

HOUSE No. 4936

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 18, 2018.

The committee on Bills in the Third Reading, to whom were referred the Bill relative to elections in the city known as the town of Greenfield (House, No. 2778) and Bill relative to the city of Greenfield charter (House, No. 4483, changed), reports recommending that the same be consolidated and amended by substitution of the accompanying bill (House, No. 4936), and that when so amended the same will be correctly drawn.

For the committee,

THEODORE C. SPELIOTIS.

HOUSE No. 4936

The Commonwealth of Massachusetts

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

An Act relative to the charter of the city of Greenfield.

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

1 SECTION 1. The charter of the city known as the town of Greenfield, which is on file in the
2 office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the
3 General Laws, is hereby amended by striking out the text of the charter and inserting in place
4 thereof the following:-

5 ARTICLE 1

6 INCORPORATION; SHORT TITLE; DEFINITIONS

7 SECTION 1-1: INCORPORATION

8 The inhabitants of the City of Greenfield, within the territorial limits established by law,
9 shall continue to be a municipal corporation, a body corporate and politic, under the name "City
10 of Greenfield."

11 SECTION 1-2: SHORT TITLE

12 This instrument shall be known and may be cited as the "City of Greenfield Home Rule
13 Charter."

14 SECTION 1-3: DISTRIBUTION OF POWERS

15 The administration of the fiscal, and municipal affairs of the City of Greenfield, with the
16 government thereof, shall be vested in an executive/administrative branch headed by a Mayor,
17 and a legislative branch comprised of a City Council consisting of thirteen (13) members.

18 SECTION 1-4: POWERS OF THE CITY

19 Subject only to express limitations on the exercise of any power or function by a
20 municipal government in the Constitution or General Laws of the Commonwealth, it is the
21 intention and the purpose of the voters of Greenfield through the adoption of this Charter to
22 secure for themselves and their government all of the powers it is possible to secure as fully and
23 as completely as though each such power were specifically and individually enumerated herein.

24 SECTION 1-5: CONSTRUCTION

25 The powers of the City of Greenfield under this Charter are to be construed liberally in
26 favor of the City, and the specific mention of any particular power is not intended to limit the
27 general powers of the City as stated in section 1-4.

28 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

29 Subject only to express limitations in the Constitution or General Laws of the
30 Commonwealth, Greenfield may exercise any of its powers or perform any of its functions, and
31 may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with

32 the Commonwealth or any agency or political subdivision thereof, or with the United States
33 government or any agency thereof.

34 SECTION 1-7: DEFINITIONS

35 Unless another meaning is clearly apparent from the manner in which the word is used,
36 the following words as used in this Charter shall have the following meanings:

37 (a) Charter -- The word "Charter" shall mean this Charter and any amendments to it
38 that may hereafter be adopted.

39 (b) Days -- The word "days" shall refer to business days, not including Saturdays,
40 Sundays and legal holidays when the time set is less than seven (7) days; when the time set is
41 seven (7) days or more, every day shall be counted. When the last day falls on a Saturday,
42 Sunday or legal holiday the period shall be extended to the end of the next day which is not a
43 Saturday, Sunday or legal holiday.

44 (c) Emergency -- The word "emergency" shall mean a sudden, unexpected,
45 unforeseen happening, occurrence, event or condition which necessitates immediate action.

46 (d) general laws -- The words "general laws" (all lower case letters) shall mean laws,
47 which apply alike to all cities and town, to all cities, or to a class of municipalities of which
48 Greenfield is a member. The City of Greenfield shall be governed by the general laws applicable
49 to cities.

50 (e) General Laws -- The words "General Laws" (used with initial capital letters) shall
51 refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on

52 December 22, 1920, and including all amendments thereto subsequently adopted. The City of
53 Greenfield shall be governed by the General Laws applicable to cities.

54 (f) Library -- The word "library" shall mean the Greenfield Public Library, and any
55 branch or branches, which may be established thereof.

56 (g) Local Newspaper -- The words "local newspaper" shall mean a newspaper of
57 general circulation in the City of Greenfield.

58 (h) Majority Vote -- The words "majority vote" shall mean a majority of those
59 present and voting, provided that a quorum of the body is present when the vote is taken, unless a
60 higher number is required by law.

61 (i) Multiple Member Body -- The words "multiple member body" shall mean any
62 City body consisting of two (2) or more persons and whether styled board, commission,
63 committee, subcommittee, or otherwise and however elected or appointed or otherwise
64 constituted.

65 (j) Quorum -- The word "quorum", unless otherwise required by law or this Charter,
66 shall mean a majority of the members of a multiple member body notwithstanding any
67 vacancies, which might then exist.

68 (k) City -- The word "City" shall mean the City of Greenfield.

69 (l) City Agency -- The words "City agency" shall mean any board, commission,
70 committee, department, division or office of the City government.

71 (m) City Bulletin Board -- The words "City Bulletin Board" shall mean the bulletin
72 board in the City Hall on which official City notices are posted and those at other locations

73 within the City which may from time to time be designated as City Bulletin Boards by ordinance,
74 or by other vote of the City Council.

75 (n) City Officer -- The words "City officer" when used without further qualification
76 or description, shall mean a person having charge of an office or department of the City who in
77 the exercise of the powers or duties of that position exercises some portion of the sovereign
78 power of the City.

79 (o) Voters -- The word "voters" shall mean registered voters of the City of
80 Greenfield.

81 ARTICLE 2

82 LEGISLATIVE BRANCH

83 SECTION 2-1: COMPOSITION; TERM OF OFFICE

84 (a) Composition - There shall be a City Council of thirteen (13) members, which
85 shall exercise the legislative powers of the City. Four (4) of these members, to be known as
86 "Councilors-at-Large," shall be nominated and elected by and from the voters at large. Nine (9)
87 of these members, to be known as "Precinct Councilors," shall be nominated and elected by the
88 voters in each precinct, one (1) such Precinct Councilor to be elected from each of the nine (9)
89 precincts into which the City is divided, in accordance with section 7-4.

90 (b) Term of Office – The term of office for City Councilors shall be for 4 years,
91 beginning on the first business day of January after the City Election, and until the City
92 Councilors' successors have been qualified.

93 (c) Eligibility - Any voter shall be eligible to hold the office of Councilor-at-Large. A
94 Precinct Councilor shall at the time of election be a voter of the precinct from which elected,
95 provided if any Precinct Councilor dies, resigns, or removes from his or her precinct, the
96 procedure for filling a vacancy shall apply.

97 SECTION 2-2: COUNCIL PRESIDENT

98 (a) Election and Term – As soon as practicable after the Councilors-elect have been
99 qualified following each City Election or on the first business day of the new year, the members
100 of the City Council shall elect from among its members a Council President who shall serve
101 during the ensuing year.

102 (b) Powers and Duties - The Council President shall preside at all meetings of the
103 City Council, regulate its proceedings and shall decide all questions of order. The Council
104 President shall appoint all members of all committees of the City Council, whether special or
105 standing. The Council President shall have the same powers to vote upon all measures coming
106 before the City Council as any other member of the City Council. The Council President shall
107 perform such other duties consistent with the office as may be provided by Charter, by ordinance
108 or by other vote of the City Council.

109 (c) Council Vice-President - The members of the City Council shall also elect from
110 among its members a Council Vice-president who shall serve as Acting President during the
111 temporary absence or disability of the Council President during the ensuing term of office. The
112 powers of an acting Council President shall be limited to only those powers of the president as
113 may be necessary to the conduct of the business of the City Council in an orderly and efficient
114 manner and which may not be delayed.

115 SECTION 2-3: PROHIBITIONS

116 No member of the City Council shall hold any other City office or City employment for
117 which a salary or other emolument is payable from the City treasury. No former member of the
118 City Council shall hold any compensated appointed City office or City employment until one (1)
119 year following the date on which such former member's service on the City Council has
120 terminated. This provision shall not prevent a City officer or other City employee who has taken
121 a leave of absence in order to serve as a member of the City Council from returning to the same
122 office or other position of City employment held at the time such leave of absence commenced;
123 provided, however, no such person shall be eligible for any other municipal position until at least
124 one (1) year following the termination of service as a member of the City Council.

125

126 SECTION 2-4: COMPENSATION; EXPENSES

127 (a) Salary - Each City Councilor may receive an annual salary as established by vote
128 of the City Council.

129 (b) If the City Council sets an annual salary by ordinance, the salary shall not take
130 effect until four (4) years after the effective date of the ordinance. (amended 1/5/2017)

131 (c) Expenses - Subject to appropriation, the Council members shall be entitled to
132 reimbursement of their actual and necessary expenses in the performance of their duties.

133 SECTION 2-5: GENERAL POWERS

134 Except as otherwise provided by general law or by this Charter, all legislative powers of
135 the City shall be vested in the City Council, which shall provide for their exercise and for the
136 performance of all duties and obligations imposed upon the City by law.

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

138 (a) Exercise of Powers - Except as otherwise provided by general law or by this
139 Charter, the legislative powers of the City Council may be exercised in a manner determined by
140 it.

141 (b) Quorum - The presence of seven (7) members shall constitute a quorum for the
142 transaction of business, but a smaller number may meet and adjourn from time to time. Except as
143 otherwise provided by general law or by this Charter the affirmative vote of seven (7) members
144 shall be required to adopt any ordinance or appropriation order.

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

147 1. Regular meetings of the City Council shall be held at a time and place fixed by
148 ordinance.

149 2. Special meetings of the City Council shall be held at the call of the Council
150 President, or, on the call of any five (5) or more members, by written notice delivered in hand or
151 to the place of residence of each member and which contains a listing of the items to be acted
152 upon. Except in case of an emergency, of which the Council President shall be judge, such notice
153 shall be delivered at least forty-eight (48) hours in advance of the time set for such meeting. A
154 copy of the notice to members shall, forthwith, be posted upon the City bulletin board.

155 3. All sessions of the City Council and of every committee or subcommittee thereof,
156 shall at all times be open to the public, unless another provision is made by law.

157 4. A full, accurate, up-to-date account of the proceedings of the City Council shall
158 be kept, which shall include a record of each vote taken, and which shall be made available with
159 reasonable promptness following each meeting.

160 5. Provision shall be made for a specific portion of time to be available, at all regular
161 meetings of the City Council, for citizens to address the Council.

162 SECTION 2-7: ACCESS TO INFORMATION

163 (a) In General - The City Council may make investigations into the affairs of the City
164 and into the conduct and performance of any City agency and for this purpose may subpoena
165 witnesses, administer oaths and require the production of evidence.

166 (b) City Officers, Members of City Agencies, Employees - The City Council may
167 require any City officer, member of a City agency or City employee to appear before it to give
168 such information as the City Council may require in relation to the municipal services, functions,
169 powers, or duties which are within the scope of responsibility of such person and within the
170 jurisdiction of the City Council.

171 (c) Mayor - The City Council may require the Mayor to provide specific information
172 to it on any matter within the jurisdiction of the City Council. The City Council may require the
173 Mayor to appear before it, in person, to provide specific information on the conduct of any aspect
174 of the business of the City and to respond to written questions made available to the Mayor at the
175 time the demand to attend is made to the Mayor. The Mayor may bring to such meeting any

176 assistant, department head or other City officer or employee the Mayor may deem necessary to
177 assist in responding to the questions posed by the City Council.

178 (d) Notice - The City Council shall give not less than five (5) days notice to any
179 person it may require to appear before it under the provisions of this section. The notice shall
180 include specific questions on which the City Council seeks information and no person called to
181 appear before the City Council under this section shall be required to respond to any question not
182 relevant or related to those presented in advance and in writing. Notice shall be by delivery in
183 hand, or by registered or certified mail to the last known place of residence of any such person.

184 SECTION 2-8: OFFICERS ELECTED BY CITY COUNCIL

185 (a) City Auditor - The City Council may appoint a City Auditor to serve for a term of
186 three (3) years and until a successor is chosen and qualified. The City Auditor shall perform a
187 legislative oversight and a post audit function and shall not be involved in the day-to-day
188 administrative detail of the financial operations of the City. The City Auditor shall have free
189 access to all books, accounts, bills and vouchers of the City and shall continuously review and
190 examine the same. The City Auditor shall make periodic reports thereon to the City Council,
191 with such frequency as the City Council by ordinance, by rule or by other vote may direct. All
192 officials of the City shall cooperate with the City Auditor in the performance of this oversight
193 function. The City Auditor shall have such other powers and duties, as may be provided by
194 Charter, by ordinance or by other vote of the City Council.

