hearing has not been requested by the Town Manager, the Town Council may
524 adopt a final resolution of removal, which may be effective immediately, by the affirmative vote
525 of a majority of the full Town Council at any time after 10 days following the date of delivery of
526 a copy of the preliminary resolution to the Town Manager.

527 (4) If the Town Manager requests a public hearing, the Town Council may, at the conclusion of
528 the hearing or within five days of the conclusion of the hearing, adopt a final resolution of
529 removal by an affirmative vote of majority of the full Town Council.

530 (5) The Town Council may suspend by an affirmative vote of the majority of the full Town
531 Council, the Town Manager pending and during any public hearing as requested by the Town
532 Manager.

533 (6) The Town Manager shall continue to receive a salary until the final date of removal becomes
534 effective unless provided otherwise.

535 (7) The action of the Town Council in terminating, removing or suspending the Town Manager
536 shall be final.

537 Section 4-9. Annual Review of the Town Manager

538 Annually, the Council President shall cause the Town Council to prepare and deliver to the Town
539 Manager a written evaluation of the Town Manager's performance. The evaluation shall be
540 conducted in accordance with any applicable general or special law.

541 ARTICLE V- ADMINISTRATIVE ORGANIZATION

542 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

543 The organization of the Town into operating agencies for the provision of services and the
544 administration of government may, under charter powers granted in section 20 of chapter 43B of
545 the General Laws, be accomplished through either of two methods provided in this section. For
546 the convenience of the public, the administrative code and any amendments thereto shall be
547 printed as an appendix to, but not an integral part, of the ordinances of the Town.

548 (a) Ordinance - Subject only to the express prohibitions in any general or special law or the
549 provisions of this Charter, the Town Council may by ordinance, reorganize, consolidate, create,

550 merge, divide or abolish any Town agency, in whole or in part, establish such new Town
551 agencies as it deems necessary or advisable, determine the manner of selection, the term of office
552 and prescribe the functions of all such agencies.

553 (b) Executive Reorganizations - The Town Manager may from time to time prepare and
554 submit to the Town Council a plan of organization or reorganization which establishes operating
555 divisions for the orderly, efficient or convenient conduct of business of the Town.

556 (1) Whenever the Town Manager prepares such plan, the Town Manager shall hold one or more
557 public hearings on the proposal giving notice by publication in a local newspaper, if required by
558 state law, or on the Town's official website, which notice shall describe the scope of the proposal
559 and the time and place at which the public hearing will be held, not less than seven nor more than
560 14 days following the date of the publication.

561 (2) Following the public hearing, the proposal, which may be amended by the Town Manager
562 subsequent to the public hearing, shall be submitted to the Town Council.

563 (3) An organization or reorganization plan shall become effective at the expiration of the 60 days
564 following the date of submission of the proposal to the Town Council unless the Town Council
565 shall, by a majority vote, vote to disapprove the plan.

566 (4) The Town Council may vote only to approve or disapprove the plan and no vote to amend or
567 alter it shall be deemed in order.

568 (5) The Town Manager may propose reorganization plans and subject only to express
569 prohibitions of any general or special or this Charter, reorganize, consolidate or abolish in whole
570 or in part Town agencies or establish such new Town agencies as is deemed necessary to the

571 same extent as is provided in subsection (1) of section 5-1, for ordinances; and for such purpose
572 may transfer the duties and powers and so far as is consistent with the use for which the funds
573 were voted by the Town Council, transfer the appropriation of one Town agency to another.

574 (6) Whenever a reorganization proposal becomes effective, whether under the provisions of
575 subsection (a) or (b), no proposal to again reorganize which deals with substantially the same
576 subject matter shall be acted upon within 18 months following the first reorganization, except on
577 the petition of the Town Manager.

578 Section 5-2. Personnel Administration

579 The Town Manager shall adopt rules and regulations establishing a personnel system. The
580 personnel system shall make use of modern concepts of personnel management and may include,
581 but not be limited to, the following elements:

- 582 1) a method of administration;
- 583 2) personnel policies indicating the rights, obligations and benefits of employees;
- 584 3) a classification plan;
- 585 4) a compensation plan;
- 586 5) a method of recruiting and selecting employees based upon merit principles;
- 587 6) a centralized record keeping system;
- 588 7) a merit based performance evaluation system;
- 589 8) disciplinary procedures; and

590 9) other elements that are determined necessary.

591 All Town agencies and positions shall be subject to the rules and regulations adopted under this
592 section; provided, however, that this shall not include employees of the regional school
593 departments.

594 Department heads shall have the authority to appoint, suspend and remove based upon merit and
595 fitness alone all department subordinates and employees, except as otherwise provided by law,
596 collective bargaining agreements, this Charter or personnel rules adopted under this Charter.

