

SENATE No. 2667

Senate, October 4, 2018 -- Text of the Senate amendment (Senator Lewis) to the House Bill providing a charter for the city of Melrose (House, No. 4464)

The Commonwealth of Massachusetts

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

1 SECTION 1. The following shall be the charter for the city of Melrose:-

2 ARTICLE 1.

3 INCORPORATION; SHORT TITLE; DEFINITIONS.

4 SECTION 1-1. INCORPORATION.

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

8 SECTION 1-2. SHORT TITLE.

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

10 SECTION 1-3. DIVISION OF POWERS.

11 The administration of the fiscal, prudential and municipal affairs of Melrose, with the
12 government thereof, shall be vested in an executive branch headed by a mayor and a legislative

13 branch consisting of a board of aldermen. The legislative branch shall never exercise any
14 executive power, and the executive branch shall never exercise any legislative power.

15 SECTION 1-4. POWERS OF THE CITY.

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

21 SECTION 1-5. CONSTRUCTION.

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

25 SECTION 1-6. INTERGOVERNMENTAL RELATIONS.

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

31 SECTION 1-7. DEFINITIONS.

32 The following words shall have the following meanings unless the context requires
33 otherwise:-

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

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

37 "City", the city of Melrose.

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

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

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

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

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

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

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

56 "Local news publication", a newspaper of general circulation within the city, with either a
57 weekly or daily circulation; provided, however, that if no general circulation publication exists
58 within the city, "local news publication" shall also include online publications to the extent
59 permitted by law.

60 "Majority vote", when used in connection with a meeting of a multiple member body, a
61 majority of those present and voting unless another provision is made by ordinance, by-law or by
62 the body's own rules.

63 "Measure", an ordinance, order, resolution or other vote or proceeding adopted, or that
64 might be adopted, by the board of aldermen or the school committee.

65 "Multiple member body", any board, commission, committee, subcommittee or other
66 body consisting of not less than 2 persons whether elected, appointed or otherwise constituted;
67 provided, however, that "multiple member body" shall not include the board of aldermen or the
68 school committee.

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

72 "Previous election", the most recent election to have occurred for the particular position,
73 council or committee that is referenced.

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

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

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

79 ARTICLE 2.

80 LEGISLATIVE BRANCH.

81 SECTION 2-1. COMPOSITION, TERM OF OFFICE.

82 (a) Composition. There shall be a board of aldermen of that shall exercise the legislative
83 powers of the city. The board shall consist of 11 members, 4 of whom aldermen-at-large who
84 shall be nominated and elected by and from the voters at large and 7 of whom shall be ward
85 aldermen who shall be nominated and elected by the voters of each ward, provided, however,
86 that 1 ward alderman shall be elected from each of the 7 wards into which the city is divided
87 under section 7-5.

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

91 (c) Eligibility. Any voter shall be eligible to hold the office of alderman-at-large. A ward
92 alderman shall, at the time of election, be a voter of the ward from which the ward alderman is
93 elected but if any ward alderman shall remove to another ward in the city during the first 12
94 months of the term of office, the office shall be deemed vacant and the balance of the unexpired

95 term shall be filled in the manner provided in section 2-11. If such a removal occurs after the
96 first 12 months of the term of office, the ward alderman may continue to serve for the balance of
97 the term for which the ward alderman is elected. If an alderman-at-large or a ward alderman
98 removes from the city during the alderman's term, the office shall immediately be deemed vacant
99 and filled in the manner provided in section 2-11.

100 SECTION 2-2. PRESIDENT.

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

105 (b) Powers and Duties. The president shall preside at all meetings of the board of
106 aldermen, regulate its proceedings and decide all questions of order. The president shall appoint
107 all members of all committees of the board of aldermen, whether special or standing. The
108 president shall have the same powers to vote upon all measures coming before the board of
109 aldermen as any other member of the board of aldermen. The president shall perform any other
110 duties consistent with the office that may be provided by charter, by ordinance or by other vote
111 of the board of aldermen.

112 SECTION 2-3. PROHIBITIONS.

113 (a) Holding Other City Office or Position. No member of the board of aldermen shall
114 hold any other city office or city employment for which a salary or other emolument is payable
115 from the city treasury. No former member of the board of aldermen shall hold any compensated
116 appointed city office or appointed city employment until at least 1 year following the date on

117 which the former member's service on the board of aldermen has terminated. This subsection
118 shall not prevent a city officer or employee who has vacated a position in order to serve as a
119 member of the board of aldermen from returning to the same office or position of city
120 employment held at the time the position was vacated but no such person shall be eligible for any
121 other municipal position until at least 1 year following the termination of service as a member of
122 the board of aldermen.

123 (b) Interference with Administration. No board of aldermen or member of the board of
124 aldermen shall give orders or directions to any officer or employee of the city who is appointed
125 by the mayor, either publicly or privately.

126 SECTION 2-4. COMPENSATION.

127 (a) Compensation. The members of the board of aldermen shall receive such salary for
128 their services as may from time to time be set by ordinance. No ordinance increasing the salary
129 of the board of aldermen shall be effective unless it shall have been adopted during the first 18
130 months of the term for which the board of aldermen were elected and unless it provides that the
131 salary increase shall take effect upon the organization of the city government following the next
132 municipal election.

133 SECTION 2-5. GENERAL POWERS.

134 Except as otherwise provided by law or this charter, all powers of the city shall be vested
135 in the board of aldermen which shall provide for their exercise and for the performance of all
136 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 law or this charter, the
139 legislative powers of the board of aldermen may be exercised in a manner determined by it.

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

144 (c) Rules of Procedure. The board of aldermen shall from time to time adopt rules
145 regulating its procedures, which shall include, but not be limited to, a requirement that:

146 (i) regular meetings of the board of aldermen to be held at a time and place fixed by
147 ordinance;

148 (ii) special meetings of the board of aldermen be held at the call of the president or at the
149 call of 4 or more members, by written notice delivered in hand or via electronic mail or by first
150 class mail to each member; provided, however, that such notice shall contain a listing of the
151 items to be acted upon; provided further, that except in case of an emergency, which shall be
152 determined by the president, such notice shall be delivered not less than 48 hours in advance of
153 the time set for such meeting, excluding Saturdays, Sundays and legal holidays; and provided
154 further, that a copy of the notice to members shall immediately be posted upon the city bulletin
155 boards;

156 (iii) all sessions of the board of aldermen and of every committee or subcommittee of the
157 board be open to the public unless another provision has been made by law; and

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

163 SECTION 2-7. ACCESS TO INFORMATION.

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

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

172 (c) Mayor. The board of aldermen may require the mayor to provide specific information
173 to it on any matter within the jurisdiction of the board of aldermen. The board of aldermen may
174 require the mayor to appear before it, in person, to provide specific information on the conduct of
175 any aspect of the business of the city. The mayor may bring to such meeting any assistant,
176 department head or other city officer or employee that the mayor deems necessary to assist in
177 responding to the questions posed by the board of aldermen.

