

HOUSE No. 3981

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Carey

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 amending the charter of the city of Easthampton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>2/18/2021</i>

HOUSE No. 3981

By Mr. Carey of Easthampton, a petition of Daniel R. Carey (with the approval of the mayor and city council) for legislation to amend the charter of the city of Easthampton. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act amending the charter of the city of Easthampton.

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. Section 1-3 of article 1 of the charter of the city of Easthampton, which is
2 on file in the office of the archivist of the commonwealth, pursuant to section 12 of chapter 43B
3 of the General Laws, is hereby amended by striking out the words “executive/administrative”,
4 each time they appear, and inserting in place thereof, in each instance, the word:- executive.

5 SECTION 2. Section 1-4 of said article 1 of said charter is hereby amended by striking
6 out the words “and power or function by a” and inserting in place thereof the following words:- ,
7 and power or function by, a.

8 SECTION 3. Section 1-7 of said article 1 of said charter is hereby amended by striking
9 out the definition of “City bulletin board” and inserting in place thereof the following definition:-

10 City Bulletin Board – The words “City Bulletin Board” shall mean the bulletin board(s)
11 on which the city clerk posts official notices of meetings and upon which other official municipal
12 notices are posted.

13 SECTION 4. Said section 1-7 of said article 1 of said charter is hereby further amended
14 by striking out the definition of “City Officer” and inserting in place thereof the following 4
15 definitions:-

16 City Officer – The words “city officer”, when used without further qualification or
17 description, shall mean any person or persons in charge of any department or division of the city.

18 City Website – The words “city website” shall mean the official website maintained by
19 the city of Easthampton.

20 Electronic Publication - The words “electronic publication” shall mean publication by
21 electronic means, including but not limited to posting on the City Website.

22 Electronic Communication – The words “electronic communication” shall mean direct
23 transmission of messages over communications networks, such as e-mail.

24 SECTION 5. Said section 1-7 of said article 1 of said charter is hereby further amended
25 by striking out the definition of “Full Council or Full Multiple Member Body” and inserting in
26 place thereof the following definition:-

27 Full Council or Full Multiple Member Body - The words "full council” or “full multiple
28 member body” shall mean the entire authorized complement of the city council, school
29 committee or other multiple member body notwithstanding any vacancy which might exist.

30 SECTION 6. Said section 1-7 of said article 1 of said charter is hereby further amended
31 by striking out the definition of “general laws” and inserting in place thereof the following
32 definition:-

33 general laws - The words “general laws” (all lower case letters) shall mean laws of the
34 Commonwealth of Massachusetts which apply alike to all cities and towns, to all cities, or to a
35 class of two or more cities and or cities and towns of which Easthampton is a member.

36 SECTION 7. Said section 1-7 of said article 1 of said charter is hereby further amended
37 by striking out the definition of “Local Newspaper” and inserting in place thereof the following
38 definition:-

39 Local Newspaper - The words "local newspaper" shall mean a newspaper of general
40 circulation within the city, with either a weekly or daily circulation.

41 SECTION 8. Said section 1-7 of said article 1 of said charter is hereby further amended
42 by striking out the definition of “Majority Vote” and inserting in place thereof the following
43 definition:-

44 Majority Vote - The words “majority vote” when used in connection with a meeting of a
45 multiple member body shall mean a majority of those present and voting, unless another
46 provision is made by ordinance, by-law, or the Multi Member Body’s own rules. When used in
47 connection to the city council, “majority vote” shall always refer to a majority of the full council
48 membership.

49 SECTION 9. Said section 1-7 of said article 1 of said charter is hereby further amended
50 by striking out the definition of “Open Meeting Law” and inserting in place thereof the following
51 definition:-

52 Open Meeting Law - The words “Open Meeting Law” shall mean sections 18 to 25of
53 chapter 30A of the General Laws and any amendments thereto.

54 SECTION 10. Said section 1-7 of said article 1 of said charter is hereby further amended
55 by striking out the definition of “Voters” and inserting in place thereof the following definition:-

56 Voters - The word "voters" shall mean registered voters of the city.

57 SECTION 11. The third sentence of subsection (a) of section 2-1 of article 2 of said
58 charter is hereby amended by striking out the word “district”, each time it appears, and inserting
59 in place thereof, in each instance, the following word:- precinct.

