

**HOUSE . . . . . No. 4534**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Daniel J. Ryan and Sal N. DiDomenico*

*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 Chelsea.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/24/2022</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/14/2022</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/28/2022</i>

**HOUSE . . . . . No. 4534**

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By Representative Ryan of Boston and Senator DiDomenico, a joint petition (accompanied by bill, House, No. 4534) of Daniel J. Ryan, Sal N. DiDomenico and Jessica Ann Giannino (with the approval of the mayor and city council) that the the city of Chelsea be authorized to amend the charter of said city. Municipalities and Regional Government. [Local Approval Received.]

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The Commonwealth of Massachusetts

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

An Act amending the charter of the city of Chelsea.

*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. Chapter 103 of the acts of 1994, as amended, is hereby further amended by  
2 striking out section 1 and inserting in place thereof the following section:-

3 SECTION 1. The following shall be the Charter for the City of Chelsea.

4 Preamble.

5 The City of Chelsea is a 1.8 mile, gateway city, located directly north of Boston and  
6 bordering the Mystic River. Chelsea proudly stands as one of only a few sanctuary cities in the  
7 State of Massachusetts. For almost 200 years, our collective identity and character as the  
8 community of Chelsea has been to welcome and educate, ALL—thereby helping families build a  
9 foundation upon which generations begin their personal journey toward the American dream.  
10 Our city’s identity and collective character is to accept and respect, and to be there for our  
11 neighbor no matter turbulent times, the obstacles, or the global crisis.

12           We the people of the City of Chelsea, desiring to manage our own affairs and conduct our  
13 local government, therefore, in a manner consistent with the City’s history of fostering a diverse  
14 community, so that it is accountable, stable, fiscally responsible and efficient, honest, fair,  
15 representative, and operating according to a code of ethics, and wishing to participate fully in  
16 exercising the rights and responsibilities of local government, do adhere to this Charter.

17           We assert our willingness to assume all responsibility for the conduct of matters  
18 pertaining to the city, and do by this document earnestly affirm our right as inhabitants of  
19 Chelsea, to live and grow in freedom, dignity, tranquility and prosperity. Under God with  
20 religious freedom, we secure these qualities to ourselves, realizing them in the community of  
21 Chelsea and its government, which provides for a system of law, education, public safety, and  
22 public health.

23           PART I. INCORPORATION, SHORT TITLE, POWERS

24           Section 1-1. Incorporation continued.

25           The inhabitants of the City of Chelsea, within its territorial limits as now or may hereafter  
26 be established by law, shall continue to be a body politic and corporate, under the name of the  
27 City of Chelsea and as such shall have, exercise and enjoy all the rights, immunities, powers and  
28 privileges, and shall be subject to all the duties and obligations, now incumbent upon and  
29 pertaining to the said city, as a municipal corporation.

30           This act shall be cited and known as the City of Chelsea Charter.

31           Section 1-3. Division of powers.

32 All legislative powers of the city shall be exercised by a city council. The administration  
33 of all fiscal, business and municipal affairs shall be vested in the executive branch under the  
34 supervision of the city manager.

35 Section 1-4. Powers of the city.

36 The intent and purpose of this Charter is to secure for the voters of the City of Chelsea,  
37 through the adoption of this Charter, all the powers possible to secure for their government under  
38 article LXXXIX of the amendments to the Constitution of the commonwealth and laws of the  
39 commonwealth, as fully and as though each such power were specifically and individually  
40 enumerated herein.

41 Section 1-5. Interpretation of powers.

42 The powers of the city under this Charter shall be construed and interpreted liberally in  
43 favor of the city, and the specific mention of any particular power is not intended to limit in any  
44 way the general powers of the city as stated in section 1-4.

45 Section 1-6. Intergovernmental cooperation.

46 The city may enter agreements with any other unit of government to perform jointly or in  
47 cooperation, by contract or otherwise, any of its powers or functions, as authorized by the laws  
48 of the commonwealth.