178 (d) Notice. The board of aldermen shall give notice to any person it may require to
179 appear before it under this section not less than 48 hours before such appearance is required. The

180 notice shall include specific questions on which the board of aldermen seeks information and no
181 person called to appear before the board of aldermen under this section shall be required to
182 respond to any question not relevant or related to those presented in advance and in writing.

183 SECTION 2-8. APPOINTMENTS OF THE BOARD OF ALDERMEN.

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

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

193 (c) Salary, Compensation. The city clerk and the clerk of committees shall receive such
194 salary or other compensation as provided by ordinance.

195 SECTION 2-9. ORDINANCES AND OTHER MEASURES.

196 (a) Emergency Ordinances. No ordinance shall be passed finally on the date it is
197 introduced, except in case of an emergency involving the health or safety of the people or their
198 property. No ordinance shall be regarded as an emergency ordinance unless the emergency is
199 defined and declared in a preamble to the ordinance, separately voted upon and receives the
200 affirmative vote of 8 or more members of the board of aldermen. An emergency ordinance shall

201 be repealed after the expiration of 60 days following its adoption unless an earlier date is
202 specified in the measure or unless a second emergency measure adopted under this section is
203 passed to extend the original emergency ordinance, or unless a measure passed under this section
204 extends the original emergency ordinance.

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

214 (c) Posting. Every proposed ordinance, appropriation order or loan authorization, except
215 an emergency ordinance under subsection (a), shall be posted on the city bulletin board and made
216 available in the office of the city clerk not less than 10 days before its final passage.

217 SECTION 2-10. BOARD OF ALDERMEN REVIEW OF CERTAIN APPOINTMENTS.

218 The mayor shall submit to the board of aldermen the name of each person the mayor
219 desires to appoint to any city office as a department head or as a member of a multiple member
220 body; provided, however, that this provision shall not apply to appointments to any position
221 which is subject to the civil service law. The board of aldermen shall refer each name submitted
222 to it to a standing committee of the board which shall review each candidate for appointment and

223 may make a report with recommendations to the full board of aldermen not less than 7 but not
224 more than 45 days after the referral. The committee may require any person whose name has
225 been referred to it to appear before the committee or before the board of aldermen to give any
226 information relevant to the appointment that the committee or the board of aldermen may
227 require. Appointments made by the mayor shall become effective upon the expiration of 45 days
228 following the date that notice of the proposed appointment was filed with the city clerk unless
229 rejected by the board of aldermen within those 45 days.

230 SECTION 2-11. FILLING OF VACANCIES.

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

237 (b) Ward Alderman. If a vacancy shall occur in the office of ward alderman, it shall be
238 filled in the same manner as provided in subsection (a) for the office of alderman-at-large, except
239 that the list shall be of the candidates for the office of ward alderman in the ward in which the
240 vacancy occurs; provided, however, that if there be no candidate on such list who remains
241 eligible and willing to serve, the next highest ranking candidate from among the candidates for
242 election to the alderman-at-large who is a resident of the ward in which the vacancy exists shall
243 be certified and shall serve until the next regular election if the candidate remains a resident of

244 the ward and is willing to serve as a ward alderman. The city clerk shall certify the candidate to
245 the office of ward alderman to serve for the balance of the unexpired term.

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

255 ARTICLE 3.

256 EXECUTIVE BRANCH.

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

259 (a) Mayor, Qualifications. The chief executive officer of the city shall be a mayor who
260 shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of
261 mayor. The mayor shall devote full time to the office and shall not hold any other elective public
262 office.

263 (b) Term of Office. The term of office of the mayor shall be 4 years beginning on the first
264 Monday after the first Tuesday in January following the biennial city election where the mayor is
265 chosen and shall continue until a successor is qualified.

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

271 (d) Prohibitions. The mayor shall hold no other city office or city employment for which
272 a salary or other emolument is payable from the city treasury. No former mayor shall hold any
273 compensated appointed city office or city employment until 1 year following the date on which
274 the former mayor's city service has terminated. Nothing in this subsection shall prevent a city
275 officer or employee who has vacated a position in order to serve as mayor from returning to the
276 same office or position of city employment held at the time the position was vacated; provided,
277 however, that no such person shall be eligible for any other municipal position until at least 1
278 year after the termination of service as mayor. Nothing in this subsection shall apply to persons
279 covered under the leave of absence provisions of section 37 of chapter 31 of the General Laws.

280 SECTION 3-2. EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.

281 The executive powers of the city shall be vested solely in the mayor and may be
282 exercised by the mayor either personally or through the several city agencies under the general
283 supervision and control of the office of the mayor. The mayor shall cause this charter, the laws,
284 ordinances and other orders for the government of the city to be enforced and shall cause a

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

300 SECTION 3-3. APPOINTMENTS BY THE MAYOR.

301 The mayor shall appoint, subject to the review of such appointments by the board of
302 aldermen under section 2-10, all city officers and department heads and the members of multiple
303 member bodies for whom no other method of appointment or selection is provided by this
304 charter. All appointments to multiple member bodies shall be in accordance with section 5-1.
305 Upon the expiration of the term of a member of a multiple member body, a successor shall be
306 appointed in like manner. The mayor shall fill a vacancy for the remainder of the unexpired term
307 of a member of a multiple member body. All persons classified as department heads shall,

308 subject to the consent of the mayor, appoint, promote and discipline all assistants, subordinates
309 and other employees of the agency for which that person is responsible. All appointments and
310 promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by
311 examination, past performance or by other evidence of competence and suitability. Each person
312 appointed to fill an office or position shall be a person especially fitted by education, training and
313 previous work experience to perform the duties of the office or position for which chosen.