60 SECTION 12. Said third sentence of said subsection (a) of said section 2-1 of said article
61 2 of said charter is hereby further amended by striking out the word “districts” and inserting in
62 place thereof the following word:- precincts.

63 SECTION 13. Subsection (c) of said section 2-1 of said article 2 of said charter is hereby
64 amended by striking out the word “district”, each time it appears, and inserting in place thereof,
65 in each instance, the following word:- precinct.

66 SECTION 14. Section 2-3 of said article 2 of said charter is hereby amended by striking
67 out the second sentence and inserting in place thereof the following 2 sentences:- An exception
68 may be authorized by majority vote of the council for any member whose expertise may provide
69 a benefit to the city, provided this employment is not permanent and approved by the state ethics
70 commission. The member may receive a stipend not to exceed the current salary of the council.
71 The member must recuse himself from any all business or votes regarding the department he is
72 employed by during the term of his employment. Except as provided herein, no former member
73 of the city council shall hold any compensated appointed city office or city employment until six
74 months following the date on which such former member’s service on the city council has
75 terminated.

76 SECTION 15. Section 2-4 of said article 2 of said charter is hereby amended by striking
77 out subsection (b) and inserting in place thereof the following subsection:-

78 (b) Expenses - Subject to appropriation, the council members shall be entitled to
79 reimbursement of their reasonable actual and necessary expenses in the performance of their
80 duties if approved by the council president and if budgeted funds are available.

81 SECTION 16. Clause (ii) of subsection (c) of section 2-6 of said article 2 of said charter
82 is hereby amended by striking out the first sentence and inserting in place there of the following
83 sentence:- Special meetings of the city council shall be held at the call of the council president,
84 or, on the call of any three or more members, by written notice delivered in hand or to the place
85 of residence of each member, or by electronic communication to the official city e-mail address
86 of each member, and which contains a listing of the items to be acted upon.

87 SECTION 17. Clause (v) of said subsection (c) of said section 2-6 of said article 2 of said
88 charter is hereby amended by striking out the word “All” and inserting in place thereof the
89 following words:- Except as otherwise provided for in this Charter, all.

90 SECTION 18. Section 2-7 of said article 2 of said charter is hereby amended by striking
91 out subsection (d) and inserting in place thereof the following subsection:-

92 (d) Notice - The city council shall give not less than five days’ notice to any city officers,
93 members of city agencies, or city employees it may require to appear before it under the
94 provisions of this section. The notice shall include specific questions or topics on which the city
95 council seeks information and describe with reasonable particularity the matters on which
96 examination is requested.

97 No person called to appear before the city council under this section shall be required to
98 respond to any question not relevant or related to those questions or topics presented in advance
99 and in writing. Notice shall be by electronic communication, and delivery in hand, or by
100 registered or certified mail to the last known place of residence of any such person.

101 SECTION 19. The first sentence of subsection (a) of section 2-8 of said article 2 of said
102 charter is hereby amended by striking out the figure “3” and inserting in place thereof the
103 following words:- three (3).

104 SECTION 20. The first sentence of subsection (b) of said section 2-8 of said article 2 of
105 said charter is hereby amended by striking out the figure “3” and inserting in place thereof the
106 following words:- three (3).

107 SECTION 21. Section 2-9 of said article 2 of said charter is hereby amended by striking
108 out subsections (b) and (c) and inserting in place thereof the following 2 subsection:-

109 (b) Measures, In General – The city council may pass any measure through all of its
110 stages at any one meeting, except proposed ordinances, appropriation orders, and loan
111 authorizations. Should any city councilor seek to have a measure passed through all of its stages
112 at one meeting, such city councilor shall notify the clerk of the council in writing prior to the
113 publication of the agenda for the meeting where the vote on the measure would occur, that the
114 councilor seeks to have the measure passed through all of its stages at one meeting. Upon receipt
115 of such notice the clerk of the council shall add “REQUEST FOR IMMEDIATE
116 CONSIDERATION” before that item on the city council’s agenda, so as to notify the public that
117 the measure may pass through all if its stages at that meeting. If any member of the city council

118 objects to the passage of a measure through all if its stages at any one meeting, the measure shall
119 be sent to the appropriate council committee in accordance with Section 2-6 c (v).

