

HOUSE No. 3707

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph W. McGonagle, Jr.

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

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

An Act relative to the city of Everett home rule charter.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>4/14/2021</i>

HOUSE No. 3707

By Mr. McGonagle of Everett, a petition (accompanied by bill, House, No. 3707) of Joseph W. McGonagle, Jr. (with the approval of the mayor and city council) that the city of Everett be authorized to amend the charter of said city. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the city of Everett home rule charter.

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 of Everett, which is on file with the archivist of the
2 commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended
3 by striking out sections 2-1 to 2-3, inclusive, and inserting in place thereof the following 3
4 sections:-

5 Section 2-1: COMPOSITION, TERM OF OFFICE

6 (a) Composition - There shall be a city council of eleven (11) members that shall exercise
7 the legislative powers of the city, five (5) members of which shall be known as councilors-at-
8 large and be nominated and elected by and from the voters of the City at large, and six (6)
9 members of which shall be known as ward councilors. All ward councilors shall be domiciled in
10 the ward from which they seek to be nominated and elected and shall be elected by and from the

11 voters of that ward only, with one (1) such ward councilor to be elected from each of the six (6)
12 wards into which the City is divided.

13 (b) Term of Office - The term of office for all councilors shall be for two (2) years each.
14 The term shall run from the first business day of January succeeding their election and until their
15 successors have been qualified. Such councilors shall be sworn into office no later than January 7
16 at eight o'clock in the evening (8:00 p.m.), at a time and place as shall be designated by the city
17 clerk.

18 (c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward
19 councilor shall be a voter domiciled in the ward from which election is sought no later than 64
20 days prior to the date of the preliminary election. If a ward councilor or a councilor-at-large
21 removes from the city during the term for which they were elected, such office shall immediately
22 be deemed vacant by the City Clerk and shall be filled in the manner provided in Section 2-11. If
23 a ward councilor removes from the ward from which they were elected during the first 18
24 months of their term, such office shall immediately be deemed vacant and filled in the manner
25 provided in section 2-11; provided, however, that a ward councilor who removes from the ward
26 from which they were elected during the last six (6) months of their elected term and who
27 remains a resident of the city may serve out the remainder of such term.

28 Section 2-2: PRESIDENT

29 (a) Election and Term - As soon as practicable after the councilors-elect have been
30 qualified following each biennial election, as provided in section 9-11, the members of the city
31 council shall elect from among its members a president who shall serve for 1 year. The method
32 of election of the president shall be prescribed within the rules of the city council.

33 (b) Powers and Duties - The president shall preside at all meetings of the city council,
34 regulate its proceedings and shall decide all questions of order. The president shall appoint all
35 members of all committees of the city council, whether special or standing. The president shall
36 have the same powers to vote upon all measures coming before the city council as any other
37 member of the city council. The president shall perform any other duties consistent with the
38 office that may be provided by charter, by ordinance or by other vote of the city council.

39 Section 2-3: PROHIBITIONS

40 (a) Holding Other City Office or Position - No member of the city council shall hold any
41 other city office or city employment unless allowed by section 268A of the General Laws or the
42 state ethics commission. No former member of the city council shall hold any compensated
43 appointed city office or appointed city employment until thirty (30) days following the date on
44 which the former member's service on the city council has terminated. This provision shall not
45 prevent a city officer or other city employee who vacated a position in order to serve as a
46 member of the city council from returning to the same office or other position of city
47 employment held at the time the position was vacated, but no such person shall be eligible for
48 any other municipal position until thirty (30) days following the termination of service as a
49 member of the city council.

50 (b) Interference with Administration - No city council or any member of the city council
51 shall give orders or directions to any officer or employee of the city appointed by the mayor,
52 either publicly or privately.

53 (c) Felony Conviction – Any person who has been finally convicted of a felony under
54 state or federal law shall not be eligible to petition for, or serve in, any elective or appointive

55 office or position under the city. Any councilor who has been finally convicted of a felony under
56 state or federal law shall be deemed to have vacated said office and shall be disqualified from
57 serving in any other elective or appointive office or position under the city.