314 SECTION 3-4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

315 (a) City Officers and Department Heads. The mayor may, in writing, remove or suspend
316 any city officer, or the head of any city department appointed by the mayor. In addition, the
317 mayor may file a written statement with the city clerk setting forth in precise detail the specific
318 reasons for the removal or suspension. A copy of the written statement shall be delivered in
319 hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or
320 department head. The city officer or department head may make a written reply by filing such a
321 reply statement with the city clerk not more than 10 days after the date the statement of the
322 mayor has been filed; provided, however, that this reply shall have no effect upon the removal or
323 suspension unless the mayor shall so determine. The decision of the mayor in suspending or
324 removing a city officer or a department head shall be final and all authority and responsibility for
325 such suspension or removal shall be vested solely in the mayor.

326 (b) Other City Employees. Unless some other procedure is specified in a collective
327 bargaining agreement or by civil service law, a department head may suspend or remove any
328 assistant, subordinate or other employee of the agency for which the department head is
329 responsible. The decision of the department head to suspend or remove any assistant, subordinate

330 or other employee shall be subject to review by the mayor. A person for whom a department
331 head has determined a suspension or removal is appropriate may seek review of such a
332 determination by filing a petition for review, in writing, with the office of the mayor not more
333 than 10 days following receipt of notice of the determination. The decision of the mayor shall be
334 final and all authority and responsibility for suspension or removal shall be vested solely in the
335 mayor. Nothing in this subsection shall be construed to prevent any other review as may be
336 provided by law.

337 SECTION 3-5. TEMPORARY APPOINTMENTS TO CITY OFFICES.

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

344 I designate (name of person) to perform the duties of the office of (designate office in
345 which vacancy exists) on a temporary basis until the office can be filled by (here set out the
346 regular procedure for filling the vacancy, or when the regular officer shall return). I certify that
347 said person is qualified to perform the duties which will be required and that I make this
348 designation solely in the interests of the city of Melrose.

349 (signed)

350 Mayor

351 (b) Persons serving as temporary officers under this section shall have only those powers
352 of the office essential to the performance of the duties of the office during the period of the
353 temporary appointment. Notwithstanding any general or special law to the contrary, no
354 temporary appointment shall be for more than 120 days; provided, however, that 1 extension of
355 not more than 60 days of a temporary appointment may be made when a permanent vacancy
356 exists in the office.

357 SECTION 3-6. COMMUNICATIONS; SPECIAL MEETINGS.

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

364 (b) Special Meetings of the Board of Aldermen. The mayor may, at any time, call a
365 special meeting of the board of aldermen for any purpose by causing a notice of the meeting to
366 be delivered in hand or via electronic mail or by first class mail to each member of the board of
367 aldermen. This notice shall, except in an emergency, as determined by the mayor, be delivered
368 not less than 48 hours before the time scheduled for the special meeting to be held, excluding
369 Saturdays, Sundays and legal holidays, and shall specify any purpose for which the meeting is to
370 be held. A copy of each notice shall be immediately posted on the city bulletin board.

371 SECTION 3-7. APPROVAL OF MAYOR.

372 Every order, ordinance, resolution or vote adopted or passed by the board of aldermen
373 relative to the affairs of the city, except memorial resolutions, the selection of city officers by the
374 board of aldermen and any matters relating to the internal affairs of the board of aldermen, shall
375 be presented to the mayor for approval. If the mayor approves a measure, the mayor shall sign it.
376 If the mayor disapproves of a measure, the mayor shall return the measure, with the specific
377 reasons for such disapproval attached to it, in writing, to the board of aldermen. The board of
378 aldermen shall enter the objections of the mayor on its records and shall reconsider the measure
379 not less than 10 but not more than 30 days from the date of its return. If the board of aldermen
380 shall again pass the order, ordinance, resolution or vote by a 2/3 vote of the full board, it shall
381 then take effect notwithstanding the objections of the mayor. If the mayor has neither signed a
382 measure nor returned it to the board of aldermen within 10 days following the date it was
383 presented to the mayor, the measure shall take effect.

384 SECTION 3-8. TEMPORARY ABSENCE OF THE MAYOR.

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

388 (b) Powers of Acting Mayor. The acting mayor shall have only those powers of the
389 mayor that are essential to the conduct of the business of the city in an orderly and efficient
390 manner and on which action may not be delayed. The acting mayor shall have no authority to
391 make any permanent appointment or removal from city service unless the disability of the mayor
392 shall continue for more than 60 days, nor shall an acting mayor approve or disapprove of any
393 measure adopted by the board of aldermen unless the time within which the mayor must act

394 would expire before the return of the mayor. During any period in which a member of the board
395 of aldermen is serving as acting mayor, that alderman shall not vote as a member of the board of
396 aldermen.

397 SECTION 3-9. DELEGATION OF AUTHORITY BY MAYOR.

398 The mayor may authorize any subordinate officer or employee of the city to exercise any
399 power or perform any function or duty which is assigned by this charter, or otherwise, to the
400 mayor and the mayor may rescind or revoke any such authorization previously made; provided,
401 however, that all acts performed under any such delegation of authority during a period of
402 authorization shall be and remain the acts of the mayor. Nothing in this section shall authorize a
403 mayor to delegate the mayor's powers and duties as a school committee member, the power of
404 appointment to city office or employment or to sign or return measures approved by the board of
405 aldermen.

406 SECTION 3-10. VACANCY IN OFFICE OF MAYOR.

407 (a) Special Election. If a vacancy occurs in the office of mayor during the first 2 years of
408 the term for which the mayor was elected, whether by reason of death, resignation, removal from
409 office, incapacity or otherwise, the board of aldermen shall immediately, in the manner provided
410 in section 7-1, order a special election to be held not more than 120 days following the date on
411 which the vacancy was created, to fill the vacancy for the balance of the then unexpired term. If a
412 regular city election is to be held not more than 180 days following the date the vacancy was
413 created, a special election shall not be held and the position shall be filled by vote at such regular
414 election.

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

423 (c) Powers, Term of Office. A person who assumes the office of mayor under this section
424 shall have all the powers of the mayor. A person elected under subsection (a) of this section shall
425 serve for the balance of the unexpired term at the time of election to the office. A person chosen
426 under subsection (b) shall serve until the time of the next regular election at which time the
427 person elected to fill the office for the ensuing term of office shall, in addition, serve for the
428 balance of the then unexpired term.