120 On the first occasion that the question of adopting any measure presented by standing or
121 special council committee is put to the city council, except an emergency measure as defined in
122 Section 2-9 (a), if a member objects to the taking of a vote, such objection is seconded by
123 another member, the vote on such measure shall be postponed until the next regular or special
124 meeting of the city council. If when the matter is next taken up for a vote, four or more members
125 object to the taking of the vote, the matter shall be further postponed for not less than five
126 additional days. This procedure shall not be used more than once for any measure
127 notwithstanding any amendments made to the original measure.

128 (c) Publication - Every proposed ordinance, appropriation order or loan authorization,
129 except emergency ordinances as provided in Section 2-9 (a) shall, at least 10 days before its final
130 passage, be published in summary in a local newspaper, unless required by the General Laws to
131 be published in full, and shall also be published in full by electronic publication. Upon final
132 passage, the ordinance, appropriation order or loan authorization shall be posted in full on the
133 city bulletin board, the city website and published as may be required by law.

134 SECTION 22. Said article 2 of said charter is hereby further amended by striking out
135 section 2-10 and inserting in place thereof the following section:-

136 Section 2-10. COUNCIL REVIEW OF CERTAIN APPOINTMENTS

137 The mayor shall submit to the city council the name of each person the mayor desires to
138 appoint to any city office, as a department head or as a member of a multiple-member body, but
139 not including any position which is subject to the civil service law pursuant to chapter 31 of the

140 General Laws. The city council shall refer each such name as is submitted to it to a standing or
141 special committee of the city council which shall investigate each such candidate for
142 appointment and may make a report, with recommendations, to the full city council not less than
143 seven (7) nor more than forty five (45) days following such referral. The committee may require
144 any person whose name has been referred to it to appear before the committee, or before the city
145 council, to give such information relevant to such appointment as the committee, or the city
146 council, may require.

147 Appointments made by the mayor shall become effective on the forty-fifth day following
148 the date on which notice of the proposed appointment was first presented at a regularly
149 scheduled meeting of the city council, unless the city council shall within the said 45 days vote to
150 reject such appointment, or unless the city council has sooner voted to affirm the appointment.
151 For the appointment of a department head appointed by the mayor, the council must act upon
152 said appointment at the next regularly scheduled meeting following the meeting at which the
153 appointment was first presented to the full council or that appointment shall become effective.
154 Rejection by the city council shall require a two-thirds vote of the full council, except that an
155 appointment to a multiple member body may be rejected by a majority vote of the full council.
156 The question on rejection of any appointment made by the mayor shall not be subject to the
157 procedure of charter objection provided in Section 2-9 (b) of this charter.

158 SECTION 23. Subsection (b) of section 2-11 of said article 2 of said charter is hereby
159 amended by striking out the heading and inserting in place thereof the following heading:-
160 Precinct Councilor.

161 SECTION 24. Said subsection (b) of said section 2-11 of said article 2 of said charter is
162 hereby further amended by striking out the word “district”, each time it appears, and inserting in
163 place thereof, in each instance, the following word:- precinct.

164 SECTION 25. Said section 2-11 of said article 2 of said charter is hereby further
165 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

166 (c) Filling of Vacancies By City Council - Whenever a vacancy shall occur in the office
167 of councilor-at-large or in that of precinct councilor and there is no available candidate to fill
168 such vacancy in the manner provided in Section 2-11 (a) or (b), the vacancy shall be filled by the
169 remaining members of the city council. The council president shall call a special meeting of the
170 council solely for the purpose of choosing an applicant within thirty (30) days of such vacancy.
171 Persons elected to fill a vacancy by the city council shall forthwith be sworn and shall serve until
172 the next regular election at which time the position shall be filled by the voters. The person
173 elected by the voters shall forthwith be sworn and shall thereafter serve for the remainder of the
174 original unexpired term, or if the term has expired to the term, for which the person is elected.
175 Persons elected by the city council to fill a vacant position shall not be entitled to have the words
176 "candidate for re-election" printed against their names on the election ballot.

177 SECTION 26. The second sentence of subsection (c) of section 3-1 of article 3 of said
178 charter is hereby amended by striking out the words “next biennial city election” and inserting in
179 place thereof the following words:- year following the election in which the mayor is elected.

180 SECTION 27. The first sentence of section 3-3 of said article 3 of said charter is hereby
181 amended by inserting after the word “charter” the following words:- or ordinance.

182 SECTION 28. Section 3-4 of said article 3 of said charter is hereby amended by striking
183 out the seventh sentence and inserting in place thereof the following sentence:- The removal
184 shall take effect on the thirtieth day following the date of filing in the office of the city clerk the
185 notice of removal by the mayor.

