HOUSE DOCKET, NO. 4189 FILED ON: 4/14/2021

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:
Joseph W. McGonagle, Jr.	*28th Middlesex*	*4/14/2021*

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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:

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

Section 2-1: COMPOSITION, TERM OF OFFICE

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

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

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

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

Section 2-2: PRESIDENT

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

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

Section 2-3: PROHIBITIONS

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

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

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

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

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

Section 4-1: COMPOSITION, TERM OF OFFICE

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

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

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

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

Section 4-2: SCHOOL COMMITTEE COMPOSITION AND ORGANIZATION

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

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

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

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

Section 4-3: SCHOOL COMMITTEE PROHIBITIONS

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

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

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

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

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

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

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

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

Section 8-6: REQUIRED VOTER PARTICIPATION

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

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

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

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