429 ARTICLE 4.

430 SCHOOL COMMITTEE.

431 SECTION 4-1. COMPOSITION, TERM OF OFFICE.

432 (a) Composition. There shall be a school committee, which shall consist of 7 members.
433 Six members shall be nominated and elected by and from the voters of the city at large. The
434 mayor shall, by virtue of office, serve as the seventh member of the school committee with all of
435 the same powers and duties as the members elected by the voters as school committee members.

436 (b) Term of Office. The term of office for the 6 school committee members elected by the
437 voters shall be for 4 years, beginning on the first Monday after the first Tuesday in January in the
438 year following their election and until their successors have been qualified. The terms of office
439 shall be so arranged that 3 such terms are to be filled at each biennial election.

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

443 SECTION 4-2. SCHOOL COMMITTEE CHAIR.

444 (a) Election and Term. Following each biennial city election, as soon as practicable after
445 the school committee members-elect have been qualified as provided in section 9-10, the school
446 committee shall organize by electing 1 of the persons elected to the office of school committee
447 member to serve as school committee chair.

448 (b) Powers and Duties. The school committee chair, or a designee, shall preside at all
449 meetings of the school committee, regulate its proceedings and decide all questions of order. The
450 school committee chair shall appoint all members of all committees of the school committee,
451 whether special or standing. The school committee chair shall have the same powers to vote
452 upon all measures coming before the school committee as any other member of the school
453 committee. The school committee chair shall perform such other duties consistent with the office
454 as may be provided by this charter or by vote of the school committee in accordance with the by-
455 laws and policies of the school committee.

456 SECTION 4-3. PROHIBITIONS.

457 No member of the school committee shall hold any other city office or city employment
458 for which a salary or other emolument is payable from the city treasury. No former member of
459 the school committee shall hold any compensated appointed city office or city employment until
460 at least 1 year after the date on which the member's service on the school committee has
461 terminated. This provision shall not prevent a city officer or other city employee who has vacated
462 a position in order to serve as a member of the school committee from returning to the same
463 office or position of city employment held at the time the position was vacated but no such
464 person shall be eligible for any other municipal position until at least 1 year after the termination
465 of service as a member of the school committee.

466 SECTION 4-4. COMPENSATION.

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

474 SECTION 4-5. SCHOOL COMMITTEE POWERS AND DUTIES.

475 The school committee shall have all powers which are conferred on school committees
476 by the General Laws and such additional powers and duties as may be provided by this charter,
477 by ordinance or otherwise and not inconsistent with the grant of powers conferred by the General

478 Laws. The powers and duties of the school committee shall include, but not be limited to, the
479 following:

480 (i) election of a superintendent of the schools who shall be charged with the
481 administration of the school system, subject only to policy guidelines and directives adopted by
482 the school committee;

483 (ii) upon the recommendation of the superintendent, establishing and appointing assistant
484 or associate superintendents as provided in section 59 of chapter 71 of the General Laws;

485 (iii) making all reasonable rules and regulations for the management of the public school
486 system and for conducting the business of the school committee as may be deemed necessary or
487 desirable; and

488 (iv) adopting and overseeing the administration of an annual operating budget for the
489 school department, subject to appropriation by the board of aldermen. The school committee
490 shall have general charge and superintendence of all school buildings and grounds and shall
491 furnish all school buildings with proper fixtures, furniture and equipment.

492 The school committee shall provide ordinary maintenance of all school buildings and
493 grounds unless a central municipal maintenance department, which may include maintenance of
494 school buildings and grounds, is established in accordance with law. Whenever the school
495 committee shall determine that additional classrooms are necessary to meet the educational needs
496 of the community, at least 1 member of the school committee, or a designee of the school
497 committee, shall serve on the agency, board or committee to which the planning or construction
498 of such new, remodeled or renovated school building is delegated.

499 SECTION 4-6. FILLING OF VACANCIES.

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

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

515 ARTICLE 5.

516 ADMINISTRATIVE ORGANIZATION.

517 SECTION 5-1. ORGANIZATION OF CITY AGENCIES.

518 The organization of the city into operating agencies for the provision of services and the
519 administration of the government shall be accomplished only through an administrative order

520 filed with the board of aldermen by the mayor. No administrative order shall originate with the
521 board of aldermen. The mayor may, subject only to express prohibitions in a general law or this
522 charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to
523 establish new city agencies as deemed necessary, but no function assigned by this charter to a
524 particular city agency shall be discontinued or assigned to any other city agency unless this
525 charter specifically so provides. The mayor may from time to time prepare and submit to the
526 board of aldermen administrative orders that establish operating divisions for the orderly,
527 efficient or convenient conduct of the business of the city. These administrative orders shall be
528 accompanied by a message of the mayor which explains the benefits expected to ensue and
529 advises the board of aldermen if any provision of an administrative order shall require
530 amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the
531 mayor proposes an administrative order, the board of aldermen shall hold at least 1 public
532 hearing on the proposal giving notice by publication in a local news publication, which notice
533 shall describe the scope of the proposal and the time and place at which the public hearing will
534 be held which shall be not less than 7 and not more than 14 days following publication. An
535 organization or reorganization plan shall become effective at the expiration of 60 days following
536 the date the proposal is submitted to the board of aldermen unless the board of aldermen shall, by
537 a majority vote, within such period vote to disapprove the plan. The board of aldermen shall not
538 vote to amend or alter the plan.

539 SECTION 5-2. MERIT PRINCIPLE.

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

543 ARTICLE 6.

544 FINANCE AND FISCAL PROCEDURES.

545 SECTION 6-1. FISCAL YEAR.

546 The fiscal year of the city shall begin on July 1 and shall end on the last day of June,
547 unless another period is required by general law.

548 SECTION 6-2. ANNUAL BUDGET POLICY

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

553 SECTION 6-3. SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE.

554 Not less than 45 days before the beginning of the fiscal year, the mayor shall submit to
555 the board of aldermen a proposed operating budget for all city agencies, which shall include the
556 school department, for the ensuing fiscal year with an accompanying budget message and
557 supporting documents. The budget message submitted by the mayor shall explain the operating
558 budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the
559 proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the
560 proposed operating budget and indicate any major variations from the current operating budget,
561 fiscal policies, revenues and expenditures, together with reasons for these changes. The proposed
562 operating budget shall provide a complete fiscal plan of all city funds and activities and shall be
563 in the form the mayor deems desirable. The school budget, as adopted by the school committee,

564 shall be submitted to the mayor within a reasonable time before the submission of the proposed
565 operating budget to the board of aldermen. The mayor shall notify the school committee of the
566 date by which the budget of the school committee shall be submitted to the mayor. The mayor
567 and the school committee chair shall coordinate the dates and times of the school committee's
568 budget process under the General Laws.