186 SECTION 29. The last sentence of section 3-5 of said article 3 of said charter is hereby
187 amended by striking out the figure “thirty” and inserting in place thereof the following figures:-
188 forty-five (45).

189 SECTION 30. Section 3-6 of said article 3 of said charter is hereby amended by striking
190 out subsection (b) and inserting in place thereof the following subsection:-

191 (b) Special Meetings of the City Council - The mayor may at any time call a special
192 meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered
193 in hand or to the place of business or residence of each member of the city council or through
194 electronic communication to each councilor’s official city e-mail address. Such notice shall,
195 except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-
196 eight weekday hours in advance of the time set and shall specify the purpose or purposes for
197 which the meeting is to be held. Such notice and meeting shall comply with the Open Meeting
198 Law.

199 SECTION 31. Section 4-1 of article 4 of said charter is hereby amended by striking out
200 subsection (c) and inserting in place thereof the following subsection:-

201 (c) Powers and Duties - The school committee shall have all powers which are conferred
202 on school committees by general laws and such additional powers and duties as may be provided
203 by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers

204 conferred by general laws. The powers and duties of the school committee shall include but shall
205 not be limited to the following:

206 (1) To hire, fire, and make all employment decisions regarding the superintendent of
207 schools, including but not limited to, negotiation of the superintendent's employment contract
208 and evaluation of the superintendent's job performance.

209 (2) To create and establish policies for the school district.

210 (3) To review, approve and implement subject to appropriation by the city council the
211 annual operating budget for the school department;

212 (4) In conjunction with the superintendent of schools:

213 a. To develop school district wide goals and objectives; and

214 b. To design and assess performance standards; and

215 (5) To negotiate or oversee the negotiation and to approve all contracts with the school
216 districts unionized employees, or delegate negotiation of, and approve contracts with union
217 personnel.

218 (6) General charge and superintendence of all school buildings and grounds and shall
219 furnish all school buildings with proper fixtures, furniture and equipment. The school committee
220 shall provide ordinary maintenance of all school buildings and grounds; provided however, the
221 city council may, by ordinance, provide for the establishment of a central municipal maintenance
222 department which may include maintenance of school buildings and grounds. Whenever the
223 school committee shall determine that additional classrooms are necessary to meet the
224 educational needs of the community, at least one member of the school committee, or a designee

225 of the school committee, shall serve on the agency, board or committee to which the planning or
226 construction of such new, remodeled or renovated school building is delegated.

227 SECTION 32. The first sentence of subsection (f) of said section 4-1 of said article 4 of
228 said charter is hereby amended by inserting after the figure “eighteen” the following figure:-
229 (18).

230 SECTION 33. Section 4-2 of said article 4 of said charter is hereby further amended by
231 striking out the heading and inserting in place thereof the following heading:- SCHOOL
232 COMMITTEE CHAIRPERSON.

233 SECTION 34. Said section 4-2 of said article 4 of said charter is hereby further amended
234 by striking out the word “president”, each time it appears, and inserting in place thereof, in each
235 instance, the following word:- chairperson.

236 SECTION 35. The first sentence of section 5-2 of article 5 of said charter is hereby
237 amended by inserting after the figure “seven” the following figure:- (7).

238 SECTION 36. Said first sentence of said section 5-2 of said article 5 of said charter is
239 hereby further amended by inserting after the word “newspaper” the following words:- and by
240 electronic publication.

241 SECTION 37. The first sentence of section 5-3 of said article 5 of said charter is hereby
242 amended by inserting after the word “law,” the following words:- but in no event fewer than 60
243 days.

244 SECTION 38. The second sentence of said section 5-3 of said article 5 of said charter is
245 hereby amended by striking out the words “of”, the first time it appears, and inserting in place
246 thereof the following words:- and by electronic publication.

247 SECTION 39. Section 5-5 of said article 5 of said charter is hereby amended by striking
248 out clause (d).

249 SECTION 40. Said article 5 of said charter is hereby further amended by striking out
250 sections 5-6 to 5-8, inclusive and inserting in place thereof the following 2 sections:-

251 SECTION 5-6. ACTION ON THE BUDGET

252 (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the city
253 council shall provide for the publication in a local newspaper and by electronic publication a
254 notice stating the time and place, not less than seven nor more than fourteen days following such
255 publication, at which it will hold a public hearing on the proposed operating budget as submitted.