597 Employees of the regional school departments and persons serving under officers elected directly
598 by the voters of the Town are excluded.

599 Section 5-3. Town Attorney

600 (a) Appointment - There shall be a legal officer of the Town appointed by the Town
601 Manager subject to confirmation by the Town Council.

602 (b) Role - The legal officer shall serve as chief legal advisor to the Town Council, the Town
603 Manager and all Town departments, offices and agencies, shall represent the Town in all legal
604 proceedings and shall perform other duties prescribed by any general or special law, by this
605 Charter or by ordinance.

606 ARTICLE VI- FINANCIAL MANAGEMENT

607 Section 6-1. Annual Budget Policy

608 The Council President shall call a joint meeting of the Town Council, the Regional School
609 Committee chairman, or his designee, the Finance Committee, the Town Manager and any other

610 committee established for the budget process, before the commencement of the budget process to
611 review the financial condition of the Town, revenue and expenditure forecasts and other relevant
612 information in order to develop a coordinated budget.

613 The fiscal year of the Town shall begin annually on the first day of July and end on the last day
614 of June.

615 Section 6-2. Submission of Budget; Budget Message

616 Not later than February 1st of each year, the Town Manager shall submit to the Town Council a
617 preliminary budget for the ensuing fiscal year and an accompanying message.

618 Within the period prescribed by any general or special law, but no later than April 1, the Town
619 Manager shall file with the Town Council Clerk a proposed operating budget and budget
620 message for all Town agencies and regional school districts. The budget message submitted by
621 the Town Manager shall explain the budget in fiscal terms and in terms of work programs for all
622 Town agencies. It shall outline the proposed fiscal policies of the Town for the ensuing fiscal
623 year and shall describe important features of the proposed budget and indicate any major
624 variations from the current budget, fiscal policies, expenditures and revenues together with
625 reasons for such change. The proposed budget shall provide a complete fiscal plan of all Town
626 funds and activities and shall be in the form the Town Manager deems desirable.

627 The Town Manager may request a time extension. The extension may be granted at the
628 discretion of the Town Council, but must provide for a reasonable and timely review of the
629 proposed budget.

630 (a) Budget - The budget shall provide a complete financial plan of all Town funds and
631 activities for the ensuing fiscal year and, except as required by-law or this Charter, shall be in the
632 form as the Town Manager deems desirable or the Town Council may require for effective
633 management and an understanding of the relationship between the budget and the Town's
634 strategic goals. The budget shall be realistic and based on a forecast of those scenarios most
635 likely to occur in the coming year. The budget shall begin with a clear general summary of its
636 contents, shall show in detail all estimated income, indicating the proposed property tax levy and
637 all proposed expenditures, including debt service, for the ensuing fiscal year and shall show
638 comparative figures for actual and estimated income and expenditures of the current fiscal year
639 and actual income and expenditures of the preceding fiscal year. It shall indicate in separate
640 sections:

641 1) The proposed goals and expenditures for current operations during the ensuing fiscal year,
642 detailed for each fund by department or by other organization unit, and program, purpose or
643 activity, method of financing such expenditures and methods to measure outcomes and
644 performance related to the goals;

645 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed
646 for each fund by department or by other organization unit when practical, the proposed method
647 of financing each such capital expenditure and methods to measure outcomes and performance
648 related to the goals; and

649 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for
650 each utility or other enterprise fund or internal service fund operated by the Town and methods
651 to measure outcomes and performance related to the goals; provided, however, that for any fund,

652 the total of proposed expenditures shall not exceed the total of estimated income plus carried
653 forward fund balance exclusive of reserves.

654 (b) Budget Message - The Town Manager's message shall explain the budget both in fiscal
655 terms and in terms of the work programs, linking those programs to organizational goals and
656 community priorities. It shall outline the proposed financial policies of the Town for the ensuing
657 fiscal year and the impact of those policies on future years. It shall describe the important
658 features of the budget, indicate any major changes from the current year in financial policies,
659 expenditures and revenues together with the reasons for such changes, summarize the Town's
660 debt position, including factors affecting the ability to raise resources through debt issues and
661 include such other material as the Town Manager deems desirable.

662 Section 6-3. Action of the Budget

663 (a) Public Hearing - The Town Council shall publish in a newspaper of general circulation in
664 the Town, if required by law, or the Town's official website, the proposed operating budget as
665 submitted by the Town Manager. The Town Council shall identify a date, time and place not less
666 than 14 days after the publication, when a public hearing on the proposed budget will be held by
667 the Town Council. For the purpose of this section, the summary of the proposed operating
668 budget that is required to be published shall contain proposed appropriations, funding sources
669 and any narrative summary deemed necessary by the Town Council.