569 SECTION 6-4. ACTION ON THE OPERATING BUDGET.

570 (a) Public Hearing. The board of aldermen shall publish in at least 1 local news
571 publication of general circulation in the city a notice of the proposed operating budget as
572 submitted by the mayor. The notice shall state: (i) the times and places where copies of the entire
573 proposed operating budget are available for inspection by the public; and (ii) the date, time and
574 place, not less than 14 days after its publication, when a public hearing on the proposed operating
575 budget will be held by the board of aldermen.

576 (b) Adoption of the Budget. The board of aldermen shall adopt the operating budget, with
577 or without amendments, not more than 45 days following the date the budget is filed with the
578 city clerk. In amending the operating budget, the board of aldermen may delete or decrease any
579 amounts except expenditures required by law. The board of aldermen, except on the
580 recommendation of the mayor, shall not increase any item in or the total of the proposed
581 operating budget unless otherwise authorized by law. If the board of aldermen fails to take action
582 on any item in the operating budget within 45 days after receipt of the budget, that amount shall,
583 without any action by the board of aldermen, become a part of the appropriations for the year and
584 shall be available for the purposes specified.

585 SECTION 6-5. CAPITAL IMPROVEMENT PROGRAM.

586 The mayor shall submit a capital improvement program to the board of aldermen every 3
587 years and not less than 120 days before the start of the fiscal year in which the program report is
588 due. The capital improvement program shall include: (i) a clear and concise general summary of
589 its contents; (ii) a list of all capital improvements proposed to be undertaken during the next
590 ensuing 5 years, with supporting information as to the need for each capital improvement; (iii)
591 cost estimates, methods of financing and recommended time schedules for each improvement;
592 and (iv) the estimated annual cost of operating and maintaining each facility and piece of major
593 equipment involved.

594 The mayor shall annually revise this information with regard to the capital improvements
595 still pending or in the process of being acquired, improved or constructed.

596 SECTION 6-6. INDEPENDENT AUDIT.

597 The board of aldermen shall annually provide for an outside audit of the books and
598 accounts of the city to be made by a certified public accountant, or a firm of certified public
599 accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or
600 any of its officers. The mayor shall annually provide to the board of aldermen a sum of money
601 sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in
602 writing, by the board of aldermen. The award of a contract to audit shall be made by the board of
603 aldermen annually, not later than September 15. The clerk of committees shall coordinate the
604 work of the individual or firm selected. The report of the audit shall be filed in final form with
605 the board of aldermen not later than March 1 in the year following its award.

606 SECTION 6-7. EXPENDITURES IN EXCESS OF APPROPRIATIONS.

607 Except as otherwise provided by law, no official of the city of Melrose shall knowingly
608 and intentionally expend in any fiscal year any sums in excess of the appropriations duly made in
609 accordance with law or involve the city in any contract for the future payment of money in
610 excess of these appropriations and any such expenditure or involvement shall be in strict
611 compliance with section 31 of chapter 44 of the General Laws. Any official who violates this
612 section shall be personally liable to the city for any amounts so expended to the extent that the
613 city does not recover these amounts from the person to whom the sums were paid.

614 ARTICLE 7.

615 ELECTIONS.

616 SECTION 7-1. CITY ELECTIONS: GENERAL, PRELIMINARY FOR OFFICE OF
617 MAYOR.

618 The regular general city election shall be held on the first Tuesday following the first
619 Monday in November in each odd-numbered year. A preliminary election for the purpose of
620 nominating candidates for mayor shall be held on the third Tuesday in September in each odd-
621 numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the
622 board of aldermen, reschedule this election to the fourth Tuesday in September to avoid a
623 conflict with any civil or religious holiday. Whenever a special election to fill a vacancy in the
624 office of mayor is to be held, a preliminary election shall be conducted, if necessary, 28 days
625 before the date established for the special election.

626 SECTION 7-2. NON-PARTISAN ELECTIONS.

627 All elections for city offices shall be nonpartisan and election ballots shall be printed
628 without any party mark, emblem or other designation.

629 SECTION 7-3. PRELIMINARY ELECTION, MAYOR.

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

632 (b) Determination of Candidates. The 2 persons receiving at a preliminary election the
633 highest number of votes for nomination for mayor shall be the sole candidates for that office
634 whose names shall be printed on the official ballots to be used at the regular general city election
635 at which the office is to be voted upon and no acceptance of a nomination shall be necessary to
636 its validity. If the preliminary election results in a tie vote among candidates for nomination
637 receiving the lowest number of votes which, but for the tie vote, would entitle a person receiving
638 the same to have the person's name printed on the official ballots for the election, all candidates
639 participating in the tie vote shall have their names printed on the official ballots even though the
640 ballots will have a number of candidates exceeding twice the number to be elected.

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

647 SECTION 7-4. BALLOT POSITION, REGULAR CITY ELECTION.

648 The order in which names of candidates appear on the ballot for each office shall be
649 determined by a drawing, by lot, conducted by the city clerk. The drawing shall be open to the
650 public and conducted not less than 30 days before the date of the election.

651 SECTION 7-5. WARDS.

652 The territory of the city shall be divided into 7 wards so established as to consist of as
653 nearly an equal number of inhabitants as is possible to achieve based on compact and contiguous
654 territory, bounded as far as possible by the center line of known streets or ways or by other well-
655 defined limits. Each ward shall be composed of voting precincts established in accordance with
656 the General Laws. The board of aldermen shall, from time to time but not less than once every 10
657 years, review these wards to insure their uniformity in number of inhabitants.

658 SECTION 7-6. APPLICATION OF THE GENERAL LAWS.

659 Except as otherwise expressly provided in this charter and authorized by law, all city
660 elections shall be governed by the laws of the commonwealth relating to the right to vote, the
661 registration of voters, the nomination of candidates, the conduct of preliminary, general and
662 special elections, the submission of charters, charter amendments and other propositions to the
663 voters, the counting of votes, the recounting of votes and the determination of results.