256 (b) Review - The city council shall refer the budget to a standing or special committee to
257 consider, in open public meetings, the detailed expenditures proposed for each city agency and
258 may confer with representatives of each such agency in connection with its review and
259 consideration. The city council may require the mayor, or any other city agency, to furnish it
260 with such additional information as it may deem necessary to assist it in its review and
261 consideration of the proposed operating budget.

262 (c) Action by City Council - The city council shall adopt the budget by majority vote,
263 with or without amendments, within sixty (60) days following the day the proposed budget is
264 received by it, or such other period as may be provided by general law. In amending the budget,

265 the city council may delete or decrease any programs or amounts except expenditures required
266 by law, or for debt service. If the city council fails to take any action with respect to any item in
267 the proposed budget within sixty days following the date of its receipt of the proposed budget, or
268 such other period as may be provided by general law, such amount shall, without any action by
269 the city council, become a part of the appropriations for the ensuing fiscal year and shall be
270 available for the purposes specified.

271 SECTION 5-7. SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

272 (a) Intradepartmental Transfers - With the approval of the mayor funds appropriated for
273 one line item within the appropriation made for a particular city agency may be transferred to
274 another line item within the same city agency. Whenever such a transfers is authorized by the
275 mayor notice of the transfer, and the circumstances under which such transfer was deemed
276 advisable, shall be filed with the clerk of the city council. Notice of these transfers shall be
277 forwarded via electronic communication to the city council, and by electronic publication to the
278 public

279 (b) Interdepartmental Transfers:

280 The city council may, by vote of its entire membership, approve the transfer of funds
281 appropriated for the use of one city agency to the use of another city agency. Requests to the city
282 council for the transfer of funds from one city agency to another shall be made by the mayor, in
283 writing, and shall include a statement setting forth the reason the additional funds are needed by
284 the agency to which it is proposed they be transferred and shall be accompanied by a certificate
285 signed by the agency from which the appropriation is proposed to be taken stating either (1) that
286 such transfer will not prevent that agency from performing its vital functions, or (2) that the

287 transfer will prevent the agency from performing one or more of its vital functions. A copy of
288 this request shall, forthwith, be posted on the city bulletin board, and by electronic publication.
289 The city council shall refer the transfer to a standing or special committee for consideration and
290 recommendation to the full council. Interdepartmental transfer requests which shall include at
291 least two readings and a public hearing by the city council.

292 (c) Supplementary Appropriations - Whenever the mayor shall submit to the city council
293 a request for a new appropriation of any sum of money, either as a supplement to some item in
294 the annual operating budget or for an item, or items, not included in the annual operating budget
295 as adopted, the city council shall first refer the supplemental appropriation to a standing or
296 special committee for consideration, and not act upon such request until it has (1) given notice by
297 publication in a local newspaper of the request and by electronic publication, and (2) received the
298 advice and recommendation of the standing or special committee and (3) held a public hearing
299 concerning such request. The publication of the notice and the public hearing shall be generally
300 in conformity with the provisions of Section 5-6(a) concerning the proposed annual operating
301 budget. A majority vote shall be required for approval of all supplementary appropriations under
302 this section.

303 (d) Capital Improvement Program - The mayor shall submit a capital improvement
304 program to the city council at least ninety (90) days before the start of each fiscal year. It shall
305 include:

306 (i) A clear and concise general summary of its contents;

307 (ii) A list of all capital improvements proposed to be undertaken during the next ensuing
308 five years, with supporting information as to the need for each capital improvement;

309 (iii) Cost estimates, methods of financing and recommended time schedules for each
310 improvement, and,

311 (iv) The estimated annual cost of operating and maintaining each facility and piece of
312 major equipment involved.

313 This information is to be annually revised by the mayor with regard to the capital
314 improvements still pending or in the process of being acquired, improved or constructed.

315 SECTION 41. The second sentence of section 6-3 of article 6 of said charter is hereby
316 amended by inserting after the word “experience” the following words:- or a combination
317 thereof.

318 SECTION 42. Said article 6 of said charter is hereby further amended by striking out
319 sections 6-4 and 6-5 and inserting in place thereof the following 2 sections:-

320 SECTION 6-4. DEPARTMENT OF PUBLIC WORKS

321 (1) Establishment, Scope - There shall be a department of public works responsible for
322 the performance of all public works related activities of the city as allowed by general laws and
323 with respect to public works related functions and activities as may be provided by
324 administrative code in accordance with Section 6-1(b) or by ordinance in accordance with
325 Section 6-1(a).