670 (b) Adoption of the Budget – The Town Council shall adopt the budget, with or without
671 amendments, within 45 days following the date the budget is filed with the Town Council Clerk.
672 In amending the budget, the Town Council may delete or decrease any programs or amounts
673 except expenditures required by law or for debt service. The Town Council shall not increase any

674 line item without a corresponding decrease in an identified line item and the total proposed
675 budget may not be increased from what was proposed unless otherwise authorized by any
676 general or special law. If the Town Council fails to take action with respect to any item in the
677 budget within 45 days after receipt of the budget, the amount shall, without any action by the
678 Town Council become a part of the appropriations for the year and be available for the purposes
679 specified. The adopted budget will be published on the Town's official website not less than 14
680 days after adoption.

681 Section 6-4. Supplementary Budgets and Appropriations

682 Whenever the Town Manager submits to the Town Council a request for an appropriation of any
683 sum of money, whether as a supplement to the annual operating budget or for an item not
684 included therein, the Town Council shall not act upon the request until it has given notice by
685 publication in a newspaper of general circulation in the Town, if required by state law, or the
686 Town's official website of the request and held a public hearing concerning the request. The
687 publication and the public hearing shall be in conformity with the provisions of subsection (a) of
688 section 6-3 concerning the proposed annual operating budget.

689 (a) Supplemental Appropriations - If during or before the fiscal year begins, the Town
690 Manager certifies that there are available for appropriation, revenues in excess of those estimated
691 in the budget, Town Council by ordinance may make supplemental appropriations for the year
692 up to the amount of the excess.

693 (b) Emergency Appropriations - To address a public emergency affecting life, health,
694 property or the public peace, the Town Council may make emergency appropriations as provided
695 under M.G.L. c. 44, section 31. The appropriations may be made by emergency ordinance in

696 accordance with Article II. To the extent that there are no available unappropriated revenues or a
697 sufficient fund balance to meet the appropriations, the Town Council may by an emergency
698 ordinance authorize the issuance of emergency notes, which may be renewed from time to time,
699 but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term
700 debt not later than the last day of the fiscal year next succeeding that in which the emergency
701 appropriation was made.

702 (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to
703 the Town Manager that the revenues or fund balances available will be insufficient to finance the
704 expenditures for which appropriations have been authorized, the manager shall report to the
705 Town Council without delay, indicating the estimated amount of the deficit, any remedial action
706 taken by the Town Manager and recommendations as to any other steps to be taken. The Town
707 Council shall then take the further action as it deems necessary to prevent or reduce any deficit
708 and for that purpose it may by ordinance reduce or eliminate one or more appropriations.

709 (d) Transfer of Appropriations - At any time during or before the fiscal year, the finance
710 director, with concurrence of the Town Manager, may transfer up to a maximum of an amount
711 cited in section 5 of chapter 30B of the General Laws of the unencumbered appropriation
712 balance from one department, fund, service, strategy or organizational unit to the appropriation
713 for other departments or organizational units or a new appropriation. The Town Manager shall
714 report the transfers to the Town Council in writing within a 14-day period. At any time during or
715 before the fiscal year, the finance director may also, with concurrence of the Town Manager,
716 transfer up to a maximum of an amount cited section 5 of chapter 30B of the General Laws
717 among line items within a department, fund, service, strategy or organizational unit. The Town
718 Manager shall report the transfers to the Town Council in writing within a 14-day period.

719 (e) Limitation; Effective Date – No appropriation for debt service may be reduced or
720 transferred, except to the extent that the debt is refinanced and less debt service is required and
721 no appropriation may be reduced below an amount required by-law to be appropriated or by
722 more than the amount of the unencumbered balance thereof. The supplemental and emergency
723 appropriations and reduction or transfer of appropriations authorized by this section may be
724 made effective immediately upon adoption.

725 Section 6-5. Administration and Fiduciary Oversight of the Budget

726 The Town Council may provide by ordinance the procedures for administration and fiduciary
727 oversight of the budget.

728 Section 6-6. Capital Improvements Program

729 (a) Preparation - The Town Manager may, in conjunction with any committee established for
730 such purpose, annually submit a five-year capital improvement program by a date established by
731 ordinance.

732 (b) Contents - The capital improvement program shall include:

733 1) A clear general summary of its contents;

734 2) Identification of the long-term goals of the community;

735 3) A list of all capital improvements and other capital expenditures proposed to be undertaken
736 during the fiscal years next ensuing, with appropriate supporting information as to the necessity
737 for each;

- 738 4) Cost estimates and implementation schedules for each improvement or other capital
739 expenditure;
- 740 5) Method of financing upon which each capital expenditure is to be reliant;
- 741 6) The estimated annual cost of operating and maintaining the facilities to be constructed or
742 acquired;
- 743 7) A commentary on how the plan addresses the sustainability of the community and the region
744 of which it is a part; and
- 745 8) Methods to measure outcomes and performance of the capital plan related to the long-term
746 goals of the community.