195 (b) City Clerk - The City Council shall elect a City Clerk to serve for a term of three
196 (3) years and until a successor is chosen and qualified. The City Clerk shall have the powers and
197 duties relating to the keeping of records and vital statistics, the regulation and conduct of

198 elections, the highway book and the issuance of licenses as are provided to City Clerks by
199 General Laws and such additional powers and duties as may be provided by General Laws, by
200 Charter, by ordinance or by other vote of the City Council.

201 (c) Clerk of the Council - The City Clerk shall be the Clerk of the City Council. The
202 Clerk of the Council shall give notice of its meetings to its members and to the public, keep the
203 minutes of its proceedings and perform such other duties as may be provided by ordinance or by
204 other vote of the City Council.

205 (d) Removal/Suspension - Any person elected by the City Council may be removed
206 or suspended by the City Council by the use of procedures substantially the same as those
207 contained in section 3-4(b).

208 SECTION 2-9: ORDINANCES AND OTHER MEASURES

209 (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is
210 introduced, except in case of emergency involving the health or safety of the people or their
211 property.

212 No ordinance shall be regarded as an emergency ordinance unless the emergency is
213 defined and declared in a preamble to the ordinance, separately voted upon and receiving the
214 affirmative vote of at least 9 members of the City Council.

215 An emergency ordinance shall stand repealed on the sixty-first day following its adoption
216 unless (1) an earlier date is specified in the measure; (2) a second emergency measure adopted in
217 conformity with this section is passed extending it; or (3) a measure passed in conformity with
218 the procedures for measures generally has been passed extending it.

219 (b) Measures, In General - The City Council may pass a measure through all of its
220 stages at any 1 meeting, except proposed ordinances, appropriation orders and loan
221 authorizations, provided that no member of the City Council objects; provided, however, that if 3
222 members object, a vote on the measure shall be postponed to the next meeting of the City
223 Council.

224 On the first occasion that the question of adopting any measure is put to the City Council,
225 except an emergency measure as defined in subsection (a), if 3 members object to the taking of a
226 vote, the vote shall be postponed until the next regular or special meeting of the City Council. If
227 when the matter is next taken up for a vote 5 members object to the taking of the vote, the matter
228 shall be further postponed for not less than an additional 5 days. This procedure shall not be used
229 more than once for any measure notwithstanding any amendments made to the original measure.

230 (c) Publication - For every proposed ordinance, appropriation order or loan
231 authorization, except emergency ordinances as provided in subsection (a), a complete summary
232 shall be published once in a local newspaper and in any additional manner as may be provided
233 by ordinance, at least 5 days before its final passage. After final passage, it shall be posted on the
234 City bulletin board and otherwise published as may be required by ordinance. The full text of all
235 proposed ordinances, appropriations order and loan authorizations shall be available in the office
236 of the City Clerk at least 5 days prior to final vote.

237

238 SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS

239 (a) The Mayor shall submit to the City Council the name of each person the Mayor
240 desires to appoint as a member of a multiple-member body. The City Council shall refer each

241 such name as is submitted to it to a standing committee of the City Council which shall
242 investigate each such candidate for appointment and shall make a report, with recommendations,
243 to the full City Council not less than seven (7) nor more than thirty (30) days following such
244 referral.

245

246 (b) Appointments made by the Mayor shall become effective on the 35th day
247 following the date on which notice of the proposed appointment was filed with the Clerk of the
248 Council, unless the City Council shall within the said thirty (30) days vote to reject such
249 appointment. The votes of at least nine (9) members shall be necessary to reject an appointment
250 proposed by the Mayor. The question on rejection of any appointment made by the Mayor shall
251 not be subject to the procedure of Charter objection provided in section 2-9(b) of this Charter.

252 SECTION 2-11: FILLING OF VACANCIES

253 If a vacancy should occur in the Office of Precinct Councilor or Councilor at-large,
254 within ninety (90) days prior to the next Annual City Election, it shall remain vacant until that
255 election. Otherwise, the Council President with the advice of the committee chairs may fill that
256 seat by appointing a person residing in that precinct (not applicable for those elected at-large) for
257 which a vacancy exists, subject to a two-thirds vote of the Councilors present, to serve until the
258 next Annual City Election, at which time a person shall be elected to fill the unexpired term.

259 ARTICLE 3

260 EXECUTIVE BRANCH

261 SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;
262 COMPENSATION

263 (a) Mayor, Qualifications - The Chief Executive Officer of the City shall be a Mayor,
264 elected by and from the voters of the City at large. Any voter shall be eligible to hold the office
265 of Mayor. The Mayor shall devote full time to the office and shall not hold any other elective
266 public office, nor shall the Mayor be actively engaged in any other business, occupation or
267 profession during the period of service as Mayor.

268 (b) Term of Office – The term of office of the Mayor shall be 4 years beginning on the
269 first business day of January following the City Election at which the Mayor was chosen and
270 until a successor is qualified.

271 (c) Compensation - The Mayor shall receive a minimum annual salary of \$70,000.

272 (d) Further compensation - The City Council shall, by ordinance, establish an annual
273 salary for the Mayor, which shall become effective immediately.

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

275 (a) The executive powers of the City shall be vested solely in the Mayor, and may be
276 exercised by the Mayor either personally or through the several City agencies under the general
277 supervision and control of the office of the Mayor. The Mayor shall cause the Charter, the laws,
278 the ordinances and other orders for the government of the City to be enforced, and shall cause a
279 record of all official acts of the executive branch of the City to be kept.

280 (b) The Mayor shall exercise a general supervision and direction over all City
281 agencies, unless otherwise provided by general law, by the Charter or by ordinance. Each City

282 agency shall furnish to the Mayor, forthwith upon request, any information, materials or
283 otherwise as the Mayor may request and as the needs of the office and the interest of the City
284 may require.

285 (c) The Mayor shall be the chief procurement officer for the City responsible for
286 buying, purchasing, renting, leasing, or otherwise acquiring all supplies and all services for all
287 departments and all activities of the City and including all functions that pertain to the obtaining
288 of a supply or a service, including description of requirements, selection and solicitation of
289 sources, preparation and award of all contracts and all phases of contract administration. The
290 Mayor may delegate all or any portion of such powers and duties to a subordinate officer, but no
291 such delegation shall in any way absolve the Mayor from the ultimate responsibility for all
292 procurement activities.

293 (d) The Mayor shall supervise, direct and be responsible for the efficient
294 administration of all City activities and functions placed under the control of the Mayor by
295 general law, by this Charter, by ordinance or otherwise. The Mayor shall be responsible for the
296 efficient and effective coordination of the activities of all agencies of the City of Greenfield and
297 for this purpose shall have the authority to call together for consultation, conference and
298 discussion at all reasonable times all persons serving the City, whether elected directly by the
299 voters, chosen by persons elected directly by the voters, or otherwise.

300 (e) The Mayor shall hold no other City office or City employment for which a salary
301 or other emolument is payable from the City treasury. No former Mayor shall hold any
302 compensated appointed City office or City employment until one (1) year following the date on
303 which such former Mayor's City service has terminated. This provision shall not prevent a City

304 officer or other City employee who has taken a leave of absence in order to serve as Mayor from
305 returning to the same office or other position of City employment held at the time such leave of
306 absence commenced; provided, however, no such person shall be eligible for any other
307 municipal position until at least one (1) year following the termination of service as Mayor.

308 (f) The Mayor shall be, by virtue of office, a member of every multiple member body
309 of the City. The Mayor shall have a right, as such ex-officio member, to attend any meeting of
310 any multiple member body of the City, at any time, including, so called, executive sessions, to
311 participate in the discussions, to make motions and to exercise every other right of a regular
312 member of such body, but not including the right to vote.

313 SECTION 3-3: APPOINTMENTS BY THE MAYOR

314 (a) The Mayor shall appoint, subject to the review of such appointments by the City
315 Council as provided in section 2-10, all City officers, department heads and the members of
316 multiple-member bodies for whom no other method of appointment or selection is provided by
317 the Charter, excepting only persons serving under the School Committee, and persons serving
318 under the City Council. Except as may otherwise be required by the civil service law, and in this
319 Charter, appointments made by the Mayor shall be for indefinite terms. All persons categorized
320 as department heads shall, subject to the consent of the Mayor, appoint all assistants,
321 subordinates and other employees of the agency for which such person is responsible.

322 (b) All appointments and promotions made by the Mayor shall be made on the basis
323 of merit and fitness demonstrated by examination, past performance, or by other evidence of
324 competence and suitability. Each person appointed to fill an office or position shall be a person

325 especially fitted by education, training and previous work experience to perform the duties of the
326 office or position for which chosen.

327 (c) The Mayor shall appoint four (4) members of the Greenfield Redevelopment
328 Authority and Housing Authority, subject to confirmation by the City Council, consistent with
329 General Laws (MGL c. 121B, ~ 5).

330 (d) The Mayor shall appoint 5 members of the Board of Trustees for Soldiers'
331 Memorials, subject to confirmation by the City Council, consistent with section 105 of chapter
332 41 of the General Laws.

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

334 (a) City Officers and Department Heads - The Mayor may, in writing, remove or
335 suspend any City officer, or the head of any City department appointed by the Mayor, by filing a
336 written statement, with the City Clerk, setting forth in precise detail the specific reasons for such
337 removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by
338 certified mail, postage prepaid, to the last known address of the said City officer, or head of a
339 department. The said City officer, or head of a department, may make a written reply by filing
340 such a reply statement, with the City Clerk, within ten (10) days following the date the statement
341 of the Mayor has been filed; but, such reply shall have no effect upon the removal or suspension
342 unless the Mayor shall so determine. The decision of the Mayor in suspending or removing a
343 City officer or a department head shall be final, it being the intention of this provision to vest all
344 authority and to fix all responsibility for such suspension or removal solely in the Mayor. The
345 removal shall take effect on the 30th day following the date of filing by the Mayor of the notice
346 of removal in the office of the City Clerk.

347 (b) Other City Employees - Unless some other procedure is specified in a collective
348 bargaining agreement or by the provisions of the Civil Service Law, a department head may
349 suspend or remove any assistant, subordinate or other employee of the agency for which such
350 person is responsible in accordance with the procedures established for suspension and removal
351 in the personnel ordinance. The decision of the department head to suspend or remove any
352 assistant, subordinate or other employee shall be subject to review by the Mayor. A person for
353 whom a department head has determined a suspension or removal is appropriate may seek
354 review of such determination by the Mayor by filing a petition for review, in the office of the
355 Mayor, in writing, within ten (10) days following receipt of notice of such determination. The
356 review by the Mayor shall follow the procedures established for suspension and removal in the
357 personnel ordinance. The decision of the Mayor shall be final, it being the intention of this
358 provision to vest all authority and to fix all responsibility for such suspension or removal solely
359 in the Mayor. Nothing in this section shall be construed to be a bar to any other review as may be
360 provided by general law.

361 SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES

362 Whenever a vacancy, either temporary or permanent, occurs in a City office and the
363 needs of the City require that such office be filled, the Mayor may designate the head of another
364 City agency or a City officer or City employee, or some other person to perform the duties of the
365 office on a temporary basis until such time as the position can be filled as otherwise provided by
366 law, by the Charter or by ordinance. The Mayor shall file a certificate in substantially the
367 following form, with the City Clerk, whenever a person is designated under this section:

368 "I designate (name of person) to perform the duties of the office of (designate office in
369 which vacancy exists) on a temporary basis until the office can be filled by (here set out the
370 regular procedure for filling the vacancy, or when the regular officer shall return). I certify that
371 said person is qualified to perform the duties which will be required and that I make this
372 designation solely in the interests of the City of Greenfield."