664 ARTICLE 8.

665 CITIZEN PARTICIPATION MECHANISMS.

666 SECTION 8-1. FREE PETITION.

667 The board of aldermen or the school committee shall hold a public hearing and act on
668 every petition addressed to the board that is signed by 50 or more voters, along with their

669 addresses, and that seeks the passage of a measure. The hearing shall be held by the board of
670 aldermen or the school committee or, in either case, by a committee or subcommittee thereof,
671 and the action by the board of aldermen or the school committee shall be taken not later than 6
672 weeks after the petition was filed with the city clerk or the school committee. Hearings on 2 or
673 more petitions filed under this section may be held at the same time and place. The city clerk or
674 the school committee shall mail notice of the hearing to the 10 persons whose names appear first
675 on the petition not less than 7 days before the hearing. Notice by publication of all such hearings
676 shall be at public expense.

677 SECTION 8-2. CITIZEN INITIATIVE MEASURES.

678 (a) Commencement. Initiative procedures shall be started by the filing of a proposed
679 initiative petition with the city clerk or the executive secretary of the school committee. The
680 petition shall: (i) be addressed to the board of aldermen or to the school committee; (ii) contain a
681 request for the passage of a particular measure which shall be set forth in full in the petition; and
682 (iii) be signed by not less than 500 voters and their addresses. Not less than 50 signatures shall be
683 certified from each ward. The petition shall be accompanied by an affidavit signed by 10 voters
684 and containing their residential address stating they will constitute the petitioners' committee and
685 be responsible for circulating the petition and filing it in proper form, as well as designating 1
686 member as its clerk.

687 (b) Referral to City Solicitor. The city clerk or the executive secretary of the school
688 committee shall, immediately following receipt of a proposed petition, deliver a copy of the
689 petition to the city solicitor. The city solicitor shall, not more than 15 days following receipt of a
690 copy of the petition, advise the board of aldermen or the school committee in writing whether the

691 measure as proposed may lawfully be proposed by the initiative process and whether, in its
692 present form, it may be lawfully adopted by the board of aldermen or the school committee. If
693 the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the
694 reasons for this opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the
695 person designated as clerk of the petitioners' committee.

696 (c) Submission to City Clerk. If the opinion of the city solicitor is that the petition is in a
697 proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall
698 print at the top of each blank form a fair, concise summary of the proposed measure, as
699 determined by the city solicitor, together with the names and addresses of the first 10 voters who
700 signed the originating petition. Not more than 30 days following the date the blank forms are
701 issued by the city clerk, the petitions shall be returned and filed with the city clerk, signed by not
702 less than 15 per cent of the total number of voters as of the date of the most recent city election.
703 Signatures to an initiative petition may be on more than 1 sheet of paper but all papers pertaining
704 to any 1 measure shall be fastened together and shall be filed as a single instrument, with the
705 endorsement on it of the name and residence address of the person designated as filing the same.
706 With each signature on the petition, there shall also appear the street and number of the residence
707 of each signer. Not more than 10 days following the filing of the petition, the board of registrars
708 of voters shall ascertain by what number of voters the petition has been signed and what
709 percentage that number is of the total number of voters as of the date of the most recent city
710 election. The board of registrars of voters shall attach to the petition a certificate showing the
711 results of its examination and shall return the petition to the city clerk or to the secretary of the
712 school committee, depending on how the petition is addressed. A copy of the board of registrars

713 of voters' certificate shall also be mailed to the person designated as clerk of the petitioners'
714 committee.

715 (d) Action on Petitions. Not more than 30 days following the date a petition has been
716 returned to the city clerk or the secretary of the school committee and after publication under
717 subsection (f), the board of aldermen or the school committee shall act with respect to each
718 initiative petition by either: (i) passing it without change; (ii) passing a measure which is stated
719 to be in lieu of the initiative measure; or (iii) rejecting it. The passage of a measure which is in
720 lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the
721 board of aldermen or the school committee does not act with respect to any initiative measure
722 which is presented to it not more than 30 days following the date the measure is returned to it,
723 the measure shall be considered to have been rejected on the thirtieth day. If an initiative
724 measure is rejected, the city clerk or the secretary of the school committee shall promptly give
725 notice of that fact to the person designated as the clerk of the petitioners' committee, by certified
726 mail.

727 (e) Supplementary Petitions. Not more than 60 days following the date an initiative
728 petition has been rejected, a supplemental initiative petition may be filed with the city clerk or
729 the secretary of the school committee, but only by persons constituting the original petitioners'
730 committee. The supplemental initiative petition shall be signed by a number of additional voters
731 that is not less than 5 per cent of the total number of voters as of the date of the most recent city
732 election. The signatures on the initial petition filed under subsection (c) and the signatures on the
733 supplemental petition filed under this subsection, taken together, shall contain the signatures of
734 not less than 20 per cent of the total number of voters in the city. If the number of signatures to
735 this supplemental petition is found to be sufficient by the city clerk, the board of aldermen shall

736 call a special election to be held on a date fixed by it not less than 35 nor more than 90 days
737 following the date of the certificate of the city clerk that a sufficient number of voters have
738 signed the supplemental initiative petition and shall submit the proposed measure, without
739 alteration, to the voters for determination; provided, however, that if any other city election is to
740 be held not more than 120 days following the date of the certificate, the board of aldermen may
741 omit the calling of such special election and cause the question to appear on the election ballot at
742 the approaching election for determination by the voters.

743 (f) Publication. The full text of any initiative measure which is submitted to the voters
744 shall be published in not less than 1 local news publication not less than 7 but not more than 14
745 days preceding the date of the election at which the question is to be voted upon. Additional
746 copies of the full text shall be available for distribution to the public in the office of the city
747 clerk.

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

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

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

753 YES

754 NO

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

758 SECTION 8-3. CITIZEN REFERENDUM PROCEDURES.

759 (a) Petition, Effect on Final Vote. If, not more than 21 days following the date on which
760 the board of aldermen or the school committee has voted finally to approve of any measure, a
761 petition signed by a number of voters equal to at least 12 per cent of the total number of voters as
762 of the date of the most recent general city election and addressed to the board of aldermen or to
763 the school committee as the case may be protesting against the measure or any part of it is filed
764 with the secretary of the school committee or city clerk, the effective date of such measure shall
765 be temporarily suspended. The school committee or the board of aldermen shall immediately
766 reconsider its vote on the measure or part of it and, if the measure is not rescinded, the board of
767 aldermen shall provide for the submission of the question for a determination by the voters either
768 at a special election, which it may call at its convenience, or within such time as may be
769 requested by the school committee or at the next regular city election but, pending this
770 submission and determination, the effect of the measure shall continue to be suspended.