747 The above shall be reviewed annually.

748 (c) Public Hearing - The Town Council shall publish on the Town's official website and, if
749 required by state law, in a newspaper of general circulation in the Town a summary of the
750 proposed capital improvement plan as submitted by the Town Manager. The Town Council shall
751 identify a date, time and place not less than 14 days after the publication, when a public hearing
752 on the proposed capital improvement plan will be held.

753 (d) Adoption of the Capital Improvement Program - Town Council shall adopt the capital
754 improvement plan, with or without amendments, provided that each amendment must be voted
755 separately and that any increase in the capital improvement plan as submitted must clearly
756 identify and approve the method of financing proposed to accomplish the increase. The proposed
757 capital improvement plan will be published on the Town's website upon adoption.

758 Section 6-7. Long Term Financial Forecast

759 (a) The Town Manager shall annually prepare a five-year financial forecast of Town revenue,
760 expenditures and the general financial condition of the Town. The forecast shall include, but not
761 be limited to: (1) an identification of factors which will impact on the financial condition of the
762 Town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded
763 revenues and any long or short-term actions which may be taken that may enhance the financial
764 condition of the Town. The forecast shall be submitted to the Town Council and finance
765 committee and shall be available to the public for inspection. The long-term financial forecast
766 shall be published on the Town's official website and when updates occur, they shall be posted
767 in a timely manner.

768 Section 6-8. Annual Independent Audit

769 The Town Manager shall provide for an independent annual audit of all Town accounts and may
770 provide for more frequent audits as it deems necessary. An independent certified public
771 accountant or firm of such accountants shall make the audits. The audits should be performed in
772 accordance with generally-accepted auditing standards and generally-accepted governmental
773 auditing standards.

774 The Town Council shall designate no fewer than three of its members to serve as an audit
775 committee. The committee shall receive the report of the internal auditor and present that report
776 to the Town Council with any recommendations from the committee.

777 The Town Manager shall designate such accountant or firm which shall be ratified by the Town
778 Council for a period not exceeding five years. The auditor must be capable of exercising
779 objective and impartial judgment on all issues encompassed within the audit engagement.

780 Section 6-9. Finance Committee

781 (a) There shall be a Finance Committee, the number of members and terms of office of
782 which shall be established by ordinance. The finance committee shall report in writing its
783 recommendations on finance related matters to the Town Council. Before preparing its
784 recommendations, the finance committee shall hold one or more public meetings to permit
785 discussion of finance matters before the Town Council, except those matters subject to public
786 hearings by other multiple-member Town bodies and not containing appropriations. The finance
787 committee shall have such additional powers and duties as may be provided by the General
788 Laws, by this Charter or by ordinance.

789 (b) The Town Manager or a designee shall have ex-officio membership, without voting
790 rights on the committee. The finance committee shall carry out its duties in accordance with the
791 provisions of general law, this Charter and ordinance and it shall have regular and free access
792 and inspection rights to all books and accounts of any Town department or office.

793 Section 6-10. Financial Management Standards

794 The Town Council may by ordinance establish reasonable standards relating to the management
795 of financial systems and practices. Any standards adopted shall conform to modern concepts of
796 financial management.

797 Section 6-11. Public Records

798 Copies of the budget, capital program, independent audits and appropriation and revenue
799 ordinances shall be public records and shall be published on the Town's website.

800 ARTICLE VII- ELECTIONS AND; RELATED MATTERS

801 Section 7-1. Town Elections

802 The regular Town election of Town officers shall be held annually on the Saturday preceding the
803 last Monday in April.

804 Section 7-2. Non-Partisan Elections

805 All elections for Town offices shall be non-partisan and election ballots shall be printed without
806 any party mark, emblem or other designation whatsoever

807 Section 7-3. Signature Requirements; Information to Voters; Ballot Position

808 (a) Signature Requirements - The number of signatures of voters required to place the name
809 of a candidate on the official ballot to be used at an election shall be as follows: For an office
810 which is to be filled by the voters of the whole Town, not less than 150. For an office which is to
811 be filled by the voters of a district, not less than 100 from such district.

812 (b) Information to Voters - If the candidate in a regular Town election is an incumbent
813 elected by the voters to the office to which the candidate seeks election, against the candidate's
814 name shall appear the phrase "candidate for re-election".

815 (c) Ballot Position - The order in which names of candidates appear on the ballot for each
816 office in a regular Town election shall be determined by a drawing by lot conducted by the
817 Town Clerk. At least 35 days before the date of the election, the Town Clerk shall post in a

818 conspicuous place in the Town hall the names and residences of the candidates for election who
819 have duly qualified as candidates for election. The order of the names as to appear on the ballot
820 shall be drawn by the Town Clerk. In drawing by lot for position on the ballot the candidates
821 shall have an opportunity to be present in person or by one representative each.