49 PART II. LEGISLATIVE

50 Section 2-1. Composition; eligibility; election and term.

51           (a)     Composition. There shall be a city council composed of 11 members which shall  
52 exercise the legislative powers of the city. Three members, to be known as councillors-at-large,  
53 shall be nominated and elected by and from the voters at large. Eight members, to be known as  
54 district councillors, shall be nominated and elected by and from the voters of each district, one  
55 such district councillor to be elected from each of the eight council districts into which the city is  
56 divided in accordance with section 7-4.

57           (b)     Eligibility. Except as otherwise provided in this act, any voter shall be eligible to  
58 hold the office of councillor-at-large; a district councillor shall be a voter and resident of the  
59 district from which the councillor is elected.

60           A councillor-at-large who shall remove from the city during the term for which such  
61 councillor-at-large was elected shall be deemed to have vacated the office of councillor-at-large  
62 and the office shall be considered vacant. A district councillor who shall remove from one  
63 district to another during the term of office for which such district councillor was elected shall be  
64 deemed to have vacated the office of district councillor and the office shall be considered vacant.  
65 Any vacancy in the office of councillor-at-large or district councillor shall be filled in accordance  
66 with section 2-4.

67           (c)     Election and term. The term of office of city council members shall be for two  
68 years beginning on the first city business day of January in the year following election, and  
69 continuing until their successors are qualified.

70

71           Section 2-2. City council organization.

72           After the councillors- elect have taken the oath of office, the city council shall be called  
73 together by the council clerk for the purpose of conduct in an election among city council  
74 members for the office of city council president and vice-president to serve at the pleasure of the  
75 city council. The president shall preside at all meetings of the city council, perform ceremonial  
76 functions and perform such other functions as may be assigned by this Charter, by ordinance or  
77 by vote of the city council. The vice-president shall perform all duties of the president during the  
78 president's absence or disability. The city council shall elect from among its members one  
79 councillor to sit as a nonvoting member of the school committee; this member shall serve at the  
80 pleasure of the city council.

81

82           Section 2-3. General powers and duties.

83           Except as otherwise provided by law or by this Charter, all powers of the city shall be  
84 vested in the city council that shall provide for their exercise and for the performance of all  
85 duties and obligations imposed on the city by law.

86

87           Section 2-4. Filling of vacancies.

88           If a vacancy occurs in the office of a city councillor, whether by failure to elect or  
89 otherwise, the remaining councillors shall, not more than 30 days after the date on which that  
90 vacancy is declared to exist, act to fill the vacancy. The city council shall fill the vacancy for the  
91 remainder of the unexpired term by choosing the defeated candidate for that seat from the last  
92 regular city election; provided, however, that the defeated candidate shall have received not less

93 than 30 per cent of the total ballots cast for the seat being vacated. For the purpose of this  
94 section, the 30 per cent minimum threshold shall be calculated as a ratio of ballots cast for the  
95 office being vacated to votes obtained by the defeated candidate. If there was no other candidate  
96 for the office or if the defeated candidate did not receive at least 30 per cent of the total ballots  
97 cast, the city council shall at its discretion choose an individual, who may be the defeated  
98 candidate, from among the voters entitled to vote for that office to serve for the remainder of the  
99 unexpired term. A person so chosen shall take the oath of office and commence to serve  
100 forthwith. No vacancy shall be filled in the manner provided in this section if a regular city  
101 election is to be held not more than 180 days after the date the vacancy is declared to exist. In an  
102 election held to elect a candidate to a seat that is vacant at the time of the election, the candidate  
103 deemed the winner of that election shall be sworn in to serve the remainder of the term  
104 previously vacated at the first regularly scheduled city council meeting after the date the election  
105 results are officially certified.

106 Section 2-5. Exercise of powers; quorum; rules of procedure.

107 (a) Exercise of powers. Except as otherwise provided by the laws of the  
108 commonwealth or this Charter, the legislative powers of the city council may be exercised in a  
109 manner determined by it.

110 (b) Quorum. A quorum shall be a majority of the full city council. The affirmative  
111 vote of a majority of the full city council shall be necessary to adopt any appropriation order. An  
112 affirmative vote of two-thirds of the full city council shall be necessary to adopt any loan  
113 authorization. Except as otherwise provided by the laws of the commonwealth or this Charter,  
114 any other motion or measure may be adopted by a majority vote of those present.