373 (signed) Mayor

374 Persons serving as temporary officers under the authority of this section shall have only
375 those powers of the office as may be necessary to the conduct of the business of the City in an
376 orderly and efficient manner and which may not be delayed. No acting City officer shall have
377 authority to make any permanent appointment or removal from City service. No temporary
378 appointment shall be for more than thirty (30) days and not more than two (2) renewals of a
379 temporary appointment may be made when a permanent vacancy exists in the office.

380 SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

381 (a) Communications to the City Council - Within ten (10) weeks following the start
382 of each fiscal year the Mayor shall submit to the City Council, and make available for public
383 distribution, a complete report on the financial and administrative activities of the City for the
384 preceding fiscal year. The Mayor shall, from time to time throughout the year, by written
385 communications, recommend to the City Council for its consideration such measures as, in the
386 judgment of the Mayor, the needs of the City require. The Mayor shall, from time to time
387 throughout the year, but at least quarterly, by written communications, keep the City Council
388 fully informed of the financial and administrative condition of the City and shall specifically
389 indicate in any such reports any fiscal, financial or administrative problems of the City.

390 (b) Special Meetings of the City Council - The Mayor may at any time call a special
391 meeting of the City Council, for any purpose, by causing a notice of such meeting to be delivered
392 in hand or to the place of business or residence of each member of the City Council. Such notice
393 shall, except in an emergency of which the Mayor shall be the sole judge, be delivered at least
394 forty-eight (48) weekday hours in advance of the time set and shall specify the purpose or
395 purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be
396 posted on the City bulletin board.

397 SECTION 3-7: APPROVAL OF MAYOR; EXCEPTION (VETO)

398 Every order, ordinance, resolution or vote adopted or passed by the City Council relative
399 to the affairs of the City, except memorial resolutions, the selection of City officers by the City
400 Council and any matters relating to the internal affairs of the City Council, shall be presented to
401 the Mayor for approval. If the Mayor approves of the measure the Mayor shall sign it; if the
402 Mayor disapproves of the measure, the Mayor shall return the measure, with the specific reason
403 or reasons for such disapproval attached thereto, in writing, to the City Council. The City
404 Council shall enter the objections of the Mayor on its records, and not sooner than ten (10) days,
405 nor after thirty (30) days from the date of its return to the City Council, shall again consider the
406 same measure. If the City Council, notwithstanding such disapproval by the Mayor, shall again
407 pass the order, ordinance, resolution or vote by a two-thirds vote of the full Council, it shall then
408 be deemed in force, notwithstanding the failure of the Mayor to approve the same. If the Mayor
409 has neither signed a measure nor returned it to the City Council within ten (10) days following
410 the date it was presented to the Mayor, the measure shall be deemed approved and in force.

411 SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR

412 (a) Acting Mayor - The Mayor shall, by a letter filed with the City Council and a
413 copy filed with the City Clerk, designate a qualified City officer or City employee to exercise the
414 powers and perform the duties of the office during the temporary absence of the Mayor for
415 periods of less than ten (10) business days and to serve only when the needs of the City require
416 and only to the extent necessary under the then circumstances.

417 Whenever, by reason of sickness, absence from the City or other cause, the Mayor shall
418 be unable to perform the duties of the office for a period of ten (10) successive business days, or
419 more, the president of the City Council shall be the acting Mayor. In the event of the absence or
420 disability of the president of the City Council, the Vice-president of the City Council shall serve
421 as acting Mayor.

422 (b) Powers of Acting Mayor - The acting Mayor shall have only those powers of the
423 Mayor as may be necessary to the conduct of the business of the City in an orderly and efficient
424 manner and which may not be delayed. The acting Mayor shall have no authority to make any
425 permanent appointment or removal from City service unless the disability of the Mayor shall
426 extend beyond sixty (60) days nor shall an acting Mayor approve or disapprove of any measure
427 adopted by the City Council unless the time within which the Mayor must act would expire
428 before the return of the Mayor. During any period in which any member of the City Council is
429 serving as acting Mayor, such Councilor shall not vote as a member of the City Council.

430 SECTION 3-9: VACANCY IN OFFICE OF MAYOR

431 (a) Special Election - If a vacancy in the office of Mayor occurs in the first 39 months
432 of the term for which the Mayor is elected, whether by reason of death, resignation, removal
433 from office, or otherwise, the City Council shall forthwith order a special election, to be held

434 within ninety (90) days following the date the vacancy is created, to fill such vacancy for the
435 balance of the then unexpired term.

436 (b) Council Election - If a vacancy in the office of Mayor occurs in the last nine (9)
437 months of the term for which the Mayor is elected, whether by reason of death, resignation,
438 removal from office, or otherwise, the president of the City Council shall become the Mayor.
439 Upon the qualification of the president of the City Council as the Mayor, under this section, a
440 vacancy shall exist on the City Council, which shall be filled in the manner provided in section
441 2-11.

442 (c) Powers, Term of Office - The Mayor elected under section 3-9(a) or (b) shall have
443 all the powers of the Mayor. A person elected pursuant to subsection (a), above, shall serve for
444 the balance of the term unexpired at the time of election to the office. A person chosen pursuant
445 to subsection (b), above, shall serve until the next regular election at which time the person then
446 elected shall serve as Mayor.

447 ARTICLE 4

448 SCHOOL DEPARTMENT

449 SECTION 4-1: SCHOOL COMMITTEE

450 (a) Composition, Term of Office - There shall be a School Committee, which shall
451 consist of seven (7) members. Six (6) of these members shall be nominated and elected by and
452 from the voters of the City at large. The Mayor shall serve, by virtue of office, as the seventh
453 member of the School Committee with all of the same powers and duties as the members elected
454 by the voters as School Committee members.

455 (b) Term of Office - The term of office for the 6 members of the school committee
456 elected by the voters shall be for 4 years each, with staggered terms, beginning on the first
457 business day of January after the City Election and continuing until the school committee
458 member's successor has been qualified.

459 (c) Eligibility - A School Committee member shall at the time of election be a voter.
460 If a School Committee member removes from the City during the term for which elected such
461 office shall immediately be deemed vacant and filled in the manner provided in section 4-6.

462 SECTION 4-2: SCHOOL COMMITTEE CHAIR

463 (a) Election and Term – As soon as practicable after the school committee members-
464 elect have been qualified following each City Election or on the first business day of the new
465 year, as provided in section 8-8, the school committee shall organize by electing 1 of its
466 members to serve as school committee chair and 1 of its members to serve as school committee
467 vice-chair for the ensuing year.

468 (b) Power and Duties - The School Committee chair shall preside at all meetings of
469 the School Committee, regulate its proceedings and shall decide all questions of order. The
470 School Committee chair shall appoint all members of all committees of the School Committee,
471 whether special or standing. The School Committee chair shall have the same powers to vote
472 upon all measures coming before the School Committee as any other member of the School
473 Committee. The School Committee chair shall perform such other duties consistent with the
474 office as may be provided by Charter, by ordinance or by other vote of the School Committee.

475 (c) Vice-Chair - The vice chair of the School Committee shall serve as acting chair
476 during the temporary absence or disability of the School Committee chair during the ensuing

477 term of office. The powers of an acting School Committee chair shall be limited to only those
478 powers of the chair as may be necessary to the conduct of the business of the School Committee
479 in an orderly and efficient manner and which may not be delayed.

480 SECTION 4-3: PROHIBITIONS

481 No person elected as a School Committee member shall hold any other City office or
482 City employment for which a salary or other emolument is payable from the City treasury. No
483 former member of the School Committee shall hold any compensated appointed City office or
484 City employment until one (1) year following the date on which such member's service on the
485 School Committee has terminated. This provision shall not prevent a City officer or other City
486 employee who has taken a leave of absence in order to serve as a member of the School
487 Committee from returning to the same office or other position of City employment held at the
488 time such leave of absence commenced; provided, however, no such person shall be eligible for
489 any other municipal position until at least one (1) year following the termination of service as a
490 member of the School Committee.

491 SECTION 4-4: COMPENSATION; EXPENSES

492 (a) Salary - The members of the School Committee, excepting the Mayor, may
493 receive an annual salary.

494 (b) Further salary - The members of the School Committee may receive such salary
495 for their services as may from time to time be set by ordinance.

496 (c) Expenses - Subject to appropriation and to prior authorization, the School
497 Committee members shall be entitled to reimbursement of their actual and necessary expenses
498 incurred in the performance of their duties.

499 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

500 The School Committee shall have all powers which are conferred on School
501 Committees by General Laws and such additional powers and duties as may be provided by the
502 Charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by
503 General Laws. The powers and duties of the School Committee shall include the following:

504 (a) To elect a Superintendent of the Schools who shall be charged with the day-to-
505 day administration of the school system, subject only to policy guidelines and directives adopted
506 by the School Committee and upon the recommendation of said Superintendent.

507 (b) To make all reasonable rules and regulations for the management of the public
508 school system and for conducting the business of the School Committee as may be deemed
509 necessary or desirable.

510 (c) To adopt and to oversee the administration of an annual operating budget for the
511 school department, subject to appropriation by the City Council.

512 SECTION 4-6: FILLING OF VACANCIES

513 Filling of Vacancies by School Committee - Whenever a vacancy shall occur in the
514 office of School Committee member, the vacancy shall be filled by the remaining members of
515 the School Committee. Persons elected to fill a vacancy by the School Committee shall serve
516 only until the next regular election at which time the vacancy shall be filled by the voters and the

517 person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of
518 the unexpired term of the vacated seat. Persons serving as School Committee members under this
519 section shall not be entitled to have the words "candidate for re-election" printed against their
520 names on the election ballot. In the event of an impasse, the president of the City Council shall
521 have a vote.

522 ARTICLE 5

523 FINANCE AND FISCAL PROCEDURES

524 SECTION 5-1: FISCAL YEAR

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

527 SECTION 5-2: SCHOOL COMMITTEE BUDGET

528 (a) Public Hearing - At least twenty-one (21) days before the meeting at which the
529 School Committee is scheduled to vote on its final budget request, the School Committee shall
530 cause to be published in a local newspaper a general summary of its proposed budget. The
531 summary shall specifically indicate any major variations from the current budget and the reasons
532 for such changes. The notice shall further indicate the times and places at which complete copies
533 of the proposed budget are available for examination by the public, and it shall indicate the date,
534 time and place [not less than seven (7) nor more than fourteen (14) days following such
535 publication], when a public hearing will be held by the School Committee on the proposed
536 budget. The School Committee shall not take its final vote on its proposed budget until all

537 persons who desire to be heard concerning the budget proposal have had a reasonable
538 opportunity to be heard.

539 (b) Submission to Mayor - The proposed budget adopted by the School Committee
540 shall be submitted to the Mayor at least twenty-one (21) days before the date the Mayor is
541 required to submit a proposed City budget to the City Council, to allow the Mayor sufficient time
542 within which to consider the effect the school department's requested appropriation will have
543 upon the total City operating budget the Mayor is required to submit to the City Council under
544 this article.

545 The action of the School Committee in adopting the proposed budget, following the
546 public hearing, shall be summarized and the results of a roll call vote taken on each amendment
547 to the proposed budget as may be offered shall be recorded.

548 SECTION 5-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

549 Not later than ninety (90) days before the start of the City 's fiscal year, the Mayor shall
550 submit to the City Council a proposed operating budget for the ensuing fiscal year with an
551 accompanying budget message and supporting documents. The Mayor shall simultaneously
552 provide for the publication in a local newspaper of a notice and a general summary of the
553 proposed budget. The summary shall specifically indicate any major variations from the current
554 operating budget and the reason for such changes. The notice shall further indicate the times and
555 places at which complete copies of the proposed operating budget for the City are available for
556 examination by the public.

557 SECTION 5-4: BUDGET MESSAGE

558 The budget message of the Mayor shall explain the budget for all City agencies both in
559 fiscal terms and in terms of work programs. It shall outline proposed financial policies of the
560 City for the ensuing fiscal year, describe important features of the budget, indicate any major
561 variations from the current fiscal year in financial policies, expenditures and revenues together
562 with the reasons for such changes, summarize the City's debt position and include other material
563 as the Mayor deems desirable, or as may be required by the provisions of a City ordinance.