822 Section 7-4. Districts

823 The territory of the Town shall be divided into seven districts so established as to consist of as
824 nearly an equal number of inhabitants as it is possible to achieve based on compact and
825 contiguous territory, bounded insofar as possible by the center line of known streets or ways or
826 by other well defined limits. Each such district shall be composed of one or more voting
827 precincts established in accordance with general laws. The Town Council shall from time to
828 time, but at least once in each ten years, review such districts to ensure their uniformity in
829 number of inhabitants.

830 Section 7-5. Application of State Laws

831 Except as expressly provided in the Charter and authorized by any general or special law, all
832 Town elections shall be governed by federal, state and local laws relating to the right to vote, the
833 registration of voters, the nomination of candidates, the conduct of elections, the submission of
834 charter amendments and other propositions, the counting of votes and the declaration of results.

835 ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS

836 Section 8-1. Citizen Initiative Measures

837 (a) Commencement - Initiative procedures shall be started by the filing of a proposed
838 initiative petition with the Town Clerk. The petition shall be addressed to the Town Council,
839 shall contain a request for the passage of a particular measure which shall be set forth in full in
840 the petition and shall be signed by at least 50 voters. The petition shall be accompanied by an
841 affidavit signed by ten voters and containing their residential addresses stating they will
842 constitute the petitioners' committee and be responsible for circulating the petition and filing it in
843 proper form. The person whose signature appears first on the affidavit accompanying such
844 petition petitioner shall be designated as clerk.

845 (b) Referral to Town Attorney - The Town Clerk shall, forthwith following receipt of each
846 such proposed petition, deliver a copy of the petition to the Town Attorney. The Town Attorney
847 shall, within 15 days following receipt of a copy of the petition, in writing, advise the Town
848 Clerk whether the measure as proposed may lawfully be proposed by the initiative process and
849 whether, in its present form, it may be lawfully adopted by the Town Council. If the opinion of
850 the Town Attorney is that the measure is not in proper form, the reply shall state the reasons for
851 such opinion, in full. A copy of the opinion of the Town Attorney shall also be mailed by the
852 Town Clerk to the clerk of the petitioners' committee.

853 (c) Submission to Town Clerk - If the opinion of the Town Attorney is that the petition is in
854 proper form, the Town Clerk shall provide blank forms for the use of subsequent signers and
855 shall print at the top of each blank a fair, concise summary of the proposed measure, as
856 determined by the Town Attorney, together with the names and addresses of the first ten voters
857 who signed the originating petition. Within ten days following the date the blank forms are
858 issued by the Town Clerk the petitions shall be returned and filed with the Town Clerk signed
859 by at least ten per cent of the total number of voters as of the date of the most recent Town

860 election. Signatures to an initiative petition need not all be on one paper, but all such papers
861 pertaining to any one measure shall be fastened together and shall be filed as a single instrument,
862 with the endorsement thereon of the name and residence address of the person designated as
863 filing the same. With each signature on the petition there shall also appear the street and number
864 of the residence of each signer. Within ten days following the filing of the petition the Board of
865 Registrars of voters shall ascertain by what number of voters the petition has been signed and
866 what percentage that number is of the total number of voters as of the date of the most recent
867 Town election and shall return the petition along with a certificate showing the results of the
868 examination of the Registrars of voters to the Town Clerk. A copy of the certificate of the Board
869 of Registrars of voters shall also be mailed to the person designated as clerk of the petitioners'
870 committee.

871 (d) Action on Petitions - Within 30 days following the date a petition has been returned to the
872 Town Clerk and after publication in accordance with this section, the Town Council may pass
873 the measure without alteration, subject to the referendum vote provided by this Charter or, the
874 Town Council shall call a special election to be held on a date fixed by it not less than 35 nor
875 more than 60 days after the date of the certificate hereinbefore mentioned and shall submit the
876 proposed measure without alteration to a vote of the voters at that election; provided, however,
877 that if a Town election is otherwise to occur within 120 days after the date of the certificate, the
878 Town Council may, at its discretion, omit the calling of a special election and submit the
879 proposed measure to the voters at the approaching election. The ballots used when voting upon a
880 proposed measure under this section shall state the nature of the measure in terms sufficient to
881 show the substance thereof as set forth in subsection (f).

882 (e) Publication - The full text of any initiative measure which is submitted to the voters shall
883 be published in a local newspaper, if required by state law, and on the Town's official website
884 not less than seven nor more than 14 days preceding the date of the election at which the
885 question is to be voted upon. Additional copies of the full text shall be available for distribution
886 to the public in the office of the Town Clerk and on the Town's official website.