115           (c)     Rules of procedure. The city council shall from time to time adopt rules for its  
116 proceedings. Regular meetings of the city council shall be held at a time and place fixed by  
117 ordinance, but shall be not less frequent than once monthly; provided, however, that the city  
118 council president may suspend meetings during the months of July and August. Special meetings  
119 of the city council may be held on the call of the president of the city council, or on the call of  
120 any five or more members; by written notice delivered to the city clerk at least 48 hours in  
121 advance of the time set. Except as otherwise authorized by the laws of the commonwealth, all  
122 sessions of the city council shall be open to the public and the agenda of any regular or special  
123 city council meeting shall be available to the public in the office of the city clerk and posted on  
124 the city bulletin board at least 48 hours prior to any such meeting. Such posting shall not  
125 preclude the city council from the introduction of additional agenda items as allowed by the city  
126 council's rules of procedure. Every matter coming before the city council for action shall be put  
127 to a vote, the result of which shall be duly recorded. All city council votes on ordinances,  
128 appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly  
129 recorded. A full, accurate, and up-to-date record of the proceedings of the city council shall be  
130 kept by the clerk of the city council and shall be open to inspection by the public.

131           (d)     Public comment. Regular meetings of the city council shall provide for a period of  
132 public comment; provided, however, the city council may regulate such period of public  
133 comment and method of city council response as deemed appropriate.

134           Section 2-6. City council staff.



135           The city council shall appoint a clerk to the city council and may employ such staff and  
136 retain such assistance as is necessary to conduct the business of the city council. The city council  
137 shall establish the compensation of such staff.

138           Section 2-7. Measures; emergency measures; objection; publication of measures.

139           (a)     In general. No ordinance, appropriation or loan authorization shall be passed  
140 finally on the date on which it is introduced, except in cases of emergency measures involving  
141 the health or safety of the people or their property. Except as otherwise provided by this Charter,  
142 every adopted measure shall become effective at the expiration of 14 days after adoption or at  
143 any later date specified therein. Measures not subject to referendum shall become effective upon  
144 adoption. No ordinance shall be amended or repealed, except by another ordinance adopted in  
145 accordance with this Charter, or as provided in the initiative and referendum procedures.

146           (b)     Emergency measures. An emergency measure shall be introduced in the form and  
147 manner prescribed for measures generally except that it shall be plainly designated as an  
148 emergency measure and shall contain statements after the enacting clause declaring that an  
149 emergency exists and describing its scope and nature in clear and specific terms. A preamble that  
150 declares and defines the emergency shall be separately voted on and shall require the affirmative  
151 vote of two-thirds of the city council. An emergency measure may be passed with or without  
152 amendment or rejected at the meeting at which it is introduced. No measure making a grant,  
153 renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be  
154 passed as an emergency measure, and except as provided by the laws of the commonwealth, no  
155 such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption,

156 an emergency measure shall be published as prescribed for other adopted measures. An  
157 emergency measure shall become effective upon adoption or at such later time as it may specify.

158 (c) Objection. On the first occasion that the question on adoption of a measure is put  
159 to the city council, if a single member objects to the taking of the vote, the vote shall be  
160 postponed until the next meeting of the city council whether regular or special. If three members  
161 shall object, such postponement shall be until the next regular meeting; but for an emergency  
162 measure at least four members must object. This procedure shall not be used more than once for  
163 any measure notwithstanding any amendment to the original measure.

164 (d) Publication of measures. Upon final passage, notice of every ordinance,  
165 appropriation order, or loan authorization shall be published by the city clerk in at least one  
166 newspaper of general circulation within the city within 14 days, and posted on the city bulletin  
167 board. Any such publication notice required shall state the summary of the finally enacted  
168 ordinance or ordinances, appropriation order, or loan authorization, and the times and places at  
169 which copies of such measures may be obtained or reviewed by the public.

170 Section 2-8. Inquires and investigations.

171 The city council shall have the authority to require any officer, employee or member of a  
172 multiple-member body to appear and give such information as required in relation to the function  
173 and performance of the office or position held by such person. The city council shall give at least  
174 48 hours written notice of the general scope of the inquiry which is to be made to any person it  
175 shall require to appear before it under this section.