771 (b) Certain Initiative Provisions to Apply. The petition described in this section shall be
772 termed a referendum petition and the applicable provisions of section 8-2 as they relate to the
773 filing and certification of signatures shall apply to such referendum petitions, except that the
774 words "measure or part thereof protested against" shall be deemed to replace the word "measure"
775 and the word "referendum" shall be deemed to replace the word "initiative". The measure or part

776 protested against shall be null and void unless a majority of those voting on the question shall
777 vote in favor of the measure or part protested against at the election.

778 SECTION 8-4. INELIGIBLE MEASURES.

779 None of the following shall be subject to the initiative or referendum procedures: (i)
780 proceedings relating to the internal organization or operation of the board of aldermen or the
781 school committee; (ii) an emergency measure adopted under this charter; (iii) the city budget or
782 the school committee budget as a whole; (iv) any appropriation for the payment of the city's debt
783 or debt service; (v) an appropriation of funds to implement a collective bargaining agreement;
784 (vi) proceedings relating to the appointment, removal, discharge, employment, promotion,
785 transfer, demotion or other personnel action; (vii) any proceedings repealing or rescinding a
786 measure or part of it which is protested by referendum procedures; (viii) any proceedings
787 providing for the submission or referral to the voters at an election; (ix) memorial resolutions and
788 other votes constituting ordinary, routine matters not suitable as the subject of an initiative or
789 referendum petition; (x) setting of property tax rate; and (xi) setting of water and sewer rates.

790 SECTION 8-5. SUBMISSION OF OTHER MATTERS TO VOTERS.

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

796 SECTION 8-6. CONFLICTING PROVISIONS.

797 If 2 or more measures passed at the same election contain conflicting provisions, only the
798 1 receiving the greatest number of affirmative votes shall take effect.

799 ARTICLE 9.

800 GENERAL PROVISIONS.

801 SECTION 9-1. CHARTER CHANGES.

802 This charter may be replaced, revised or amended in accordance with any procedure
803 made available under the state constitution or by laws enacted in accordance with the state
804 constitution.

805 SECTION 9-2. SEVERABILITY.

806 The provisions of this charter are severable. If any provision of this charter is held
807 invalid, the other provisions shall not be affected by such invalidity. If the application of this
808 charter to any person or circumstance is held invalid, the application of this charter and its
809 provisions to other persons and circumstances shall not be affected thereby.

810 SECTION 9-3. SPECIFIC PROVISION TO PREVAIL.

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

813 SECTION 9-4. RULES AND REGULATIONS.

814 A copy of all rules and regulations adopted by a city agency shall be placed on file in the
815 office of the city clerk and shall be available for review by any person who requests such
816 information at a reasonable time. Unless an emergency exists as determined by the mayor, no

817 rule or regulation adopted by a city agency shall become effective less than 5 days following the
818 date it is so filed.

819 SECTION 9-5. PERIODIC REVIEW OF CHARTER.

820 Not later than July 1, at 10-year intervals, in each year ending in a 9, the mayor, board of
821 aldermen and school committee shall provide for a review to be made of the city charter. This
822 review shall be made by a special committee to consist of 9 members, all of whom shall be
823 voters of the city, 4 of whom shall be appointed by the mayor and 4 of whom shall be appointed
824 by the board of aldermen president and 1 of whom shall be appointed by the school committee
825 chair. At least 2 of the persons appointed by the board of aldermen president shall be members of
826 the board of aldermen. The individual appointed by the school committee chair shall be a
827 current or former member of the school committee. The special committee shall file its report
828 with the city clerk not later than May 1 in the year following the year in which the order to
829 invoke the committee was approved. The recommendations of the special committee shall appear
830 on the board of aldermen's agenda for action not later than June 15 in that year and if not so
831 scheduled by the city clerk the matter shall come before the board of aldermen for action at its
832 next meeting held following June 15 in that year and no other business shall be in order until
833 such report has been acted upon, by roll call vote.

834 SECTION 9-6. UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER
835 BODIES.

836 (a) Meetings. All appointed multiple member bodies of the city shall meet regularly at the
837 times and places that they by their own rules prescribe. Special meetings of any multiple member
838 body shall be held on the call of the chairman or by 1/3 of the members of the body by written

839 notice delivered in hand or via electronic mail or by first class mail to the place of residence of
840 each member not less than 48 hours in advance of the time set, excluding Saturdays, Sundays
841 and legal holidays, which shall contain notice of the subjects to be acted upon. A copy of the
842 notice shall also be posted on the city bulletin board. Except as may otherwise be authorized by
843 law, all meetings of all multiple member bodies shall be open to the public.

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

848 (c) Voting. If requested by a member, a vote of an appointed multiple member body shall
849 be taken by a call of the roll and the vote of each member shall be recorded in the journal but, if
850 the vote is unanimous, only that fact need be recorded.

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

856 SECTION 9-7. NUMBER AND GENDER.

857 Words importing the singular number may extend and be applied to several persons or
858 things, words importing the plural number may include the singular and words importing the
859 masculine gender shall include the feminine gender.

860 SECTION 9-8. REFERENCES TO GENERAL LAWS.

861 All references to General Laws contained in this charter: (i) the General Laws of the
862 commonwealth; (ii) laws enacted that apply alike to all cities and towns; (iii) laws enacted that
863 apply alike to all cities; and (iv) laws enacted that apply to a class of not less than 2 cities or
864 towns or combination thereof provided that the city is a member of the class. References to the
865 General Laws shall include any amendments or revisions to such chapters or sections or to the
866 corresponding chapters and sections of any rearrangement, revision or recodification of such
867 laws enacted or adopted subsequent to the adoption of this charter.

868 SECTION 9-9. COMPUTATION OF TIME.

869 In computing time under this charter, the day of the act or event after which the
870 designated period of time begins to run shall not be included. The last day of the period shall be
871 included unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
872 extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of
873 time designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not
874 be included.