58 SECTION 2. Said charter, as so appearing, is hereby further amended by striking out
59 sections 4-1 to 4-3, inclusive, and inserting in place thereof the following 3 sections:-

60

61 Section 4-1: COMPOSITION, TERM OF OFFICE

62 (a) Composition - There shall be a school committee which shall consist of ten (10)
63 members, including the mayor in an ex officio capacity, with a voice and a vote. Three (3) of
64 these members, to be known as school committee members-at-large, shall be nominated and
65 elected by and from the voters at large. Six of these members, to be known as ward school
66 committee members, shall be domiciled in the ward from which they were elected and shall be
67 nominated and elected by and from the voters of that ward only, with one (1) such ward school
68 committee member to be elected from each of the six (6) wards into which the City is divided.

69 (b) Term of Office - The term of office for school committee members shall be for 2
70 years each. The term shall run from the first business day of January succeeding their election,
71 and until their successors have been qualified. Such school committee members shall be sworn
72 into office no later than January 7 at 8:00 in the evening (8:00 p.m.), at a time and place as shall
73 be designated by the City Clerk.

74 (c) Eligibility – Any voter shall be eligible to hold the office of school committee
75 member-at-large. A ward school committee member shall be a voter domiciled in the ward from

76 which election is sought no later than 64 days prior to the date of the preliminary election. If a
77 ward school committee member or a school committee member-at-large removes from the city
78 during the term for which they were elected, such office shall immediately be deemed vacant by
79 the City Clerk and shall be filled in the manner provided in Section 4-6. If a ward school
80 committee member removes from the ward from which they were elected during the first 18
81 months of their term, such office shall immediately be deemed vacant and filled in the manner
82 provided in section 4-6; provided, however, that a ward school committee member who removes
83 from the ward from which they were elected during the last six (6) months of their elected term,
84 and who remains a resident of the city, may serve out the remainder of such term.

85 Section 4-2: SCHOOL COMMITTEE COMPOSITION AND ORGANIZATION

86 (a) Powers and Duties, Chair - As soon as practicable after the school committee
87 members-elect have been qualified following each biennial city election, as provided in section
88 9-11, the school committee shall organize by electing 1 of the school committee members to
89 serve as school committee chair. The school committee chair shall preside at all meetings of the
90 school committee, regulate its proceedings and decide all questions of order. The school
91 committee chair shall appoint all members of all subcommittees of the school committee,
92 whether special or standing. The school committee chair shall have the same powers to vote
93 upon all measures coming before the school committee as any other member of the school
94 committee. The school committee chair shall perform such other duties consistent with the office
95 as may be provided by this charter or by vote of the school committee.

96 (b) Powers and Duties, Vice Chair - As soon as practicable after the school committee
97 members-elect have been qualified following each biennial city election, as provided in section

98 9-11, the school committee shall organize by electing 1 of the school committee members to
99 serve as school committee vice chair. In the absence of the chair, the vice chair shall exercise all
100 of the duties and authority of the chair, other than appointing members of subcommittees,
101 whether special or standing.

102 (c) School Committee meetings – Except in the case of an emergency or in the event of a
103 joint meeting, the school committee shall not meet on the same date as a regular city council
104 meeting.

105 Section 4-3: SCHOOL COMMITTEE PROHIBITIONS

106 (a) Holding Other City Office or Position - No member of the school committee shall
107 hold any other city office or city employment unless allowed by section 268A of the General
108 Laws or the state ethics commission. No former member of the school committee shall hold any
109 compensated appointed city office or appointed city employment until thirty (30) days following
110 the date on which the former member's service on the school committee has terminated. This
111 provision shall not prevent a city officer or other city employee who vacated a position in order
112 to serve as a member of the school committee from returning to the same office or other position
113 of city employment held at the time the position was vacated, but no such person shall be eligible
114 for any other municipal position until thirty (30) days following the termination of service as a
115 member of the school committee.

116 (b) Interference with Administration - No school committee or any member of the school
117 committee shall give orders or directions to any officer or employee of the city appointed by the
118 mayor, either publicly or privately.

119 (c) Felony Conviction – Any person who has been finally convicted of a felony under
120 state or federal law shall not be eligible to petition for, or serve in, any elective or appointive
121 office or position under the city. Any school committee member who has been finally convicted
122 of a felony under state or federal law shall be deemed to have vacated said office and shall be
123 disqualified from serving in any other elective or appointive office or position under the city.