564 SECTION 5-5: THE BUDGET

565 The proposed operating budget shall provide a complete financial plan for all City funds
566 and City activities for the ensuing fiscal year. Except as may otherwise be required by general
567 law, or this Charter, it shall be in the form which the Mayor deems desirable or as a City
568 ordinance may require. In the presentation of the budget, the Mayor shall utilize modern
569 concepts of fiscal presentation so as to furnish an optimum level of information and the best
570 financial control. The budget shall show in detail all estimated income from the proposed
571 property tax levy and from all other sources and all proposed expenditures, including debt
572 service, for the fiscal year. The budget shall be arranged to show the actual and estimated income
573 and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate
574 sections:

575 1. Proposed expenditures for current operations during the ensuing fiscal year,
576 detailed by City agency and position, in terms of work programs, and the method of financing
577 such expenditures;

578 2. Proposed capital expenditures during the ensuing fiscal year, detailed by City
579 agency, and the proposed method of financing each such capital expenditure;

580 3. The relationship of each proposed capital expenditure to the capital improvement
581 program required to be submitted under section 5-10; and

582 4. Estimated surplus revenue and free cash at the end of the current fiscal year,
583 including estimated balances in any special accounts established for specific purposes.

584 SECTION 5-6: ACTION ON THE BUDGET

585 (a) Review – The City Council shall consider, in open public meetings, the detailed
586 expenditures proposed for each City agency and may confer with representatives of each such
587 agency in connection with its review and consideration. The City Council may require the
588 Mayor or any other City agency to furnish it with such additional information as it may deem
589 necessary to assist it in its review and consideration of the proposed operating budget.

590 (b) Public Hearing - Not less than 5 days before it is scheduled to vote on its final
591 budget request, the City Council shall publish a summary of the proposed budget stating the
592 time and place in which a public hearing on the proposed operating budget as submitted by the
593 Mayor will be held.

594 (c) Action by City Council - The City Council shall adopt the budget, with or without
595 amendments, within 60 days after it receives the proposed budget. In amending the budget, the
596 City Council may increase or decrease amounts and expenditures as allowed under section 32 of
597 chapter 44 of the General Laws. If the City Council fails to take any action with respect to any
598 item in the proposed budget within 60 days after it receives the proposed budget, such amount
599 shall, without any action by the City Council, become a part of the appropriations for the ensuing
600 fiscal year and shall be available for the purposes specified.

601 SECTION 5-7: SUPPLEMENTARY BUDGETS; OTHER APPROPRIATIONS

602 (a) Intradepartmental Transfers - With the approval of the Mayor, funds appropriated
603 for one (1) line item within the appropriation made for a particular municipal agency may be
604 transferred to another line item within the same municipal agency. Whenever such a transfer is
605 authorized by the Mayor, notice of the transfer and the circumstances under which such transfer
606 was deemed advisable shall be filed with the Clerk of the City Council.

607 (b) Interdepartmental Transfers - With the approval of the City Council, funds
608 appropriated to the use of 1 municipal agency may be transferred to the use of another municipal
609 agency as provided in this section.

610 The City Council may, by majority vote, on recommendation of the Mayor, transfer
611 within the last 2 months of a fiscal year or during the first 15 days of a new fiscal year to apply to
612 the previous fiscal year, an amount appropriated for the use of any department; provided,
613 however, that no transfer shall be made at any other time of any amount appropriated for the use
614 of a City department to the appropriation for any other department except by a 2/3 vote of the
615 City Council; and provided further, that the City Council shall, by ordinance, provide a
616 procedure governing such requests, which shall include at least 2 readings and a public hearing
617 by the City Council and it shall specify the circumstances under which notice by publication in a
618 newspaper shall be required. A request for a transfer of funds from 1 municipal agency to
619 another shall be made by the Mayor, in writing, to the City Council shall include a statement
620 setting forth the reason the additional funds are needed by the agency to which it is proposed
621 they be transferred. The request shall be accompanied by a certificate, signed by the finance

622 director, accountant and head of the agency from which the appropriation is proposed to be
623 taken, that such transfer will not prevent that agency from performing its vital functions.

624 The City Council shall hold a public hearing prior to its approval. Notice of the hearing
625 shall be posted or published at least 5 days prior to the vote in accordance with the City
626 ordinance governing such requests.

627 (c) Appropriation - Whenever the Mayor shall submit to the City Council a request
628 for a new appropriation of any sum of money, either a supplement to some item in the annual
629 operating budget or for an item, or items, not included in the annual operating budget as adopted,
630 the City Council shall not act upon such request until it has (1) given public notice of the request,
631 and (2) held a public hearing concerning such request. The City Council shall, by ordinance,
632 determine the level of appropriation request above which amount newspaper publication will be
633 required and below which amount posting on the City bulletin boards will be sufficient.

634 SECTION 5-8: ALLOTMENTS

635 (a) On or before August first of each year, or within ten (10) days after the approval
636 of the City Council and the Mayor of the annual appropriation order for such fiscal year,
637 whichever shall occur later, the City officials in charge of departments or agencies, including the
638 Superintendent of Schools for the school department, shall submit to the Chief Financial Officer,
639 with a copy to the City Clerk, in such form as the Chief Financial Officer may prescribe, an
640 allotment schedule of the appropriations of all categories included in said budget, indicating the
641 amounts to be expended by the department or agency for personnel and for every other budget
642 category during each of the fiscal quarters of said fiscal year, or such shorter time periods as the
643 Mayor or Chief Financial Officer may prescribe.

644 (b) Whenever said Chief Financial Officer determines that any department or agency,
645 including the school department, will exhaust or has exhausted its quarterly or shorter time
646 period allotment and any amounts unexpended in previous periods, he shall give notice in
647 writing to such effect to the department head, the Mayor, the City Attorney, and to the City Clerk
648 who shall forthwith transmit the same to the City Council. Upon such a determination and notice
649 thereof, said Chief Financial Officer shall provide such officers additional reports on at least a
650 monthly basis indicating the status of such accounts.

651 (c) The Mayor, within seven (7) days after receiving such notice, shall determine
652 whether to waive or to enforce such allotment. If the allotment for such period is waived or is not
653 enforced, as provided above, the department or agency head shall reduce the subsequent period
654 allotments appropriately. If the allotment for such period is enforced or not waived, thereafter the
655 department, on such a schedule to be approved by the Mayor and Chief Financial Officer, shall
656 so adjust expenditures to eliminate the deficit. All actions, notices, and decisions provided for in
657 this section shall be transmitted to the City Council and the City Clerk within seven (7) days.

658 (d) No expenses earned or accrued, within any department, shall be changed to or
659 paid for such department's or agency's allotment of a subsequent period without approval by the
660 Mayor, except for subsequently determined retroactive compensation adjustments, approval of a
661 payroll for payment of wages, or salaried or other personnel expenses. If the continued payment
662 of wages, salaries or other personal expenses is not approved in a period where a department
663 head has exhausted the period allotment or allotments as specified above, or, in any event if a
664 department has exceeded its appropriation for a fiscal year, the City shall have no obligation to
665 pay such personnel cost or expense arising after such allotment or appropriation has been
666 exhausted.

667 SECTION 5-9: PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF
668 APPROPRIATIONS

669 (a) No official of the City of Greenfield, except in the case of an emergency
670 involving the health and safety of the people or their property, shall intentionally expend in any
671 fiscal year any sum in excess of the appropriations duly made in accordance with law, nor
672 involve the City in any contract for the future payment of money in excess of such
673 appropriations. It is the intention of this section that the provisions of MGL c. 44, ~ 31, shall be
674 strictly enforced.

675 (b) Any official who violates the provisions of this section shall be personally liable
676 to the City for any amounts so expended to the extent the City does not recover such amounts
677 from the person to whom such sums were paid.

678 SECTION 5-10: CAPITAL IMPROVEMENT PROGRAM

679 (a) The Mayor shall submit a capital improvement program to the City Council at
680 least one hundred twenty (120) days before the start of each fiscal year. The capital improvement
681 program shall be based on material prepared by the capital improvement program committee
682 established by ordinance. It shall include:

- 683 1. A clear and concise general summary of its contents;
- 684 2. A list of all capital improvements proposed to be undertaken during the next
685 ensuing five (5) years, with supporting information as to the need for each capital improvement;
686 cost estimates, methods of financing and recommended time schedules for each improvement;
687 and,

688 3. The estimated annual cost of operating and maintaining each facility and piece of
689 major equipment involved.

690 (b) This information is to be annually revised by the Mayor with regard to the capital
691 improvements still pending or in the process of being acquired, improved or constructed.

692 SECTION 5-11: INDEPENDENT AUDIT

693 The City Council shall annually provide for an outside audit of the books and accounts
694 of the City to be made by a certified public accountant, or a firm of certified public accountants,
695 who have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its
696 officers. The Mayor shall annually provide to the City Council a sum of money sufficient to
697 satisfy the estimated cost of conducting the audit as presented to the Mayor, in writing, by the
698 City Council. The award of a contract to audit shall be made by the City Council, on or before
699 September fifteenth of each year. The City Council shall coordinate the work of the individual or
700 firm selected with the municipal officials. The report of the audit shall be filed in final form with
701 the City Council not later than March first in the year following its award.

702 ARTICLE 6

703 ADMINISTRATIVE ORGANIZATION

704 SECTION 6-1: ORGANIZATION OF CITY AGENCIES

705 (a) The organization of the City into operating agencies for the provision of services
706 and the administration of the government may be accomplished through either of the methods
707 provided in this article.

708 (b) Ordinances - Subject only to express prohibitions in a general law or the
709 provisions of this Charter, the City Council may, by ordinance, reorganize, consolidate, create,
710 merge, divide or abolish any City agency, in whole or in part; establish such new City agencies
711 as it deems necessary or advisable, determine the manner of selection, the term of office and
712 prescribe the functions of all such entities; provided, however, that no function assigned by this
713 Charter to a particular City agency may be discontinued, or assigned to any other City agency,
714 unless this Charter specifically so provides.

715 (c) Administrative Code - The Mayor may from time to time prepare and submit to
716 the City Council plans of organization or reorganization which establish operating divisions for
717 the orderly, efficient or convenient conduct of the business of the City. Whenever the Mayor
718 prepares such a plan the Mayor shall hold one (1) or more public hearings on the proposal giving
719 notice by publication in a local newspaper, which notice shall describe the scope of the proposal
720 and the time and place at which the hearing will be held, not less than seven (7) nor more than
721 fourteen (14) days following said publication. Following such public hearing, the proposal,
722 which may have been amended subsequent to the public hearing, shall be submitted to the City
723 Council by the Mayor. An organization or reorganization plan shall become effective at the
724 expiration of sixty (60) days following the date on which the proposal is submitted to the City
725 Council unless the City Council shall, within said sixty (60) days, by a majority vote, vote to
726 disapprove the plan. The City Council may vote only to approve or to disapprove the plan and
727 may not vote to amend or to alter it. The Mayor may, through the administrative code, and
728 subject only to express prohibitions in a general law, or this Charter, reorganize, consolidate or
729 abolish any City agency, in whole or in part; establish such new City agencies as is deemed
730 necessary to the same extent as is provided in subsection (b), above, for ordinances; and for such

731 purpose transfer the duties and powers and, so far as is consistent with the use for which the
732 funds were voted by the City, transfer the appropriation of one City agency to another; provided,
733 however, that no function assigned by this Charter to a particular City agency may be
734 discontinued or, assigned to any other City agency unless this Charter specifically so provides.

735 Every organization or reorganization plan submitted by the Mayor pursuant to this
736 provision shall contain a proposed ordinance which sets out, in detail, such amendments,
737 insertions, revisions, repeals or otherwise of existing ordinances as may be necessary to
738 accomplish the desired reorganization. Such reorganization plan and proposed ordinance shall be
739 accompanied by a message of the Mayor, which explains the benefits expected to ensue if the
740 plan is adopted.

741 SECTION 6-2: MERIT PRINCIPLE

742 All appointments and promotions of City officers and employees shall be made on the
743 basis of merit and fitness demonstrated by examination, or by other evidence of competence and
744 suitability.