875 SECTION 9-10. OATH OF OFFICE OF MAYOR, BOARD OF ALDERMEN AND
876 SCHOOL COMMITTEE.

877 A mayor-elect, the board of aldermen members-elect and the school committee members-
878 elect shall, on the first Monday after the first Tuesday in January of each even-numbered year,
879 meet and be sworn to the faithful discharge of their duties. The oath may be administered to the
880 mayor by the city clerk or by a judge of a court of record or by a justice of the peace. The oath
881 may be administered to the members of the board of aldermen and the school committee by the

882 mayor, after the mayor has been duly sworn, or by any of the above-named officials. A
883 certificate that any oath has been taken shall be entered in the journal of the board of aldermen.
884 In case of the absence of the mayor or mayor-elect, as the case may be, or any member-elect of
885 the board of aldermen or school committee on the day the oath of office is administered, the oath
886 may at any time thereafter be administered to that person. A certificate of each oath subsequently
887 taken shall be entered in the journal of the board of aldermen. After the oath has been
888 administered to the board of aldermen present, the board shall organize by electing from among
889 its number a person to serve as the president as provided in section 2-2. If the city clerk is unable
890 to preside during this election, the board of aldermen member senior in years of service on the
891 board of aldermen shall preside during this election. If 2 or more members are equally senior in
892 years of service on the board of aldermen, the member senior both in years of service and age
893 shall preside. The president shall be sworn by the city clerk or, in the case of the absence of the
894 city clerk, by any person qualified to take oaths or affirmations. After the oath has been
895 administered to the school committee members present, they shall organize by electing from
896 among their number a person to serve as the chair as provided in section 4-2. If the city clerk is
897 unable to preside during this election the member senior in years of service on the school
898 committee shall preside during the election. If 2 or more members are equally senior in years of
899 service on the school committee, the member senior both in years of service and age shall
900 preside. The chair and the vice-chair shall be sworn by the city clerk or, in the case of the
901 absence of the city clerk, by any person qualified to take oaths or affirmations.

902 SECTION 9-11. CERTIFICATE OF ELECTION OR APPOINTMENT.

903 Every person who is elected, including those elected by the board of aldermen, or
904 appointed to an office of the city, shall receive a certificate of such election or appointment from

905 the city clerk. Except as otherwise provided by law, every person who is elected, including those
906 elected by the board of aldermen or appointed to an office of the city before performing any act
907 under this appointment or election, shall take and subscribe to an oath to qualify to enter upon
908 the duties. A record of this oath shall be kept by the city clerk.

909 SECTION 9-12. LIMITATION ON OFFICE HOLDING.

910 No person shall simultaneously hold more than 1 full-time city office or position of
911 employment. Any hours worked in any part-time position shall not be the same or otherwise
912 conflict with the hours worked in a full-time position.

913 SECTION 9-13. ENFORCEMENT OF CHARTER PROVISIONS.

914 It shall be the duty of the mayor to see that this charter is faithfully followed and
915 complied with by all city agencies and city employees. Whenever it appears to the mayor that
916 any city agency or city employee is failing to follow any provision of this charter, the mayor
917 shall, in writing, cause notice to be given to that agency or employee directing compliance with
918 this charter. If it shall appear to the board of aldermen that the mayor is not following the
919 provisions of this charter it shall, by resolution or order, direct the attention of the mayor to those
920 charter provisions with which the board believes the mayor has failed to comply. The procedures
921 made available in chapter 231A of the General Laws may be used to determine the rights, duties,
922 status or other legal relations arising under this charter, including any question of construction or
923 validity which may be involved in such determination.

924 ARTICLE 10.

925 TRANSITIONAL PROVISIONS.

926 SECTION 10-1. CONTINUATION OF EXISTING LAWS.

927 All General Laws, special laws, city ordinances and rules and regulations of or pertaining
928 to the city, including special acts creating regional entities and arrangements of which the city is
929 a member, that are in force when this charter takes effect and not specifically or by implication
930 repealed by this charter, shall continue in full force and effect until amended or repealed,
931 rescinded by law, or expire by their own limitation. In any case in which the provisions of this
932 charter are found to be inconsistent with the provisions of any general or special law that would
933 otherwise be applicable, the provisions of this charter shall prevail. Any inconsistency between a
934 prior law and this charter shall be decided in favor of this charter.

935 SECTION 10-2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

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

939 SECTION 10-3. TRANSFER OF RECORDS AND PROPERTY.

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

943 SECTION 10-4. EFFECT ON OBLIGATIONS, TAXES, ETC.

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

947 and collected and all writs, prosecutions, actions and causes of action, except as otherwise
948 provided in this charter, shall continue without abatement and remain unaffected by this charter.
949 No legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of
950 this charter.

951 SECTION 10-5. DISPOSITION OF CERTAIN SPECIAL LAWS.

952 (a) Certain Special Laws Recognized and Retained. The following special acts are hereby
953 especially recognized and retained: (i) chapter 124 of the acts of 1936; (ii) chapter 39 of the acts
954 of 1962; (iii) chapter 150 of the acts of 1984; and (iv) chapter 71 of the acts of 1992.

955 (b) Certain Special Laws Recognized and Retained, in part. The following special acts
956 which amended the original city charter of 1899, relating to the organization of the city's
957 government, are recognized and retained, in part, as follows: so much of chapter 144 of the acts
958 of 1920 and chapter 78 of the acts of 1926 as relates to the establishment of the committee in
959 charge of the care of Memorial Hall, until such time as the mayor may act pursuant to article 5 of
960 this charter.

961 SECTION 10-6. FAITHFUL PERFORMANCE.

962 On the first Tuesday following the first Monday in January of each even-numbered year,
963 the persons elected as mayor, members of the board of aldermen and members of the school
964 committee shall be sworn to the faithful performance of their duties.

965 SECTION 2. (a) Notwithstanding any general or special law to the contrary, all city
966 officers and employees of the city of Melrose shall continue to perform their duties in the same
967 manner and to the same extent as they have performed the same prior to the effective date of this

968 act; provided, however, that elections for certain officers shall take place in accordance with this
969 section.

970 (b) The first election of officers under the home rule charter appearing in section 1 shall
971 be held on the first Tuesday following the first Monday in November, 2019 for the purpose of
972 electing a mayor, a board of aldermen and members of the school committee; provided, however,
973 that at that election, the 3 school committee candidates receiving the highest number of votes
974 shall be declared elected to a 4-year term; and provided further, that a preliminary election for
975 the purpose of nominating candidates to be elected mayor at said election shall be held on the
976 third Tuesday of September, 2019, if necessary, as provided in article 7 of the home rule charter
977 appearing in section 1.

978 SECTION 3. Section 1 of chapter 105 of the acts of 2005 is hereby repealed.

979 SECTION 4. This act shall take effect upon its passage.