326 (2) Board of Public Works – The mayor shall appoint a board of public works which shall
327 consist of three persons appointed for terms of three years each so arranged that the term of one
328 member shall expire each year. The board of public works, acting through the mayor, shall be
329 responsible for the overall supervision of the department of public works including but limited to

330 the appointment, supervision and review of the director of public works, and for the
331 establishment of priorities and policies to govern the operation of the department. The board of
332 public works shall be deemed to be water commissioners, sewer commissioners, and road
333 commissioners and shall have authority to establish the fees or charges for all services provided
334 by the department of public works.

335 (3) Director of Public Works - The department of public works shall be under the direct
336 control and supervision of a director of public works who shall be appointed by and who shall be
337 responsible to the board of public works. The director of public works shall serve for a term of
338 three years, or until a successor is chosen and qualified. The director shall not be a member of
339 the board of public works. The director of public works shall be a person especially fitted by
340 education, experience and training to perform the duties of the office. The director of public
341 works shall be responsible for the supervision and coordination of all activities of the department
342 of public works in accordance with general laws, city ordinances, administrative code and rules
343 and regulations. The director of public works shall be subject to the terms of the board of public
344 works appointment and shall be governed by the rules and procedures for all city employees as
345 designated by the department of human resources.

346 SECTION 6-5. DEPARTMENT OF HUMAN RESOURCES

347 (a) Establishment, Scope - There shall be a department of human resources which shall
348 be responsible for all personnel related functions and activities of the city, including, but not
349 limited to, the following:

350 1) Plan, administer and direct all phases and components of the city personnel plan,
351 including a wage and salary administration, position classification, sick and vacation leave,

352 employee grievance procedure, accident prevention programs, physical examinations, equal
353 opportunity programs, personnel transactions and all record keeping concerning city employees
354 whether regular, part time, temporary, intermittent or otherwise.

355 2) Develop new and revised personnel policies and practices and recommend the same to
356 the mayor and city council for implementation, where such action is necessary.

357 3) Review all requests by city agencies for new personnel, or for increased hours for any
358 existing personnel, and make recommendations to the mayor and to the city council concerning
359 such requests.

360 4) Advise and assist all city agencies and employees in all aspects of public employment
361 including recruitment, evaluation, promotion, transfer, dismissal, wages, hours, hours and other
362 conditions of employment, insurance benefits and any related matters. The department shall
363 assure that all employees every benefit to which such employee is entitled and, conversely, shall
364 assure that no employee receives any benefit to which such employee is not entitled.

365 5) Determine before any employee shall be hired, reinstated, transferred or promoted by
366 any city agency that:

367 (a) There is an existing vacant position to be filled.

368 (b) The salary which is proposed to be paid is within the existing salary schedule for the
369 position.

370 (c) There is a sufficient sum of money in the available appropriation of the agency to
371 fund the position.

372 (d) There has been compliance with the civil service law, pursuant to chapter 31 of the
373 General Laws, and rules, if applicable, and with any collective bargaining agreements which may
374 be applicable.

375 6) Succession plans and a longevity program.

376 7) Supervise the registration of all persons who are to be employed by the city in any
377 capacity, and certification of lists of eligible persons to appointing authorities whenever
378 vacancies occur.

379 8) Development and maintenance of a centralized personnel records system for all city
380 departments.

381 All city officers and other appointing authorities shall cooperate with the personnel
382 department by providing to it, upon request, any and all information relating to city personnel
383 matters as may from time to time be made.

384 (b) Director of Human Resources - The department of human resources shall be under the
385 direct control and supervision of a director of human resources who shall be appointed by the
386 mayor, subject to the provisions of Section 2-10. The director of human resources shall serve for
387 a term of three years and until a successor is appointed and qualified. The director of human
388 resources shall be a person especially fitted by education, experience and training to perform the
389 duties of the office. Desirable qualifications to consider when such an appointment is to be made,
390 but not to be construed as mandated by this provision, would include: knowledge of the
391 principles and practices and equipment of office management; knowledge of city ordinances,
392 rules and regulations relating to employees and to city personnel manners; knowledge of the state
393 civil service law, pursuant to chapter 31 of the General Laws, and rules and practices; knowledge

394 of the principles and practices of personnel administration; ability to establish and to maintain
395 effective working relationships with a wide variety of public officers, employees and the public.
396 The director of human resources shall be responsible for the supervision and coordination of all
397 activities of the department of human resources in accordance with general laws, city ordinances,
398 administrative code and rules and regulations.