124 Said charter, as so appearing, is hereby further amended by striking out subsection (a) of
125 section 7-3 and inserting in place thereof the following subsection:-

126 (a) Ballot Preparation and Signature Requirements -- The Everett Board of Election
127 Commissioners and City Clerk shall prepare separate nomination papers for nomination to at-
128 large and ward positions, and make the papers available no earlier than April 2 in each
129 preliminary election year. Said papers shall be submitted to the city clerk on or before 4 o'clock
130 in the afternoon on the 45th day prior to the declared date of the preliminary election. An
131 individual may appear on the ballot for only one office at any preliminary, regular or special
132 election. Nomination papers shall be signed by the following number of voters for each office:
133 mayor, no fewer than 500, with at least 25 signatures certified from each ward; councilor-at-large
134 or school committee member at large, no fewer than 250; ward councilor or ward school
135 committee member, no fewer than 100 from the ward in which election is sought. The number of
136 signatures for nomination may be changed from time to time by an affirmative vote of no less
137 than seven (7) councilors. Any candidate taking out papers shall be advised of the number of
138 signatures required for nomination to the office sought.

139 SECTION 4. Said charter, as so appearing, is hereby further amended by striking out
140 subsection (b) of section 8-5 and inserting in place thereof the following subsection:-

141 (b) Recall Petition - A recall petition may be initiated by the filing of an affidavit
142 containing the name of the officer sought to be recalled and a statement of the grounds for recall;
143 provided, that the affidavit is signed by at least 500 voters for any officer elected city-wide and
144 300 voters for any officer elected by ward. The city clerk shall thereupon deliver to the voters
145 making the affidavit, copies of petition blanks demanding such recall, copies of which printed
146 forms the city clerk shall keep available. The blanks shall be issued by the city clerk, with
147 signature and official seal attached thereto. The petition blanks shall be dated, addressed to the
148 city council and contain: (i) the names of all the persons to whom they are issued; (ii) the number
149 of blanks issued; (iii) the name of the person whose recall is sought; (iv) the office from which
150 removal is sought; and (v) the grounds of recall as stated in the affidavit. A copy of the petition
151 shall be entered in a record book to be kept in the office of the city clerk. The recall petition shall
152 be returned and filed with the city clerk within 28 days after the filing of the affidavit and shall
153 have been signed by at least 20 per cent of the voters of the city for offices elected city-wide and
154 at least 20 per cent of the voters of the ward for offices elected by ward. The city clerk shall
155 immediately submit the petition to the Election Commissioners, and the board shall, within 5
156 working days, certify thereon the number of signatures that are names of voters.

157 SECTION 5. Said charter, as so appearing, is hereby further amended by striking out
158 section 8-6 and inserting in place thereof the following section:-

159 Section 8-6: REQUIRED VOTER PARTICIPATION

160 For any measure to be effective under any initiative procedure and for any measure to be
161 declared void under any referendum procedure, at least 20 per cent of the voters, as of the most
162 recent regular city election, shall vote at an election that includes on the ballot submission of one

163 or more initiative or referendum questions to the voters. For any recall election to be effective, at
164 least 20 per cent of the voters, as of the most recent regular city election for those offices elected
165 city-wide, and at least 20 per cent of the voters, as of the most recent regular city election in the
166 ward for those offices elected by ward, shall vote in the recall election.

167 SECTION 6. Notwithstanding section 44C of chapter 43 or section 41 of chapter 53 of
168 the General Laws, or any other general or special law to the contrary, all elected incumbent
169 members of the City Council and School Committee holding office on the effective date of this
170 act, and continuously until the 2021 City Election, may have the words “Candidate for Re-
171 nomination” or “Candidate for Re-Election” printed next to their name on a ballot, regardless of
172 whether they are seeking election as an at-large or ward councilor or school committee member.
173 In future elections, the words “Candidate for Re-nomination” or “Candidate for Re-Election”
174 may only be printed next to the name of a candidate on a ballot when a candidate seeks re-
175 election to the same position from which they were elected, except as otherwise provided by law.

176 SECTION 7. This act shall take effect upon its passage.