745 SECTION 6-3: DEPARTMENT OF MUNICIPAL FINANCE

746 (a) Establishment, Scope - There shall be a Department of Municipal Finance
747 responsible for the performance of all of the fiscal and financial activities of the City. The
748 Director of Municipal Finance shall assume all of the duties and responsibilities related to
749 municipal finance activities which prior to the adoption of the Home Rule Charter were
750 performed by or under the authority of the City Accountant, the City Treasurer, the City
751 Collector, and the Board of Assessors; and it may have such additional powers, duties and
752 responsibilities with respect to municipal finance related functions and activities as the City

753 from time to time provide, by ordinance. So much of the powers of a chief procurement officer
754 which the Mayor does not personally exercise, shall be assigned to the Department of Municipal
755 Finance. All activity by the Mayor acting as a Chief Procurement Officer shall be processed
756 through the Department of Municipal Finance.

757 (b) Director of Municipal Finance - The Department of Municipal Finance shall be
758 under the direct control and supervision of a Director of Municipal Finance who shall be
759 appointed by and who shall be responsible to the Mayor. The Mayor shall also appoint the
760 person, or persons, performing the duties of City Collector and City Treasurer. The Director of
761 Municipal Finance shall be a person especially fitted by education, experience and training to
762 perform the duties of the office. The Director of Municipal Finance shall be responsible for the
763 supervision and coordination of all activities of the Department of Municipal Finance in
764 accordance with General Laws, City bylaw, administrative code and rules and regulations. The
765 Director of Municipal Finance shall serve, as the Mayor may from time to time specify, as the
766 City Treasurer, City Collector, Treasurer-Collector or City Accountant.

767 SECTION 6-4: DEPARTMENT OF PLANNING AND DEVELOPMENT

768 (a) Establishment, Scope - There shall be a Department of Planning and Development
769 responsible for the coordination of all the planning and development related activities of the
770 City. The Director of Planning and Development shall be responsible for the coordination of all
771 of the duties and responsibilities related to planning and development activities which prior to
772 the adoption of the Home Rule Charter were performed by or under the authority of the Planning
773 Board, Board of Appeals, and the Conservation Commission; and it may have such additional
774 powers, duties and responsibilities with respect to the coordination of planning and development

775 related functions and activities as the City may from time to time provide, by ordinance, and
776 which may include the coordination of all land acquisition and land management proposals,
777 economic development planning, the preparation of a comprehensive or master plan and
778 maintenance of a centralized source of records, reports, statistical data and other planning and
779 development related materials.

780 (b) Director of Planning and Development - The Department of Planning and
781 Development shall be under the direct control and supervision of a Director of Planning and
782 Development who shall be appointed by and who shall be responsible to the Mayor. The Director
783 of Planning and Development shall be a person especially fitted by education, experience and
784 training to perform the duties of the office. The Director of Planning and Development shall be
785 responsible for the supervision and coordination of all activities of the Department of Planning
786 and Development in accordance with General Laws, City ordinances, administrative code and
787 rules and regulations.

788 SECTION 6-5: ASSISTANT TO THE MAYOR FOR ECONOMIC DEVELOPMENT
789 AND MARKETING

790 The Mayor may appoint an Assistant for Economic Development and Marketing for an
791 indefinite period term whose function it is to promote the economic development and marketing
792 of the City of Greenfield in accordance with the direction of the Mayor.

793 SECTION 6-6: DEPARTMENT OF CENTRAL MAINTENANCE

794 There shall be a Department of Central Maintenance consistent with the Central
795 Maintenance Committee's recommendations as provided by ordinance.

796 SECTION 6-7: PLANNING AND CONSTRUCTION OF MUNICIPAL BUILDINGS
797 AND OTHER FACILITIES

798 (a) Compensation, Mode of Appointment and Term of Office - There shall be a
799 Planning and Construction Committee (which may be referred to as the "Planning and
800 Construction Committee") consisting of seven (7) members. Six (6) of the committee members
801 shall be appointed by the Mayor for terms of three (3) years each so arranged that the term of
802 two (2) members shall expire each year. In making appointments to the committee, the Mayor
803 shall seek persons having experience in the fields of architecture, engineering, construction, real
804 estate, or law. The seventh member of the committee shall be designated, annually, by the
805 School Committee and may, be a member of the School Committee.

806 (b) Powers and Duties - The Planning and Construction Committee shall be
807 responsible for monitoring the physical condition of all municipal buildings and other facilities.
808 The committee shall meet from time to time with representatives of municipal agencies to
809 evaluate the need for additions, renovations, or remodeling of any existing building or facility or
810 for the construction of new buildings or other facilities. The committee shall file written reports,
811 at least annually, with the Mayor in which, it shall make recommendations as to the need for any
812 project or projects.

813 Whenever any construction work on any municipal building or other facility is
814 authorized, the Planning and Construction Committee shall be responsible for all work in
815 connection with the project including site planning, surveying, engineering studies, architectural
816 plans and specifications and the supervision of construction.

817 SECTION 6-8: DEPARTMENT OF HUMAN RESOURCES

818 (a) Establishment, Scope - There shall be a Department of Human Resources, which
819 shall be responsible for all personnel and employee-related functions and activities of the City
820 government and its administration. The Department of Human Resources shall assume all of the
821 duties and responsibilities related to human resources activities which, prior to the adoption of
822 the Home Rule Charter, were performed by or under the authority of the City Accountant, the
823 City Treasurer, and the heads of City agencies; and it may have such additional powers, duties
824 and responsibilities with respect to human resources related functions and activities as the City
825 may from time to time provide, by ordinance. The Department of Human Resources may, at the
826 request of the School Committee, perform any of the same services for employees of the school
827 department as it provides for City employees generally.

828 The functions of the Department of Human Resources shall include the following:

829 1. Plan, administer and direct all phases of all municipal personnel plans and
830 collective bargaining agreements, including job description, position classification, sick and
831 vacation day administration, accident prevention programs, employee grievance procedures,
832 physical examination processing, testing, review and evaluation of work records and all other
833 record keeping related to City employees.

834 2. Develop new and revised personnel policies and practices to maintain and keep
835 current the existing high standards for municipal personnel.

836 3. Review and evaluate all requests for new or additional personnel made by City
837 agencies and make recommendations to the Mayor.

838 4. Advise and assist all agency heads and employees in all aspects of municipal
839 personnel matters including recruitment, promotion, transfer, training, wages, insurance and
840 other benefits of employment.

841 (b) Director of Human Resources - The department shall be headed by a Director of
842 Human Resources appointed by the Mayor and who shall be responsible to the Mayor. The
843 Director of Human Resources shall be a person especially fitted by education, experience and
844 training to perform the duties of the office. The Director of Human Resources shall be
845 responsible for the supervision and coordination of all activities of the Department of Human
846 Resources in accordance with General Laws, City ordinances, administrative code and rules and
847 regulations.

848 SECTION 6-9: BOARD OF LICENSE COMMISSIONERS

849 (a) There shall be a Board of License Commissioners which shall have the power to
850 issue licenses for inn-holders or common victuallers, have the powers of a Licensing Board
851 appointed under MGL c. 138, § 4, and to be the licensing authority for the purposes of Chapter
852 138 and Chapter 140 of the General Laws and which shall have all of the other powers with
853 respect to licenses which prior to the adoption of the Home Rule Charter were exercised by the
854 Board of Selectmen. The Board of License Commissioners may grant licenses relating to
855 alcoholic beverages under Chapter 138 of the General Laws and those licenses under Chapter
856 140 of the General Laws which are not, by the provisions of said chapter, placed within the
857 jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of
858 a licensing authority under said chapters.

859 (b) The Board of License Commissioners shall consist of five (5) voters appointed by
860 the Mayor for terms of three (3) years, beginning on the first business day of July. No person
861 while a member of the Board of License Commissioners shall have any connection, directly or
862 indirectly, with the sale or distribution of alcoholic beverages in any form.

863 SECTION 6-10: RECREATION COMMISSION

864 There shall be a Board of Recreation Commissioners consisting of five (5) members and
865 two (2) alternates appointed by the Mayor and approved by the City Council, serving staggered
866 three-year terms. The Board of Recreation Commissioners shall act in an advisory capacity to the
867 Mayor. Any vacancy of a regular member of the Recreation Commission shall be filled by the
868 appointment of an alternate member by the Mayor.

869 SECTION 6-11: PUBLIC SAFETY COMMISSION

870 (a) There shall be a Public Safety Commission consisting of five (5) members, all of
871 whom shall be residents and registered voters of the City, appointed by the Mayor subject to
872 provisions of section 2-10.

873 (b) At the first meeting in each fiscal year, the commission shall elect a chairperson,
874 vice chairperson and secretary and the secretary shall keep a record of its meetings. (Amended
875 1/5/2017)

876 (c) The members shall serve 3-year staggered terms. Commission members shall serve
877 without compensation.

878 (d) Powers and Duties: The commission shall assist the Mayor in the supervision and
879 oversight of the police and fire departments, including the coordination of the administration of

880 both departments with one another, and with other City departments and agencies by making
881 recommendations to the Mayor concerning.

882 1. Setting priorities within said departments;

883 2. The annual operating budgets of both departments, after the Mayor and
884 commission have met with the chiefs to discuss the proposed budgets;

885 3. The capital budget requests of both departments, after the Mayor and the
886 commission have met with the chiefs to discuss the requests, provided, however, that
887 commission members may only inspect the departments on an annual basis in connection with
888 the budget review or in relation to a written complaint from the public. (Inspections shall be
889 made only after approval from the chief has been obtained to insure it will not unduly disrupt
890 department operations.)

891

892 4. Final interviews for appointments and promotions of officers and men and
893 women, in the police and fire department, shall be conducted by the commission and the chief.
894 The chief shall submit his recommendations to the commission and the commission, if it does
895 not agree with said recommendations, shall submit written reasons for not concurring with said
896 recommendations to the Mayor. Appointments and promotions of public safety personnel shall
897 be made in accordance with Civil Service Law and General Laws, and local hiring policy
898 requirements as defined by the Mayor, respectively.

899 (e) The commission shall review written complaints made by the public concerning:

900 The operation of the police and fire departments, and the conduct of employees of both
901 departments.

902 All written complaints received shall be forwarded to the chief of the department to
903 which they relate and the chief shall investigate or cause to be investigated said complaints and
904 submit his findings and recommendations, in connection therewith, that he deems appropriate.

905 The commission shall adopt such rules and regulations, consistent with this ordinance,
906 the civil service statute and police and fire collective bargaining agreements, as it deems
907 necessary to establish procedures to be followed in filing of written complaints by the public,
908 investigating complaints and holding hearings concerning complaints made to it regarding the
909 operation of the police or fire department and the conduct and officers and employees of each
910 department. Citizen complaints shall be considered part of the employee's personnel file.

911 The commission shall apply the principle of progressive discipline, except those instances
912 where more severe punishment is warranted.

913 (f) Meetings.

914 1. The Commission shall meet on a regular basis.

915 2. Special meetings may be called by the Mayor, Chairman of the Commission or
916 majority vote of the Commission,

917 3. Minutes shall be kept of all public meetings,

918 4. The Commission may establish its own rules of procedure including those
919 governing the conduct of its meetings.

920 (g) In the event of a vacancy, the Mayor shall make an appointment for the balance of
921 said term subject to City Council approval pursuant to section 2-10.

922 (h) No member of the Commission shall be an employee of the police department or
923 fire department, nor shall any member of his or her family be an employee or retired member of
924 the police or fire department within sixty (60) months of his or her retirement date.

925 "Family member" shall mean father, mother, spouse, child, stepchild, grandchild, brother,
926 sister, bother-in-law, sister-in-law, nephew, and niece.

927 (i) Commission members shall be special municipal employees.

928 SECTION 6-12: LIBRARY TRUSTEE

929 (a) There shall be a Board of Trustees of the Greenfield Public Library which shall
930 consist of seven (7) persons appointed by the Mayor, with approval by the City Council, for a
931 term of three (3) years so arranged that the terms shall be staggered.

932 (b) The Board of Trustees of the Public Library shall set policies that affect the
933 internal operations of the L ibrary. The Board shall have the custody and management of the
934 Library and reading rooms and of all property, including Library trust funds, of the City Library
935 devoted to Library purposes, subject to the following conditions: all funds raised or appropriated
936 by the City for the support and maintenance of the Library shall be expended under the direction
937 of the said Board subject to the approval of the Mayor. The Mayor, Library Director, and the
938 Chairperson of the Library Trustees shall consult each other prior to the submission of the
939 Library budget to the Mayor for appropriation.