399 SECTION 43. Section 7-2 of article 7 of said charter is hereby amended by striking out
400 the words “at a preliminary” and inserting in place thereof the following words:- in the.

401 SECTION 44. Said section 7-2 of said article 7 of said charter is hereby further amended
402 by striking out the word “district”, each time it appears, and inserting in place thereof, in each
403 instance, the following word:- precinct.

404 SECTION 45. Said article 7 of said charter is hereby further amended by striking out
405 section 7-4 and inserting in place thereof the following section:-

406 SECTION 7-4. PRECINCTS

407 The territory of the city shall be divided into five precincts so established as to consist of
408 compact and contiguous territory, bounded insofar as possible by the center line of known streets
409 or ways or by other well-defined limits. The city council shall from time to time, but at least once
410 in each ten years, review such precincts to insure their uniformity in number of inhabitants in
411 accordance with general laws.

412 SECTION 46. Section 7-7 of said article 7 of said charter is hereby amended by striking
413 out the first sentence and inserting in place thereof the following sentence:- The city council or
414 the school committee shall hold a public hearing and act with respect to every petition addressed

415 to it which has been certified by the city clerk to be signed by one hundred or more voters, and
416 which seeks the passage of a measure.

417 SECTION 47. The second sentence of subsection (b) of section 7-8 of said article 7 of
418 said charter is hereby amended by striking out the figure “fifteen” and inserting in place thereof
419 the following figure:- thirty (30).

420 SECTION 48. Said section 7-8 of said article 7 of said charter is hereby further amended
421 by striking out subsection (c) and inserting in place thereof the following subsection:-

422 (c) Action on Petitions - Within ninety (90) days following the date a petition has been
423 returned to the clerk of the council or the secretary of the school committee by the city solicitor
424 and after publication in accordance with the provisions of Section 2-9(c), the city council or the
425 school committee shall act with respect to each initiative petition by passing it without change,
426 by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The
427 passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of
428 the initiative measure. If the city council or the school committee fails to act with respect to any
429 initiative measure which is presented to it within ninety (90) days following the date it is
430 returned to it by the city solicitor, the measure shall be deemed to have been approved on such
431 ninetieth (90th) day. If an initiative measure is rejected, the clerk of the council or the secretary
432 of the school committee shall promptly give notice of that fact to the person designated on the
433 petition as having filed the same, by certified mail.

434 SECTION 49. The first sentence of subsection (d) of said section 7-8 of said article 7 of
435 said charter is hereby amended by inserting after the figure “forty-five” the following figure:-
436 (45).

437 SECTION 50. Subsection (a) of section 7-9 of said article 7 of said charter is hereby
438 amended by striking out the first sentence and inserting in place thereof the following sentence:-
439 If, within thirty (30) days following the date on which the city council or the school committee
440 has voted finally to approve of any measure a petition signed by a number of voters equal to
441 twelve (12) percent of the total number of voters as of the date of the most recent general city
442 election and addressed to the city council or to the school committee as may be, protesting
443 against the measure or any part thereof is filed with the secretary of the school committee or
444 clerk of the council the effective date of such measure shall be temporarily suspended.

445 SECTION 51. Section 8-4 of article 8 of said charter is hereby amended by striking out
446 the words “and words importing the masculine gender shall include the feminine gender” and
447 inserting in place thereof the following words:- words importing any gender shall include all
448 genders.

449 SECTION 52. Said article 8 of said charter is hereby further amended by striking out
450 section 8-6 and inserting in place thereof the following section:-

451 SECTION 8-6. PERIODIC REVIEW, CHARTER AND ORDINANCES

452 (a) Charter Review - At least once in every ten years, in every year ending in a zero, the
453 city council shall provide for a review of the charter by a special or standing committee of the
454 city council with four members of the council appointed by the president and five additional
455 persons nominated by the council president and confirmed by majority vote of the city council.
456 The said committee shall file a report within fifteen (15) months following the appointment of its
457 members recommending any changes in the charter which it may deem to be necessary or

458 desirable. All charter recommendations shall require a two-thirds (2/3) vote by both the special
459 committee and the full council.