176           The city council may make investigations into the affairs of the city and into the conduct  
177 of any city agency, and for this purpose may subpoena witnesses, administer oaths and require  
178 the production of evidence.

179           Section 2-9. Prohibitions.

180           No councillor shall, while a member of the city council, hold any other office, including  
181 membership on a multiple-member body, or other position under the city. No former councillor  
182 shall hold any compensated appointive office or employment under the city until one year after  
183 the expiration of the councillor's service on the city council. This provision shall not prevent a  
184 city officer or employee who has been granted a leave of absence from such duties in order to  
185 serve as a member of the city council from returning to such office or employment following  
186 service as a member of the city council.

187           Any person who has been finally convicted of a state or federal felony shall not be  
188 eligible to petition for or serve in any elective or appointive office or position under the city. Any  
189 councillor who has been finally convicted of a state or federal felony shall be deemed to have  
190 vacated said office and shall be disqualified from serving in any other elective or appointive  
191 office or position under the city.

192           Section 2-10. Compensation.

193           The city council shall by ordinance, establish an annual salary for its members. Except as  
194 provided by this section, members of the city council shall receive no other compensation or  
195 benefits from the city. Members of the city council shall be eligible for membership in the  
196 retirement system.

197 No ordinance increasing such salary shall be effective, however, unless it shall have been  
198 adopted by a two-thirds vote of the full city council during the first 18 months of the term for  
199 which councillors are elected, and the revised salary schedule is to be effective upon the  
200 commencement of the terms of office of the next city council to be elected.

201 Section 2-11. Relationship of the city manager and the city council.

202 The city manager shall be the primary officer responsible for the implementation of city  
203 council policy, as reflected by the city council's votes and resolutions, enactment of ordinances,  
204 appropriation orders and loan authorizations.

205 Except as may be otherwise authorized by this Charter, no member of the city council,  
206 nor any committee of the city council, shall directly involve themselves in the conduct of the  
207 administrative business of the city.

208

209 PART III. SCHOOL COMMITTEE

210 Section 3-1. Composition; eligibility: election and term; powers and duties.

211 (a) Composition. There shall be a school committee composed of nine members. One  
212 member, to be known as the at-large school committee member, shall be nominated and elected  
213 by and from the voters at large. Eight members, to be known as district school committee  
214 members, shall be nominated and elected by and from the voters of each district, one such  
215 member to be elected from each of the eight districts into which the city is divided in accordance  
216 with section 7-4. The School committee shall elect from among its members one member to sit

217 as a nonvoting member of the city council; this member shall serve at the pleasure of the school  
218 committee.

219 (b) Eligibility. Except as otherwise provided by this Charter, any voter shall be  
220 eligible to hold the office of at-large school committee member, and a district school committee  
221 member shall be a voter and resident of the district from which the school committee member is  
222 elected. An at-large school committee member who shall remove from the city during the term  
223 for which such school committee member was elected shall be deemed to have vacated the office  
224 of at-large school committee member and the office shall be considered vacant. A district school  
225 committee member who shall remove from the district during the term of office for which such  
226 district school committee member was elected shall be deemed to have vacated the office of  
227 district school committee member and the office shall be considered vacant. Any vacancy in the  
228 office of at-large school committee member or district school committee member shall be filled  
229 in accordance with section 3-2.

230 (c) Election and term. The term of office of school committee members shall be for  
231 two years beginning on the first city business day of January in the year following election, and  
232 continuing until their successors are qualified.

233 (d) Powers and duties. The school committee shall have all the powers and duties  
234 given to school committees by the laws of the commonwealth. The school committee shall have  
235 general charge of the public schools of the city. The school committee shall have the power to  
236 select and to terminate a superintendent of schools, establish educational goals and policies for  
237 the schools consistent with the requirements of the laws of the commonwealth and standards  
238 established by the commonwealth.