940 (c) The Mayor shall, in addition, have the following powers and duties to appoint the
941 Director upon the recommendation of the Board of Trustees and such Director shall be in charge
942 of the day-to-day operations of the Library, subject to the personnel policies of the City and the
943 Direction of the Board of Trustees.

944 (d) The Director shall, in addition, have the following powers and duties:

945 1. To appoint all other officers and employees connected with the Library upon the
946 approval of the Mayor within the limits established by collective bargaining agreements or
947 otherwise, to fix their salaries, define their duties, make rules concerning their tenure of office
948 and to discharge them.

949 2. To make all reasonable rules and regulations for the operation and management of
950 the Library in consultation with the Mayor.

951 (e) The Board of Trustees of the Public Library shall, in all matters of general
952 municipal policy and procedures, be subject to policy directives designed to achieve uniformity
953 and better administrative control as may from time to time be issued by the Mayor.
954 Responsibility for the ordinary maintenance of library buildings and grounds may be transferred
955 to a City Central Maintenance Department by ordinance adopted by the City Council. The Board
956 of Trustees of the Public Library shall have all the other powers and duties as may be provided
957 by General Law, by Charter, by ordinance or otherwise.

958 SECTION 6-13: ZONING BOARD OF APPEALS

959 (a) There shall be a Zoning Board of Appeals consisting of five (5) members and two
960 (2) alternates appointed by the Mayor, approved by City Council for staggered terms of three (3)
961 years.

962 (b) The Zoning Board of Appeals shall have all powers which are conferred on
963 zoning boards of appeal by the General Laws and such additional powers and duties as may be
964 provided by this Charter, by ordinance or otherwise.

965 (c) Any vacancy of a regular member of the Zoning Board of Appeals shall be filled
966 by the appointment of an alternate member by the Mayor.

967 SECTION 6-14: BOARD OF ASSESSORS

968 (a) There shall be a Board of Assessors consisting of three (3) members, one (1)
969 appointed by the Mayor for an indefinite term, who would act as "chief assessor" and two (2)
970 elected at large by the voters, for staggered terms of 4 years.

971 (b) The Board of Assessors shall have all powers which are conferred on Board of
972 Assessors by the General Laws and such additional powers and duties as may be provided by this
973 Charter, by ordinance or otherwise.

974 (c) Unless otherwise provided by law, the Assessor appointed by the Mayor shall be a
975 full-time employee of the City and entitled to all the benefits occasioned thereby. The
976 compensation of each Assessor shall be determined by bylaw.

977 (d) Term of Office – The term of office for all elected members of the board of assessors
978 shall be 4 years each, with staggered terms, beginning on the first business day of January after
979 the City Election and until the member's successor has been qualified.

980 SECTION 6-15: CITY CONSTABLES

981 (a) There shall be two (2) City Constables appointed by the Mayor for a term of three
982 (3) years.

983 (b) City Constables shall have all those powers granted to them by the General Laws
984 and shall perform whatever duties authorized by law at the request of the Mayor.

985 (c) City Constables shall be paid an annual salary as voted by ordinance.

986 SECTION 6-16: BOARD OF HEALTH

987 (a) There shall be a Board of Health consisting of three (3) members appointed by the
988 Mayor for a staggered term of three (3) years, one (1) of whom shall be a physician or a licensed
989 qualified health care professional.

990 (b) The Board of Health shall have all those powers of all other Boards of Health in
991 this commonwealth and all powers provided by the General Laws and whatever powers are
992 granted to it by the City Council.

993 SECTION 6-17: REGISTRARS OF VOTERS

994 (a) There shall be a Board of Registrars of Voters consisting of four (4) members,
995 appointed by the Mayor, with City Council approval, in accordance with the General Laws.

996 (b) The members of the Board of Registrars shall receive such compensation for their
997 services as set by ordinance.

998 SECTION 6-18: COUNCIL ON AGING

999 (a) There shall be a Council on Aging consisting of not less than three (3) nor more
1000 than fifteen (15) members, appointed by the Mayor for staggered three-year terms.

1001 (b) The Council on Aging Director or designee shall consult with the Mayor prior to
1002 submission of the Council on Aging budget to the City Council for appropriation.

1003 (c) The Council on Aging shall, in addition, have the following powers and duties: to
1004 select and submit to the Mayor for appointment the candidate to serve as Director of the Council
1005 on Aging who shall be charged with the day-to-day administration of the Senior Center, subject
1006 to the personnel policies of the City, the direction of the Mayor, and the ordinances and policies
1007 of the Council on Aging.

1008 (d) The Council on Aging shall have management of the Senior Center. The director
1009 shall, in addition, have the following powers and duties: to hire all employees of the Senior
1010 Center, subject to the approval of the Mayor and within the limits established by collective
1011 bargaining agreements or otherwise; to define their duties; and to make recommendations for
1012 discharge.

1013 (e) The Council on Aging shall have all other powers and duties as may be provided
1014 by all other applicable laws or otherwise granted by the City Council.

1015 SECTION 6-19: CITY ATTORNEY

1016 (a) The City Attorney shall be appointed by the Mayor for an indefinite term.

1017 (b) The City Attorney shall be a member in good standing of the Bar of the
1018 Commonwealth of Massachusetts and shall have sufficient experience and training in municipal

1019 law to represent the City in connection with its municipal affairs and before the Courts of this
1020 commonwealth and the United States.

1021 (c) The City Attorney shall receive an annual salary and other benefits and
1022 allowances for expenses as voted by the City Council.

1023 (d) He/She shall not represent any corporation, individual, business, committee,
1024 authority, board or political subdivision of any kind or description which contracts with or has
1025 any direct or indirect connection with the City. The Mayor may, upon complete disclosure by the
1026 City Attorney of his/her intent to represent any individual, corporation or entity, allow such
1027 representation provided the Mayor grants such permission in writing, a copy of which shall be
1028 filed with the City Clerk and shall be deemed a public record.

1029 (e) Nothing in this section shall prevent the Mayor from retaining other counsel in
1030 order to represent the City from time to time as the Mayor deems appropriate.

1031 SECTION 6-20: PLANNING BOARD

1032 (a) There shall be a Planning Board consisting of seven (7) members; five (5)
1033 members and two (2) alternates appointed by the Mayor, with approval by City Council, serving
1034 staggered three-year terms.

1035 (b) The Planning Board shall have all powers which are conferred on planning boards
1036 by General Laws and such additional powers and duties as may be provided by this Charter, by
1037 ordinance or otherwise.

1038 (c) Any vacancy of a regular member of the Planning Board shall be filled by the
1039 appointment of an alternate member by the Mayor.

1040 SECTION 6-21: CONSERVATION COMMISSION

1041 (a) There shall be a Conservation Commission consisting of five (5) members
1042 appointed by the Mayor, with approval by City Council, serving staggered three-year terms.

1043 (b) The Conservation Commission shall have all powers which are conferred on
1044 Conservation Commissions by General Laws and such additional powers and duties as may be
1045 provided by this Charter, by ordinance or otherwise.

1046 (c) Any vacancy of a regular member of the Conservation Commission shall be filled
1047 by the appointment of a new member by the Mayor

1048 SECTION 6-22: OTHER ELECTED OFFICIALS

1049 (a) At the election, the voters shall, in every year when the terms of officers referred to
1050 herein expire, elect the following City officers for the following terms: 3 trustees of the A.K.
1051 Warner Trust for a term of 2 years; 3 trustees of the Jennie L. Bascom Education Fund for a term
1052 of 2 years; 1 elector under the Will of Oliver Smith for a term of 2 years; and such other officers
1053 as required by law to be elected.

1054 (b) Any vacancy to the above-named elected offices shall be filled by the remaining
1055 members of the particular office and the Mayor at a joint meeting appointing an individual who
1056 shall serve until the next annual election.

1057 SECTION 6-23: CABLE ADVISORY BOARD

1058 (a) There shall be a Cable Advisory Board consisting of three (3) regular members,
1059 and two (2) alternates, appointed by the Mayor, with City Council approval, serving staggered
1060 three-year terms.

1061 (b) Any vacancy of a regular member of the Cable Advisory Board shall be filled by
1062 the appointment of an alternate member by the Mayor.

1063 SECTION 6-24: MAYOR'S TASK FORCE AGAINST DOMESTIC VIOLENCE

1064 (a) There shall be a Mayor's task force against domestic violence to advise the Mayor
1065 with regard to the formation of public policy on domestic violence. The task force shall consist
1066 of 7 members, 3 of whom shall be appointed by the Mayor with review by the City Council as
1067 provided in section 2-10, and 4 of whom shall be appointed as provided in subsection (c).

1068 (b) In making the Mayoral appointments, the Mayor shall seek persons who are: (i)
1069 experienced in the field of youth services; (ii) members of women's and men's advocacy groups;
1070 (iii) mental health providers; (iv) probation officers in the district or superior court system;
1071 and (v) medical professionals on the staff at the Franklin Medical Center. The 3 members to be
1072 appointed by the Mayor shall serve for terms of 3 years.

1073 (c) The remaining 4 members of the committee shall include: (i) a police officer
1074 designated by the chief of police; (ii) a representative of the Franklin County District Attorney's
1075 Office designated by the Franklin County district attorney; (iii) the Mayor or the Mayor's
1076 designee; and (iv) a City Councilor designated by the City Council President. The 4 remaining
1077 members shall serve for terms of 2 years.

1078 (d) At least 4 members of the task force shall reside in the City of Greenfield. The
1079 committee shall meet at least twice annually and shall provide its members with notice of the
1080 meetings at least 15 days in advance of such meetings.

1081 (e) The committee shall select a chair by majority vote of the members at a meeting duly
1082 called for that purpose.

1083 (f) The terms of all of the members shall be so arranged so that at least 2 of the members'
1084 terms shall expire each year.

1085 ARTICLE 7

1086 ELECTIONS; ELECTION RELATED MATTERS

1087 SECTION 7-1: CITY ELECTIONS

1088 The regular City Election shall be held on the first Tuesday after the first Monday in
1089 November on years ending in an odd number. All City Elections shall be nonpartisan and no
1090 party mark, emblem or other designation shall appear on any ballot used at a preliminary or
1091 general election for City offices.

1092 SECTION 7-2: PRELIMINARY ELECTION

1093 (a) A Preliminary Election shall be held not less than six (6) weeks prior to the
1094 general election on a Tuesday chosen by the City Clerk, with the approval of the City Council, so
1095 as to not conflict with any civil or religious holidays.

1096 (b) Signature Requirements - The number of signatures of voters required to place the
1097 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:
1098 for the office of Mayor not less than one hundred (100) such signatures, provided, however, that
1099 not more than twenty-five (25) signatures from any one precinct shall be counted in the
1100 minimum number of required signatures; for the office of Councilor-at-Large or School
1101 Committee member, not less than one hundred (100) such signatures, provided, however, that

1102 not more than twenty-five (25) signatures from any one (1) precinct shall be counted in the
1103 minimum number of required signatures; for the office of Precinct Councilor not less than fifty
1104 (50) such signatures, all of which shall be from the precinct from which the nomination is
1105 sought; and for the office of assessor, not less than 100 signatures, provided, however, that not
1106 more than 25 signatures from any 1 precinct shall be counted in the minimum number of
1107 required signatures. All other elected officials shall be required to obtain not less than 25
1108 signatures to place the official's name on the ballot.

1109 (c) Ballot Position - The order in which names of candidates appear on the ballot for
1110 each office shall be determined by a drawing, by lot, conducted by the City Clerk, which shall be
1111 open to the public.

1112 (d) Determination of Candidates - The two (2) persons receiving at a preliminary
1113 election the highest number of votes for nomination for any office shall be the sole candidates for
1114 that office whose names shall be printed on the official ballots to be used at the regular general
1115 City election at which such office is to be voted upon, and no acceptance of a nomination shall
1116 be necessary to validate same. If two (2) or more persons are to be elected to the same office at
1117 such regular election, the several persons, in number equal to twice the number so to be elected,
1118 receiving at such preliminary election the highest number of votes for nomination for that office
1119 shall be the sole candidates for that office whose names shall be printed on the official ballots.