887 (f) Form of Question - The ballots used when voting on a measure proposed by the voters
888 under this section shall contain a question in substantially the following form:

889 Shall the following measure which was proposed by an initiative petition take effect? (Here
890 insert a fair, concise summary prepared by the Town Attorney.)

891 YES NO

892 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative,
893 the measure shall be deemed to be effective forthwith, unless a later date is specified in the
894 measure.

895 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage

896 If within ten days after the final passage of a measure, a petition signed by voters equal in
897 number to at least five per cent of the total number of voters and addressed to the Town Council,
898 protesting against the measure or any part thereof taking effect, is filed with the Town Clerk, the
899 same shall thereupon and thereby be suspended from taking effect and the Town Council, as the
900 case may be, shall immediately reconsider the measure or part thereof and if such measure or
901 part thereof is not entirely rescinded, the Town Council shall submit the same, to a vote of the
902 voters either at the next regular Town election or at a special election which may, in its

903 discretion, be called for the purpose and the measure or part thereof shall forthwith become null
904 and void unless a majority of the voters voting on the same at the election vote in favor thereof.

905 Section 8-3. Required Voter Participation

906 For a measure to be effective under the initiative procedure and for any measure to be declared
907 null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an
908 election upon which an initiative or referendum question is submitted to the voters.

909 Section 8-4. Measures Not Subject to Initiative and Referendum

910 Measures which include the following subject matter shall not be subject to initiative and
911 referendum procedures:

- 912 1) Revenue loan orders;
- 913 2) Appropriations for the payment of debt or debt service;
- 914 3) Internal operational procedures of the Town Council;
- 915 4) Emergency measures;
- 916 5) The Town budget as a whole or the School Committee budget as a whole;
- 917 6) Appropriation of funds to implement a collective bargaining agreement;
- 918 7) Procedures relating to election, appointment, removal, discharge or other personnel
919 action; and

920 8) Proceedings providing for the submission or referral of a matter to the voters at an
921 election.

922 Section 8-5. Submission of Proposed Measure to Voters

923 The Town Council may, of its own motion, submit any proposed measure or a proposition for the
924 repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a general
925 or special Town election. The Town Council shall also allow for the submissions upon request of
926 the regional School Committee if a measure originates with the committee and pertains to the
927 affairs under its administration. Such action of the Town Council shall have the same force and
928 effect as are provided herein for submission of the measures on petition by the voters.

929 Section 8-6. Measures with Conflicting Provisions

930 If two or more proposed measures passed at the same election contain conflicting provisions,
931 only the one receiving the greater number of affirmative votes shall take effect.

932 Section 8-7. Free Petition

933 (a) Individual Petitions, Action Discretionary - The Town Council shall receive all petitions
934 which are addressed to them and signed by a voter, as certified by the Town Board of Registrars
935 of voters, or its successor, and may, at their discretion, take such action with regard to the
936 petitions as they deem necessary and appropriate.

937 (b) Group Petitions; Action Required - The Town Council shall hold a public hearing and act
938 by taking a vote on the merits of every petition which is addressed to it and is signed by at least
939 150 voters, as certified by the Town Board of Registrars of Voters, or its successor. The hearing

940 shall be held by the Town Council or by a committee or subcommittee thereof and the action by
941 the Town Council shall be taken not later than two months after the petition is filed with the
942 Town Clerk. Hearings on two or more petitions filed under this section may be held at the same
943 time and place. The Town Clerk shall mail notice of the hearing to the ten petitioners whose
944 names first appear on each petition at least seven days before the hearing. Notice by publication
945 at least seven days before such hearings shall also be made and shall be at the public expense. No
946 hearing shall be heard upon any one subject more than once in any given 12 month period. All
947 papers with signatures shall be filed in the office of Town Clerk as one instrument on one date
948 and time.

949 ARTICLE IX- GENERAL PROVISIONS

950 Section 9-1. Conflicts of Interest

951 (a) Conflicts of Interest - The use of public office for private gain is prohibited. The Town
952 Council shall implement this prohibition by ordinance, the terms of which shall include, but not
953 be limited to: (1) acting in an official capacity on matters in which the official has a private
954 financial interest clearly separate from that of the general public; (2) the acceptance of gifts and
955 other things of value; (3) acting in a private capacity on matters dealt with as a public official; (4)
956 the use of confidential information; and (5) appearances by Town officials before other Town
957 agencies on behalf of private interests. This ordinance shall include a statement of purpose and
958 shall provide for reasonable public disclosure of finances by officials with major decision-
959 making authority over monetary expenditures and contractual and regulatory matters and, insofar
960 as permissible under state law, shall provide for fines and imprisonment for violations.