239           Section 3-2. Filling vacancies.

240           If a vacancy occurs in the membership of the school committee whether by failure to  
241 elect or otherwise, the president of the city council shall, not more than 30 days after the date on  
242 which that vacancy is declared to exist, call a joint meeting of the city council and the school  
243 committee to act to fill the vacancy. At the joint meeting, a majority of those present and voting  
244 shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate  
245 for the seat at the last regular city election; provided, however, that the defeated candidate shall  
246 have received not less than 20 per cent of the ballots cast for the seat being vacated. For the  
247 purpose of this section, the 20 per cent minimum threshold shall be calculated as a ratio of  
248 ballots cast for the office being vacated to votes obtained by the defeated candidate. If there was  
249 no other candidate for the office or the defeated candidate did not receive at least 20 per cent of  
250 the total ballots cast, the city council and the school committee shall at their discretion choose an  
251 individual, who may be the defeated candidate, from among the voters entitled to vote for that  
252 office for the remainder of the unexpired term. A person so chosen shall take the oath of office  
253 and commence to serve forthwith. No vacancy shall be filled in the manner provided in this  
254 section if a regular city election is to be held not more than 180 days after the date the vacancy is  
255 declared to exist. In an election being held to elect a candidate to a seat that is vacant at the time  
256 of the election, the candidate deemed the winner of the election to that seat shall be sworn in to  
257 serve the remainder of the term previously vacated at the first regularly scheduled school  
258 committee meeting after the date the election results are officially certified.

259           Section 3-3. Prohibitions.

260 No school committee member shall, while a member of the school committee, hold any  
261 other office, including membership on a multiple-member body, or position under the city. No  
262 former school committee member shall hold any compensated appointive office or employment  
263 under the city until one year after the expiration of service on the school committee. This  
264 provision shall not prevent an officer or employee who has taken a leave of absence from such  
265 duties in order to serve as a member of the school committee from returning to such office or  
266 employment following service as a member of the school committee.

267 Any person who has been finally convicted of a state or federal felony shall not be  
268 eligible to petition for or serve in any elective or appointive office or position under the city. Any  
269 school committee member who has been finally convicted of a state or federal felony shall be  
270 deemed to have vacated said office and shall be disqualified from serving in any other elective or  
271 appointive office or position under the city.

272 Section 3-4. Compensation.

273 The school committee shall by vote establish an annual salary for its members. Except as  
274 provided by this section, members of the school committee shall receive no other compensation  
275 or benefits from the city. School committee members shall be eligible for membership in the  
276 retirement system.

277 No vote increasing such salary shall be effective however, unless it shall have been  
278 adopted by a two-thirds vote of the full school committee during the first 18 months of the term  
279 for which school committee members are elected, and the revised salary schedule, as approved  
280 by the city council during budget hearing, is to be effective upon the commencement of the terms  
281 of office of the next school committee to be elected.

282 PART IV. CITY MANAGER

283 Section 4-1. Appointment; qualifications.

284 The city council shall appoint and may remove by an affirmative vote of seven members  
285 the city manager. The city manager shall be a person of proven administrative ability, especially  
286 qualified by education and training with at least five years prior experience as a city or town  
287 manager, or an assistant city or town manager or the equivalent public or private sector level  
288 experience, and shall hold a bachelors degree or similar or higher level degree from a  
289 recognized, accredited college or university. The city council may from time to time establish  
290 such additional qualifications as deemed necessary and appropriate.

291 The city council shall enter into an employment agreement with the city manager. Said  
292 employment agreement and any renewals of said employment agreement shall be for a period of  
293 at least two years.

294 The city manager shall devote full time to the duties of the office and shall not hold any  
295 other elective or appointive office, nor shall the city manager engage in any other business unless  
296 such action is approved in advance in writing by the city council.

297 The city manager need not be a resident of the city or of the commonwealth at the time of  
298 appointment.

299 Section 4-2. Powers of appointment.

300 Except as otherwise provided by this Charter, the city manager shall appoint, based upon  
301 merit and fitness alone, all officers and employees for whom no other method of selection is  
302 provided in this Charter, except for employees of the school department.