1120 If the preliminary election results in a tie vote among candidates for nomination receiving
1121 the lowest number of votes which, but for said tie vote, would entitle a person receiving the same
1122 to have their name printed on the official ballots for the election, all candidates participating in
1123 said tie vote shall have their names printed on the official ballots, although in consequence

1124 thereof there be printed on such ballots the names of candidates exceeding twice the number to
1125 be elected.

1126 (e) Condition Making Preliminary Unnecessary - If at the expiration of time for filing
1127 statements of candidates to be voted upon at any preliminary election not more than twice as
1128 many such statements have been filed with the City Clerk for an office as candidates are to be
1129 elected to such office, the candidates whose statements have been filed with the City shall be
1130 deemed to have been nominated to such office, and their names shall be voted upon for such
1131 office at the succeeding general election, and the City Clerk shall not print their names on the
1132 ballots to be used at said preliminary election and no other nomination to such office shall be
1133 made. If in consequence it shall appear that no names are to be printed upon the official ballots to
1134 be used in any particular precinct or precincts of the City, no preliminary election shall be held in
1135 such precinct or precincts.

1136 SECTION 7-3: BALLOT POSITION

1137 The order in which names of candidates appear on the ballot for each office at the
1138 preliminary and general election shall be determined by a drawing, by lot, conducted by the City
1139 Clerk which shall be open to the public.

1140 SECTION 7-4: PRECINCTS

1141 The territory of the City shall be divided into nine (9) precincts so established as to
1142 consist of as nearly an equal number of inhabitants in each precinct as is possible, in compact
1143 and contiguous territory, bounded insofar as possible by the center line of known streets or ways
1144 or by other well-defined limits. The City Council shall from time to time, but at least once in
1145 each ten (10) years, review such precincts to insure their uniformity in number of inhabitants.

1146 SECTION 7-5: APPLICATION OF STATE GENERAL LAWS

1147 Except as expressly provided in this Charter and authorized by law, all City Elections
1148 shall be governed by the General Laws of the commonwealth relating to the right to vote, the
1149 registration of voters, the nomination of candidates, the conduct of preliminary, general and
1150 special elections, the submission of Charters, Charter amendments and other propositions to the
1151 voters, the counting of votes, the recounting of votes, and the determination of results.

1152 SECTION 7-6: PETITIONS TO COUNCIL OR SCHOOL COMMITTEE

1153 (a) Individual Petitions, Action Discretionary - The City Council and the School
1154 Committee shall receive all petitions, signed by one (1) or more voters, which are addressed to
1155 either of them and may, in their discretion, take such action in regard to each such petition as
1156 may be deemed necessary and advisable.

1157 (b) Group Petitions, Action Required - The City Council or the School Committee
1158 shall hold a public hearing and act with respect to every petition which is addressed to it, which
1159 is signed by one hundred (100) voters, or more, and which seeks the passage of a measure. The
1160 hearing shall be held by the City Council or the School Committee, or, in either case, by a
1161 committee or subcommittee thereof, and the action by the City Council or the School Committee
1162 shall be taken not later than three (3) months after the petition is filed with the Clerk of the
1163 Council or the secretary of the School Committee as may be appropriate. Hearings on two (2) or
1164 more petitions filed under this section may be held on the same date and at the same time and
1165 place. The Clerk of the Council or the secretary of the School Committee shall mail notice of the
1166 hearing to the ten (10) persons whose names appear first on the petition at least forty-eight (48)
1167 hours before the hearing. Notice, by publication in a local newspaper not less than seven (7), nor

1168 more than fourteen (14) days prior to the date set for the public hearing, shall be at public
1169 expense.

1170 SECTION 7-7: CITIZEN INITIATIVE MEASURES

1171 (a) Commencement - Initiative procedures shall be started by the filing of a proposed
1172 initiative petition with the City Clerk. The petition shall be addressed to the City Council or to
1173 the School Committee, shall contain a request for the passage of a particular measure which shall
1174 be set forth in full in the petition, and shall be signed by not less than ten (10) voters of the City.
1175 The petition shall be accompanied by an affidavit signed by five (5) voters and containing their
1176 residential address, stating they will constitute the petitioners committee and be responsible for
1177 circulating the petition and filing it in proper form and shall indicate which member shall serve
1178 as clerk of the petitioners committee.

1179 (b) Referral to City Attorney - The City Clerk shall, following receipt of each such
1180 proposed petition, deliver a copy of the petition to the City Attorney. The City Attorney shall,
1181 not later than fifteen days after receipt of a copy of the petition, in writing, advise the City
1182 Council or the School Committee, as may be appropriate, whether: (1) the measure as proposed
1183 may lawfully be proposed by the initiative process; (2) whether, in its present form it may be
1184 lawfully adopted by the City Council or the School Committee; and (3) whether the City Clerk
1185 may issue blank forms as provided pursuant paragraph 7-7 (c). If the opinion of the City
1186 Attorney is that the measure fails in any respect the reply shall state the reasons for that opinion,
1187 in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated
1188 as clerk of the petitioners committee.

1189 (c) Submission to City Clerk - If the opinion of the City Attorney is that the petition
1190 is eligible pursuant to Section 7-7 (b), the City Clerk shall provide blank forms for the use of
1191 subsequent signers, and shall print at the top of each blank a fair, concise summary of the
1192 proposed measure, as determined by the City Attorney, together with the names and addresses of
1193 the first ten (10) voters who signed the originating petition. No later than ninety (90) days
1194 following the date the blank forms are issued by the City Clerk, the petitions shall be returned
1195 and filed with the City Clerk signed by not less than ten percent (10%) of the total number of
1196 voters voting in the most recent biennial City Election, but not less than five percent (5%) of all
1197 registered voters on the same date. Signatures to an initiative petition need not all be on one (1)
1198 paper, but all such papers pertaining to a measure shall be fastened together and filed as a single
1199 instrument, with the endorsement thereon of the name and residence address of the person
1200 designated as filing the same. With each signature on the petition there shall also appear the
1201 street and number of the residence of each signer.

1202 Not later than ten (10) days after the filing of the petition, the Board of Registrars of
1203 Voters shall ascertain by what number of voters the petition has been signed, and what
1204 percentage that number is of the total number of voters as of the date of the most recent regular
1205 biennial City Election. The City Clerk shall attach to the petition a certificate showing the results
1206 of the City Clerk's examination and shall return the petition to the Clerk of the Council or the
1207 secretary of the School Committee according to how the petition is addressed. A copy of the
1208 Board of Registrars of Voters certificate shall also be mailed to the person designated as clerk of
1209 the petitioners committee.

1210 (d) Action on Petitions – Not later than sixty (60) days after the date a petition is
1211 returned to the Clerk of the Council or the secretary of the School Committee by the City Clerk,

1212 and after publication in accordance with section 2-9(c), the City Council or the School
1213 Committee shall act with respect to each initiative petition by passing it without change, by
1214 passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The
1215 passage of a measure which is in lieu of an initiative measure shall be considered a rejection of
1216 the initiative measure. If the City Council or the School Committee fails to act with respect to
1217 any initiative measure which is presented to it not later than sixty (60) days after the date it is
1218 returned to it by the City Clerk, the measure shall be considered to have been rejected on the
1219 60th day. If an initiative measure is rejected, the City Clerk shall promptly give notice of that
1220 fact by certified mail to the person designated as clerk of the petitioners committee.

1221 (e) Supplementary Petitions - Not later than sixty (60) days after the date an initiative
1222 petition has been rejected, a supplemental initiative petition may be filed with the City Clerk by
1223 the petitioner's committee as determined in section 7-7(a). The supplemental initiative petition
1224 shall be in the same form as the initial petition and signed by a number of additional voters,
1225 which is equal or greater than five percent (5%) of the total number of voters voting in the most
1226 recent regular biennial City Election, but not less than two and one half percent (2 ½ %) of all
1227 registered voters as of the same date. If the number of signatures to a supplemental petition is
1228 found to be sufficient by the City Clerk, the City Council shall call a special election to be held
1229 on a date fixed by it that is not less than one hundred and twenty (120) nor more than one
1230 hundred eighty (180) days after the date of the certificate of the City Clerk that a sufficient
1231 number of voters have signed the supplemental initiative petition, and shall submit the proposed
1232 measure, without alteration, to the voters for determination; provided, however, that if the next
1233 regular biennial City Election is to be held not later than one (1) year after the date of the
1234 certificate, the City Council may omit the calling of a special election and cause the question to

1235 appear on the election ballot at the approaching election for determination by the voters at that
1236 election.

1237 (f) Publication - The full text of any initiative measure which is submitted to the
1238 voters shall be published in a local newspaper not less than seven (7) nor more than fourteen (14)
1239 days preceding the date of the election at which such question is to be voted upon. Additional
1240 copies of the full text shall be available for distribution to the public in the office of the City
1241 Clerk.

1242 (g) Form of Question - The ballots used when voting on a measure proposed by the
1243 voters under this section shall contain a question in substantially the following form:

1244 Shall the following measure, which was proposed by voters in an initiative petition, take
1245 effect?

1246 (Here insert the full text of the proposed measure, or a fair, concise summary prepared by
1247 the petitioners committee, and approved by the City Attorney)

1248 _____YES _____NO

1249 (h) Time of Taking Effect - If a majority of the votes cast on the question is in the
1250 affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified
1251 in such measure; provided, however, that no such measure shall be deemed to be adopted if
1252 fewer than twenty percent (20%) of the total number of voters have voted at the election at which
1253 the question has been voted upon.

1254 SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

1255 (a) Petition, Effect on Final Vote - If, not later than thirty (30) days after the date on
1256 which the City Council or the School Committee has voted to approve a petition which was
1257 addressed to the City Council or to the School Committee and signed by a number of voters
1258 equal to ten percent (10 %) of the total number of voters voting in the most recent regular
1259 biennial City Election, but not less than two and one half percent (2 ½ %) of all registered voters
1260 as of the same date, the petition is filed with the City Clerk, protesting against the measure or any
1261 part thereof then the effective date of such measure shall be temporarily suspended. Final
1262 approval under this section shall not be complete until the time for all remedies pursuant to
1263 Section 3-7 has expired. The School Committee or the City Council shall reconsider its vote on
1264 the measure or any part thereof at the next regularly scheduled meeting of that body and, if the
1265 measure is not rescinded the City Council, shall provide for the submission of the question for a
1266 determination by the voters either at a special election which it may call at its convenience, or
1267 within such time as may be requested by the School Committee, or at the next regular City
1268 Election; provided, however, that pending such submission and determination, the effect of the
1269 measure shall continue to be suspended.

1270 (b) Certain Initiative Provisions to Apply - The petition described in this section
1271 shall be termed a “referendum petition” and, insofar as applicable, subsection (a) of section 7-7
1272 describing the manner in which a petition is prepared and filed, subsection (b) of said section 7-7
1273 providing for referral to the City Attorney for a legal opinion, subsection (f) of said section 7-7
1274 providing for publication of the text of the measure and subsection (g) of said section 7-7
1275 providing for the form of ballot question shall apply to such referendum petitions, except that
1276 the words "measure or part thereof protested against" shall be deemed to replace the word
1277 "measure" in said subsections (a),(b),(f) and (g) of said section 7-7, each time it appears, and the

1278 word “referendum” shall be deemed to replace the word "initiative" in said subsections (a),(b),(f)
1279 and (g) of said section 7-7, each time it appears.

1280 (c) If not placed before the voters at a regular biennial election, in order for the
1281 referendum to be binding upon the City, twenty-five percent (25%) of the registered voters of the
1282 City shall vote on the measure or issue placed before the City by citizens' referendum procedure.