961 Section 9-2- Prohibitions

962 (a) Activities Prohibited – The following activities are prohibited:

963 1) No person shall be appointed to or removed from, or in any way favored or discriminated
964 against with respect to a Town position or appointive Town administrative office because of
965 race, gender, age, sexual orientation, disability, religion, country of origin or political affiliation;

966 2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to
967 a test, certification or appointment under the provisions of this Charter or the rules and
968 regulations made there under or in any manner commit or attempt to commit any fraud
969 preventing the impartial execution of the provisions, rules and regulations;

970 3) No person who seeks appointment or promotion with respect to a Town position or appointive
971 Town administrative office shall directly or indirectly give, render or pay any money, service or
972 other valuable thing to a person for or in connection with the applicant or employee's,
973 appointment, proposed appointment, promotion or proposed promotion.

974 4) During working hours, no Town employee shall knowingly or willfully participate in any
975 aspect of a political campaign on behalf of, or opposition to, a candidate for Town office. This
976 section shall not be construed to limit a person's right to exercise rights as a citizen to express
977 opinions or to cast a vote, nor shall it be construed to prohibit a person from active participation
978 in political campaigns at any other level of government.

979 (b) Penalties - A person found to be in of a violation of this section shall be ineligible for a
980 period five years following such conviction to hold a Town office or position and, if an officer or
981 employee of the Town, shall immediately forfeit the employee's office or position. The Town
982 Council shall establish by ordinance such further penalties as it may deem appropriate.

983 Section 9-3. Campaign Finance

984 (a) Disclosure - The Town Council shall enact ordinances to protect the ability of Town residents
985 to be informed of the financing used in support of, or against, campaigns for locally-elected
986 office. The terms of the ordinances shall include, but not be limited to, requirements upon
987 candidates and candidate committees to report in a timely manner to the appropriate Town
988 office: contributions received, including the name, address, employer, and occupation of each
989 contributor who has contributed \$200 or more; expenditures made; and obligations entered into
990 by the candidate or candidate committee. In so far as is permissible under general or special law,
991 the regulations shall also provide for fines and imprisonment for violations. The ordinance shall
992 provide for convenient public disclosure pursuant to section 26 of chapter 55.

993 (b) Contribution and Spending Limitations - In order to combat the potential for, and appearance
994 of, corruption and to preserve the ability of all qualified citizens to run for public office, the
995 Town shall, in so far as is permitted by general or special law and federal law, have the authority
996 to enact ordinances designed to limit contributions and expenditures by, or on behalf of,
997 candidates for locally-elected office. Ordinances under this section may include, but are not
998 limited to: limitations on candidate and candidate committees that affect the amount, time, place,
999 and source of financial and in-kind contributions; and, voluntary limitations on candidate and
1000 candidate committee expenditures tied to financial or non-financial incentives.

1001 Section 9-4. Charter Revision or Amendment

1002 (a) In General - The Charter may be replaced, revised or amended in accordance with any
1003 procedure made available by Article II of the Amendments to the Constitution of the

1004 Commonwealth of Massachusetts and any general or special law enacted to implement the
1005 constitutional amendment.

1006 (b) Periodic Review - Not later than the first day of July, at six-year intervals, the Town Council
1007 shall provide for a review and propose revisions to the Town Charter. The review shall be
1008 conducted by a special committee to consist of seven residents of the Town appointed by the
1009 Council President with the approval of the Town Council. The committee shall file a report
1010 within the year recommending any changes in the Charter which it may deem to be necessary or
1011 desirable, unless an extension is granted by vote of the Town Council.

1012 (c) Continuation of Existing Laws - All ordinances, resolutions, rules, regulations and votes of
1013 the Town Council which are in force at the time this Charter is adopted, not inconsistent with the
1014 provisions of this Charter, shall continue in full force until amended or repealed. Where
1015 provisions of this Charter conflict with provisions of Town ordinances, rules, regulations, orders
1016 or special acts or acceptances of laws, the Charter provisions shall govern. All provisions of
1017 Town ordinances, rules, regulations, orders and special acts not superseded by this Charter shall
1018 remain in force.

1019 Section 9-5. Severability

1020 The provisions of this Charter are severable. If any of the provisions of this Charter are held to
1021 be unconstitutional, or invalid, the remaining provisions of this Charter shall not be affected
1022 thereby. If the application of this Charter, or any of its provisions, to any person or circumstances
1023 is held to be invalid, the application of the Charter and its provisions to other persons or
1024 circumstances shall not be affected thereby.