303           The city manager shall appoint all members of multiple-member bodies provided,  
304 however, that appointments made by the city manager shall become effective on the thirtieth day  
305 after the day on which notice of the proposed appointment is filed with the city council, unless  
306 the city council votes, within that period, by majority of the full city council to reject the  
307 appointment or unless the city council has sooner voted to affirm it. If the notice of appointment  
308 is filed after the city council has recessed for longer than 30 days, the appointment, if not acted  
309 upon, shall become effective the day after the next scheduled city council meeting; provided  
310 however, that the city manager may make a temporary appointment if the city manager  
311 determines that the position shall be filled to assure continuity of services or effective and  
312 prompt response to the city's emergency needs.

313           Section 4-3. Administrative powers and duties.

314           The city manager shall be the chief administrative officer of the city and shall be  
315 responsible to the city council for the proper operation of city affairs for which the city manager  
316 is given responsibility under this Charter. The powers, duties and responsibilities of the city  
317 manager shall include, but are not intended to be limited to, the following:

318           (a)    To supervise, direct and be responsible for the efficient administration of all  
319 officers and employees appointed by the city manager and their respective departments and of all  
320 functions for which the city manager is given responsibility, authority or control by this Charter,  
321 by ordinance, or by vote of the city council;

322           (b)    To administer either directly or through a person or persons supervised by the city  
323 manager, in accordance with this Charter, all provisions of general or special laws applicable to  
324 the city, all ordinances, and all regulations established by the city council;

- 325 (c) To coordinate all activities of city departments or agencies;
- 326 (d) To attend all regular and special meetings of the city council, unless excused, and  
327 to answer all questions addressed to the city manager which are related to matters under the  
328 general supervision of the city manager;
- 329 (e) To keep the city council fully informed as to the needs of the city, and to  
330 recommend to the city council for adoption such measures requiring action by them as the city  
331 manager deems necessary or expedient;
- 332 (f) To ensure that complete and full records of the financial and administrative  
333 activity of the city are maintained and to render reports to the city council as may be required or  
334 requested;
- 335 (g) To be responsible for the rental, use, maintenance and repair of all city facilities,  
336 except those under the jurisdiction of the school committee. Rental agreements of more than five  
337 years in duration shall be subject to the approval of the city council;
- 338 (h) To act as the chief procurement officer and be responsible for the purchase of all  
339 supplies, materials, and equipment. The city manager may delegate this function to some other  
340 officer or employee as deemed necessary;
- 341 (i) To prepare and maintain a full and complete inventory of all city owned real and  
342 personal property;
- 343 (j) To administer personnel policies, practices, or rules and regulations, any  
344 compensation plan and any related matters for all city officers and employees and to administer

345 all collective bargaining agreements, except for school department agreements, entered into by  
346 the city;

347 (k) To fix the compensation of all city officers and employees appointed by the city  
348 manager within the limits established by appropriation and any applicable compensation plan or  
349 collective bargaining agreement;

350 (l) To be responsible for the negotiation of all collective bargaining agreements with  
351 city employees over wages, and other terms and conditions of employment. The city manager  
352 may employ special counsel to assist in the performance of these duties. Cost items of collective  
353 bargaining agreements shall be subject to the approval of the city council;

354 (m) To prepare and submit an annual operating budget, capital improvement program  
355 and a long term financial forecast;

356 (n) To keep the city council fully informed as to the financial condition of the city  
357 and to make recommendations to the city council as the city manager determines necessary or  
358 expedient;

359 (o) To inquire into the affairs of all city department, agency or office;

360 (p) To delegate, authorize or direct any subordinate officer or employee of the city to  
361 exercise any power, duty or responsibility which the office of city manager is authorized to  
362 exercise, provided that all acts that are performed under such delegation shall be considered to be  
363 the acts of the city manager;

364 (q) To perform such other duties as necessary or as may be assigned by this Charter,  
365 by ordinance, or by vote of the city council.

366 Section 4-4. Compensation.

367 The city manager shall receive such compensation for services as the city council shall  
368 determine, but such compensation shall be within the limits of available appropriations.

369 Section 4-5. Vacancy in office.

370 Any vacancy in the office of city manager shall be filled as soon as possible by the city  
371 council. Pending appointment of the city manager or the filling of any vacancy, the city council  
372 shall forthwith appoint some other person to perform the duties of the city manager. The  
373 appointment of the acting city manager shall be for a term not to exceed three months; provided,  
374 however, that a renewal, not to exceed an additional three months may be provided.