460 (b) Ordinance Review - At least once in every ten years, in every year ending in five, the
461 city council shall provide for a review of all ordinances of the city by a special or standing
462 committee of the council in consultation with the City attorney, for the purpose of determining if
463 any amendments or revisions may be necessary or desirable. A report, with recommendations,
464 shall be submitted to the city council within fifteen (15) months following the appointment of its
465 members.

466 (c) Copies of Charter and Ordinances - Copies of the charter and ordinances of the city,
467 as most recently amended or revised, shall be kept available for distribution to any person who
468 may request the same at the office of the city clerk in accordance with applicable general laws
469 and guidelines.

470 SECTION 53. Subsection (a) of section 8-8 of said article 8 of said charter is hereby
471 amended by inserting after the first sentence the following sentence:- All meetings must be
472 posted on city bulletin boards and the city website.

473 SECTION 54. Said subsection (a) of said section 8-8 of said article 8 of said charter is
474 hereby further amended by striking out the last sentence and inserting in place thereof the
475 following sentence:- Regular meetings of all multiple member bodies shall be held in public
476 buildings of the city of Easthampton and shall conform to the Open Meeting Law.

477 SECTION 55. Subsection (b) of said section 8-8 of said article 8 of said charter is hereby
478 amended by striking out the third sentence.

479 SECTION 56. The first sentence of section 8-11 of said article 8 of said charter is hereby
480 amended by amended by inserting after the word “board” the following words:- and through
481 electronic publication.

482 SECTION 57. The third sentence of the second paragraph of section 8-15 of said article 8
483 of said charter is hereby amended by striking out the word “coterminous” and inserting in place
484 thereof the following word:- concurrent.

485 SECTION 58. Said charter is hereby amended by striking out article 9 and inserting in
486 place thereof the following article:-

487 ARTICLE 9

488 TRANSITIONAL PROVISIONS UPON AMENDMENT OF THIS CHARTER

489 SECTION 9-1. CONTINUATION OF EXISTING LAWS

490 All general laws, special laws, town by-laws, town meeting votes, and rules and
491 regulations of or pertaining to the city that are in force when this charter is amended and not
492 specifically or by implication repealed by such amendment, shall continue in full force and effect
493 until amended or repealed or rescinded by due course of law, or until they expire by their own
494 limitation.

495 SECTION 9-2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION

496 Upon amendment of this charter, all city agencies shall continue to perform their duties
497 until re-elected, re-appointed, or until successors to their respective positions are duly appointed
498 or elected, or until their duties have been transferred and assumed by another city agency.

499 SECTION 9-3. TRANSFER OF RECORDS AND PROPERTY

500 Upon amendment of this charter, all records, property and equipment whatsoever of any
501 city agency, or part thereof, the powers and duties of which are assigned in whole or in part to
502 another city agency by such amendment, shall be transferred forthwith to such agency.

503 SECTION 9-4. CONTINUATION OF PERSONNEL

504 Upon amendment of this charter, any person holding a city office, or a position in the
505 administrative service of the city, or any person holding full time employment under the city,
506 shall retain such office, or position, or employment, and shall continue to perform the duties of
507 such office, position or employment until provision shall have been made for the performance of
508 those duties by another person or agency; provided, however, no person in the permanent full
509 time service of the city shall forfeit their pay grade, or time in service of the city. All such
510 persons shall be retained in a capacity as similar to the capacity in which they were serving at the
511 time this charter is amended as is practicable and any reduction in the personnel needs of the city
512 shall be accomplished through a policy of attrition, unless specific provision is otherwise made
513 in this article or the amendment.

514 SECTION 9-5. EFFECT ON OBLIGATIONS, TAXES, ETC.

515 All official bonds, recognizances, obligations, contracts, and other instruments entered
516 into or executed by or to the city before the amendment of this charter, and all taxes,
517 assessments, fines, penalties, forfeitures. incurred or imposed, due or owing to the city, shall be
518 enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein
519 otherwise provided, shall continue without abatement and remain unaffected by such amendment

520 to the charter; and no legal act done by or in favor of the city shall be rendered invalid by reason
521 of the amendment to this charter.

522 SECTION 9-6. TIME OF TAKING EFFECT

523 Any amendments to this charter shall be made in accordance with the General Laws and
524 provisions of this charter governing same.