1025 Section 9-6. Rules of Interpretation

1026 The following rules shall apply when interpreting the Charter:

1027 (a) Specific Provisions to Prevail - To the extent that a specific provision of the Charter shall
1028 conflict with any provision expressed in general terms, the specific provision shall prevail;

1029 (b) Number and Gender - Words imparting the singular number may extend and be applied
1030 to several persons or things, words imparting the plural number may include the singular and
1031 words imparting the masculine gender shall include the feminine gender;

1032 (c) References to General Laws - All references to the general or special laws contained in
1033 the Charter refer to the general laws of the Commonwealth and are intended to include any
1034 amendments or revisions to the chapters and sections or to the corresponding chapters and
1035 sections of any rearrangement of the general laws enacted subsequent to the adoption of the
1036 Charter; and

1037 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing
1038 time under the Charter, if seven days or less, only business days, not including Saturdays,
1039 Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

1040 Section 9-7. Removal of Member of Multiple Member Appointed Bodies

1041 An official appointed by the Town Manager to a multiple-member body, may be removed from
1042 office by the Town Manager if the official fails to attend regularly scheduled meetings for a
1043 period of three consecutive meetings without express leave from the chairman of the multiple
1044 member body, unless the Town Manager shall determine otherwise. The appointed official shall

1045 be automatically removed from office if the official is convicted of a felony or if the official is
1046 absent from the duties for the period of six months notwithstanding the permission from the
1047 Council President to be absent.

1048 A removal shall be accomplished in accordance with the following procedure:

1049 1) A written notice of the intent to remove and a statement of the reasons therefore shall be
1050 delivered by registered mail to the last known address of the appointed official sought to be
1051 removed.

1052 2) Within 14 days of delivery of the notice the appointed official may request a public
1053 hearing before the appointing authority;

1054 3) If the appointed official fails to request a public hearing, then the appointed official shall
1055 be discharged forthwith;

1056 4) The appointed official may be represented by private counsel at the hearing and shall be
1057 entitled to present evidence, to call witnesses and to examine any witness appearing at the
1058 hearing;

1059 5) Within ten days after the public hearing is adjourned, the appointing authority may, by a
1060 majority vote, remove the appointed official for good cause;

1061 6) A notice of a decision to remove the appointed official and the reasons therefore shall be
1062 delivered by registered mail to the last known address of the appointed official;

1063 7) Within 14 days of delivery of the notice, the appointed official may request a public
1064 hearing before the Town Council;

1065 8) If the appointed official fails to request a public hearing, then the appointed official shall
1066 be discharged forthwith;

1067 9) The appointed official may be represented by private counsel at the hearing and shall be
1068 entitled to present evidence, to call witnesses and to examine any witness appearing at the
1069 hearing; and

1070 10) Within ten days after the public hearing is adjourned, the Town Council may, by a two-
1071 thirds vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

1072 Nothing in this section shall be construed as granting a right to a hearing when an appointed
1073 official who has been appointed to a fixed term is not reappointed when the appointed official's
1074 original term expires.

1075 Section 9-8. Posting of Public Documents

1076 The Town Council and Town Manager shall ensure that all pertinent, public Town documents be
1077 posted to the Town's official website. Examples of these documents include, but are not limited
1078 to, the following: administrative code, audit results, budget, financial management policies,
1079 ordinances and personnel policies and procedures.

1080 SECTION 3. Notwithstanding section 2, any elected incumbent in the office of town
1081 clerk for the city known as the town of Bridgewater as of the effective date of this section shall
1082 continue to hold such office and perform the duties thereof until the expiration of the elected
1083 term or sooner vacating of the office. Upon such expiration of term or sooner vacating of the
1084 office, the town clerk shall be appointed pursuant to section 3-A of the charter for the city known
1085 as the town of Bridgewater.

1086 SECTION 4. Article 2 of the charter for the city known as the town of Bridgewater, as
1087 appearing in section 2, is hereby amended by striking out section 2-12 and inserting in place
1088 thereof the following section:-

1089 Section 2-12. Compensation; Expenses

1090 (a) Salary - Each Town Councilor shall receive a stipend of \$3,000, but shall not be eligible for
1091 any other town provided benefits or pension.

1092 (b) Expenses - Subject to appropriation, the Town Council members shall be entitled to
1093 reimbursement of their actual and necessary expenses incurred in the performance of their duties.

1094 SECTION 5. This act shall be submitted to the voters of the city known as the town of
1095 Bridgewater at an election in the form of the following question:

1096 “Shall an act passed by the general court in the year 2018, entitled ‘AN ACT AMENDING THE
1097 CHARTER OF THE CITY KNOWN AS THE TOWN OF BRIDGEWATER’, be accepted?”

1098 If a majority of the votes cast in answer to this question is in the affirmative, sections 1, 2 and 3
1099 shall take effect immediately and section 4 shall take effect 3 years thereafter, but not otherwise.

1100 SECTION 6. Section 5 shall take effect upon its passage.”.