375 Section 4-6. Temporary absence.

376 The city manager shall designate by letter filed with the city council and city clerk a  
377 qualified officer or employee of the city to perform the duties of the city manager during a  
378 temporary absence or disability, such officer or employee to be approved by vote of the city  
379 council. In the event of failure of the city manager to make such designation or if the officer or  
380 employee so designated is for any reason unable to serve, the city council may designate some  
381 other qualified officer or employee to perform the duties of the city manager until the city  
382 manager shall return.

383 Section 4-7. Powers of the acting or temporary city manager.

384 The powers of the acting city manager under section 4-5 and the temporary city manager  
385 under section 4-6 shall be limited to matters not admitting of delay; provided, however, that no

386 temporary city manager under section 4-6 shall have the power to make any permanent  
387 appointment to, or removal from, any office or position under the city.

388 Section 4-8. Annual review of the city manager.

389 Annually the city council shall prepare and deliver to the city manager a written  
390 evaluation of the city manager's performance. The President of the Chelsea City Council shall  
391 annually appoint a committee to perform the city manager's evaluation.

392 The city council shall publish on the internet and at least one newspaper of general  
393 circulation in the city a notice stating the date and time of the city council meeting when the city  
394 manager's annual review shall be scheduled. Such notice shall appear at least 14 days before said  
395 meeting.

## 396 PART V. FINANCIAL PROCEDURES

397 Section 5-1. Annual budget policy.

398 The president of the city council shall call a joint meeting of the city council and school  
399 committee prior to the commencement of the budget process to review the financial condition of  
400 the city, revenue and expenditure forecasts, and other relevant information prepared by the city  
401 manager in order to develop a coordinated budget. The superintendent of schools and the city  
402 manager shall be present at any such meeting.

403 Section 5-2. Submission of operating budget; budget message.

404 At least 60 days before the commencement of the ensuing fiscal year, the city manager  
405 shall submit to the city council a proposed operating budget for all city agencies, which shall  
406 include the school department, for the ensuing fiscal year with an accompanying budget message

407 and supporting documents. The budget message submitted by the city manager shall explain the  
408 operating budget in fiscal terms and in terms of work programs for all city agencies. It shall  
409 outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important  
410 features of the proposed operating budget and indicate any major variations from the current  
411 operating budget, fiscal policies, revenues and expenditures together with reasons for such  
412 change. The proposed operating budget shall provide a complete fiscal plan of all city funds and  
413 activities and shall be what the city manager deems desirable.

414           The school budget as adopted by the school committee shall be submitted to the city  
415 manager at least 30 days prior to the submission of the proposed operating budget to the city  
416 council. The city manager shall notify the school committee of the date by which the budget of  
417 the school committee shall be submitted to the city manager. The city manager and the  
418 superintendent of schools shall coordinate the dates and times of the school committee's budget  
419 process in accordance with the laws of the commonwealth.

420           Section 5-3. Action on the operating budget.

421           (a)     Public hearing. The city council shall publish on the internet and in at least one  
422 newspaper of general circulation in the city a summary of the proposed operating budget as  
423 submitted by the city manager by a notice stating:

424           (1)     The times and places where copies of the entire proposed operating budget are  
425 available for inspection by the public; and

426           (2)     The date, time and place not less than 14 days after such publication when a  
427 public hearing on said proposed operating budget will be held by the city council. For the  
428 purpose of this section the summary of the proposed operating budget that is required to be

429 published shall contain proposed appropriations, funding sources and any narrative summary  
430 deemed necessary by the city council.

431 (b) Adoption of the budget. The city council shall adopt the operating budget, with or  
432 without amendments, within 45 days following the date the budget is filed with the clerk of the  
433 city council. In amending the operating budget, the city council may delete or decrease any  
434 amounts except expenditures required by law, but except on the recommendation of the city  
435 manager, the city council shall not increase any item in, or the total of, the proposed operating  
436 budget, unless otherwise authorized by the laws of the commonwealth.

437 If the city council fails to take action with respect to any item in the operating budget  
438 within 45 days after receipt of the budget, such amount shall, without any action by the city  
439 council, become a part of the appropriations for the year, and be available for the purposes  
440 specified.