1283 SECTION 7-9: INELIGIBLE MEASURES

1284 None of the following shall be subject to the initiative or the referendum procedures:

1285 1. Proceedings relating to the internal organization or operation of the City Council
1286 or of the School Committee,

1287 2. An emergency measure adopted in conformity with the Charter,

1288 3. The City budget or the School Committee budget as a whole,

1289 4. Revenue loan orders,

1290 5. Any appropriation for the payment of the City’s debt or debt service,

1291 6. An appropriation of funds to implement a collective bargaining agreement,

1292 7. Proceedings relating to the election, appointment, removal, discharge,
1293 employment, promotion, transfer, demotion, or other personnel action,

1294 8. Any proceedings repealing or rescinding a measure or part thereof which is
1295 protested by referendum procedures, and

1296 9. Any proceedings providing for the submission or referral to the voters at an
1297 election.

1298 SECTION 7-10: SUBMISSION OF OTHER MATTERS TO VOTERS

1299 The City Council may of its own motion, and shall at the request of the School
1300 Committee if a measure originates with that body and pertains to affairs under its jurisdiction,
1301 submit to the voters at any regular biennial City Election for adoption or rejection any measure in
1302 the same manner and with the same force and effect as are hereby provided for submission by
1303 petitions of voters unless they shall designate that the measure is non-binding.

1304 SECTION 7-11: CONFLICTING PROVISIONS

1305 If two (2) or more measures passed at the same election contain conflicting provisions,
1306 only the one receiving the greatest number of affirmative votes shall take effect.

1307 SECTION 7-12: RECALL ELECTIONS

1308 (a) Application - Any person holding an elected office may be recalled from such
1309 office by the voters in accordance with the procedures made available in this section.

1310 (b) Recall Petition - Five hundred (500) or more voters may file with the Board of
1311 Registrars of Voters an affidavit containing the name of the elected at-large officer sought to be
1312 recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain
1313 the names of at least twenty-five (25) voters in each of the precincts into which the City is
1314 divided for the purpose of elections. One hundred (100) or more voters may file with the Board
1315 of Registrars of Voters an affidavit containing the name of the individual precinct elected officer
1316 sought to be recalled and a statement for the grounds for recall.

1317 If the affidavit is found to be valid the City Clerk shall thereupon deliver to the first ten
1318 (10) persons named on said affidavit, petition blanks demanding said recall, printed forms of
1319 which shall be kept available. The blanks may be completed by printing or by typewriting; they
1320 shall be addressed to the City Council; they shall contain the names and residence addresses of
1321 the ten (10) persons to whom they are issued and they shall contain the grounds for recall as
1322 stated in the affidavit; they shall demand the election of a successor to the office; and they shall
1323 be dated and signed by the City Clerk.

1324 The recall petitions shall be returned to the office of the Board of Registrars of Voters
1325 within twenty-one (21) days following the date they are issued, signed by not less than twenty
1326 percent (20%) of the total number of voters of the City as of the date of the most recent City
1327 Election.

1328 The sheets constituting a petition need not all be filed at the same time. For the purposes
1329 of this section such a petition shall be deemed filed whenever the persons responsible for its
1330 filing notify the Board of Registrars of Voters, in writing, that the filing is complete. Before
1331 receiving such notice the Board of Registrars of Voters may, but shall not be required to, certify
1332 signatures on the sheets already filed.

1333 The Board of Registrars of Voters shall not later than ten (10) days after the date the
1334 petition forms are filed certify both the number of signatures on the petition, which are the names
1335 of voters, and the percentage that number represents of the total number of voters voting and
1336 total number of voters registered as of the date of the most recent regular biennial City Election.

1337 (c) Recall Election - If the petitions are certified by the Board of Registrars of Voters
1338 to contain a sufficient number of signatures, the City Clerk shall forthwith submit the petitions,

1339 with their certificate, to the City Council. Upon receipt of the certified petition forms, the City
1340 Council shall forthwith give written notice to the officer whose recall is sought of the validity of
1341 such petitions. If the officer whose recall is sought does not resign the office not later than five
1342 (5) days after delivery of that written notice, or after leaving that written notice at the officer's
1343 last known place of residence, the City Council shall, after consultation with the City Clerk and
1344 the Board of Registrars of Voters, order a special election to be held on a date not more than
1345 ninety (90) days after the date of its notice to the officer whose recall is sought.

1346 (d) Ballot Question - Ballots used at the recall election shall state the proposition in
1347 substantially the following form:

1348 Shall (insert name of officer) be recalled from the office of (fill in office)?

1349 _____ YES _____ NO

1350 (e) Officeholder - The person whose recall is sought shall continue to hold the office
1351 and to perform the duties until the recall election. If a majority of the votes cast on the question
1352 as stated above is in the affirmative, the officer shall be deemed to be recalled and the office
1353 shall be deemed to be vacant upon the certification of the election results. If a majority of the
1354 votes cast on the said question is in the negative the person whose recall was sought shall
1355 continue in the office until the expiration of the term for which elected, but subject to recall as
1356 provided in section (f), below.

1357 (f) Restriction on Recall Petition - No recall petition shall be filed against any elected
1358 official until at least six (6) months following the commencement of a term of office, nor, in the
1359 case of any elected official subjected to a recall election and not recalled thereby, during the
1360 remainder of the current term of office. A recall election shall not be held if less than six (6)

1361 months of the term of office of any elected official remains at the time of the certification of the
1362 petition forms.

1363 (g) Filling of Vacancy - If the office of Mayor is declared vacant as the result of a
1364 recall election the City Council shall forthwith call a special election to be held on a date fixed
1365 by it not less than sixty (60) nor more than ninety (90) days following the date of the recall
1366 election. The person elected at such special election shall serve for the balance of the unexpired
1367 term remaining at the time of election.

1368 If a vacancy occurs in the office of City Council, or School Committee, it shall be filled
1369 in the manner provided (section 2-11, or section 4-6 respectively).

1370 No person recalled from an office under the terms of this section shall be eligible to be a
1371 candidate to fill any vacancy created by such recall.

1372 ARTICLE 8

1373 GENERAL PROVISIONS

1374 SECTION 8-1: CHARTER CHANGES

1375 (a) In General - This Charter may be replaced, revised or amended in accordance
1376 with any procedure made available under the State Constitution, or by statutes enacted in
1377 accordance with the State Constitution.

1378 (b) Periodic Review - The City Council shall provide, in every year ending in a zero,
1379 for a review of the Charter by a special or standing committee of the Council [consisting of not
1380 more than three (3) members] and four (4) additional persons to be appointed by the Mayor. The

1381 said committee shall file a report within the said year recommending any changes in the Charter,
1382 which it may deem to be necessary or desirable.

1383 SECTION 8-2: SEVERABILITY

1384 The provisions of this Charter are severable. If any provision of this Charter is held
1385 invalid, the other provisions shall not be affected thereby. If the application of this Charter, or
1386 any of its provisions, to any person or circumstance is held invalid, the application of this Charter
1387 and its provisions to other persons and circumstances shall not be affected thereby.

1388 SECTION 8-3: SPECIFIC PROVISION TO PREVAIL

1389 To the extent that any specific provision of this Charter may conflict with any other
1390 provision expressed in general terms, the specific provision shall prevail.

1391 SECTION 8-4: RULES AND REGULATIONS

1392 A copy of all rules and regulations adopted by City agencies shall be placed on file in
1393 the office of the City Clerk and shall be available for review by any person who requests such
1394 information at any reasonable time. No rule or regulation adopted by any City agency shall
1395 become effective until five (5) days following the date it is so filed.

1396 SECTION 8-5: REVIEW OF BYLAWS

1397 In each year ending in a 5 or in a 0, the City Council shall provide for a review of all
1398 ordinances of the City to determine if any amendments or revisions may be necessary or
1399 desirable. The review shall be conducted under the supervision of the City Attorney or, if the
1400 City Council so directs, by special counsel appointed for that purpose. A report, with
1401 recommendations, shall be submitted within that year.

1402 SECTION 8-6: RULES OF CONSTRUCTION

1403 (a) Number and Gender - Words importing the singular number may extend and be
1404 applied to several persons or things; words importing the plural number may include the
1405 singular; and words importing the masculine gender shall include the feminine gender.

1406 (b) Computation of Time - In computing time under the Charter, if less than seven (7)
1407 days "days" shall not include Saturdays, Sundays or legal holidays. If seven (7) days, or more,
1408 every day shall be counted.

1409 (c) References to General Laws - All references to General Laws contained in the
1410 Charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to
1411 refer to and to include any amendments or revisions to such chapters or sections, or to the
1412 corresponding chapters and sections of any rearrangement, recodification, or revision of such
1413 statutes enacted or adopted subsequent to the adoption of this Charter.

1414 SECTION 8-7: CERTIFICATE OF ELECTION OR APPOINTMENT

1415 (a) Every person who is elected, including those elected by the City Council, or
1416 appointed to an office of the City shall receive a certificate of such election or appointment from
1417 the City Clerk.

1418 (b) Except as otherwise provided by law, before performing any act under an
1419 appointment or election, all such persons shall take and subscribe to an oath of office and be
1420 sworn to the faithful performance of their duties.

1421 SECTION 8-8: OATH OF OFFICE OF MAYOR, COUNCILORS, AND SCHOOL
1422 COMMITTEE MEMBERS

1423 (a) The Mayor-elect, Councilors-elect and School Committee members-elect shall, on
1424 the first business day of the new year, meet and be sworn to the faithful discharge of their duties.
1425 The Mayor or Mayor-elect shall preside at such joint session. In years following the election of
1426 the Mayor the oath shall first be administered to that officer by the City Clerk, or by a judge of a
1427 court of record, or by a justice of the peace. The oath may be administered to the members of the
1428 City Council and the School Committee by the Mayor, after the Mayor has been duly sworn, or
1429 by any of the above named officials. A certificate that said oath or oaths have been taken shall be
1430 entered in the journal of the City Council.

1431 (b) In case of the absence of the Mayor-elect, or any member-elect of the City
1432 Council or School Committee on said day the oath of office may at any time thereafter be
1433 administered to such person who for any reason shall not have taken the oath on the day named.
1434 All such oaths subsequently taken shall be entered in the journal of the City Council.

1435 (c) After the oath has been administered to the Councilors present, they shall
1436 organize by the election of a president and a vice-president, as provided in section 2-2. The
1437 president shall be sworn by the City Clerk, or, in the case of the absence of the City Clerk, by
1438 any justice of the peace. After the oath has been administered to the School Committee members
1439 present, they shall organize by the election of a chair and a vice-chair, as provided in section 4-2.
1440 The chair shall be sworn by the City Clerk, or, in the case of the absence of the City Clerk, by
1441 any justice of the peace.

1442 (d) When the City Council and the School Committee meet to organize the members
1443 present, senior in years of service on such body, shall preside pending the election of a president,
1444 or of a chair, as the case may be. If two (2) or more of the members present have the same

1445 number of years of service the member present senior in both years of service and age shall
1446 preside.

1447 ARTICLE 9

1448 TRANSITIONAL PROVISIONS

1449 SECTION 9-1: CONTINUATION OF EXISTING LAWS, ETC.

1450 All General Laws, special laws, City ordinances, City Council votes and rules, and rules
1451 and regulations of or pertaining to the City that are in force when this Charter takes effect, and
1452 are not specifically or by implication repealed hereby, shall continue in full force and effect until
1453 amended or repealed, or rescinded by due course of law, or until they expire by their own
1454 limitation.

1455 SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

1456 Except as otherwise provided in this Charter, all City agencies shall continue to perform
1457 the duties until reelected, or until successors to their respective positions are duly appointed or
1458 elected and qualified, or until their duties have been transferred and assumed by another agency.

1459 SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

1460 All records, property and equipment whatsoever of any City agency, or part thereof, the
1461 powers and duties of which are assigned in whole or part to another City agency, shall be
1462 transferred forthwith to such agency.

1463 SECTION 9-4: EFFECT ON OBLIGATIONS, TAXES, ETC.

1464 All official bonds, recognizance's, obligations, contracts and other instruments entered
1465 into or executed by or to the City before the adoption of this Charter, and all taxes, assessments,
1466 fines, penalties, forfeitures, incurred or imposed, due or owing to the City, shall be enforced and
1467 collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise
1468 provided, shall continue without abatement and remain unaffected by the Charter; and no legal
1469 act done by or in favor of the City shall be rendered invalid by reason of the adoption of this
1470 Charter.

1471 SECTION 2. This act shall take effect upon its passage.