441 Section 5-4. Capital improvements program.

442 (a) Preparation. The city manager shall annually submit a capital improvements  
443 program to the city council at least 90 days prior to the date for submission of the operating  
444 budget, unless some other time is provided by ordinance.

445 (b) Contents. The capital improvements program shall include:

446 (1) A clear summary of its contents;

447 (2) An itemization of all capital improvements, including those of the school  
448 department, proposed to be undertaken during the next five or more fiscal years with supporting  
449 data;

450 (3) Cost estimates, method of financing, and recommended time schedules; and  
451 (4) The estimated annual cost of operating and maintaining the facilities included.  
452 (c) Public hearing. The city council shall publish on the internet and in at least one  
453 newspaper of general circulation in the city a summary of the capital improvements program and  
454 a notice stating:

455 (1) The times and places where entire copies of the capital improvements program are  
456 available for inspection by the public; and

457 (2) The date, time and place not less than 14 days after such publication, when a public  
458 hearing on said plan will be held by the city council.

459 (d) Adoption. At any time after the public hearing but before the first day of the last  
460 month of the current fiscal year, the city council shall by resolution adopt the capital  
461 improvements program with or without amendment, provided that each amendment must be  
462 voted separately and that any increase in the capital improvements program as submitted must  
463 clearly identify the method of financing proposed to accomplish such increase.

464 Section 5-5. Long-term financial forecast.

465 The city manager shall annually prepare a long-term financial forecast of city revenue,  
466 expenditures and the general financial condition of the city. The forecast shall include, but not be  
467 limited to, an identification of factors which will impact on the financial condition of the city,  
468 revenue and expenditure trends, potential sources of new or expanded revenues and any long or  
469 short term actions that may be taken to enhance the financial condition of the city. The forecast  
470 shall be submitted to the city council and shall be available to the public for inspection.



471 Section 5-6. Annual audit.

472 The city council shall provide for an annual audit of the books and accounts of the city to  
473 be made by a certified public accountant, or firm of certified public accountants, who have no  
474 personal interest, direct or indirect, in the fiscal affairs of the city government or any of its  
475 agencies.

476 The city council shall publish on the internet and in at least one newspaper of general  
477 circulation in the city a notice stating the availability of the final audit report for public  
478 inspection.

479 PART VI. ADMINISTRATIVE ORGANIZATION

480 Section 6-1. Organization of city agencies.

481 (a) Methods of organization. The organization of city government into operating  
482 agencies for the provision of services and the administration of government shall be the  
483 responsibility of the city manager. Subject only to the express prohibitions by law or this  
484 Charter, the city manager may, by administrative order, reorganize, consolidate, create, merge,  
485 divide or abolish a city department or agency, in whole or in part, establish a new city agency as  
486 the city manager deems necessary or advisable, and prescribe the functions and the  
487 administrative procedures to be followed by all such agencies.

488 Administrative orders made by the city manager shall become effective on the thirtieth  
489 day after the day on which notice of the proposed administrative order is filed with the city  
490 council, unless the city council votes, within that period, by a majority of the full city council, to  
491 reject the administrative order or unless the city council has sooner voted to affirm it. If the

492 notice of proposed administrative order is filed after the city council has recessed for longer than  
493 30 days, the order shall become effective, if not acted upon, the day after the next scheduled city  
494 council meeting.

495 (b) Publication of administrative code. For the convenience of the public, the  
496 administrative orders establishing the nature of the city organization and any amendments thereto  
497 shall be printed as an appendix to, but not be an integral part of, the ordinances of the City of  
498 Chelsea.

499 Section 6-2. Licensing commission.

500 (a) (a) Establishment; composition of commission. Until such time as provided  
501 by paragraph (a) of section 6-1, there shall be a licensing commission which shall consist of four  
502 residents of the city and the director of inspectional services. One resident member shall serve as  
503 chair. The four resident members shall be appointed in accordance with section 4-2.

504 (b) Powers and duties. Except as otherwise provided by this Charter, the licensing  
505 commission shall act as the licensing authority for the city with all power to grant, suspend or  
506 revoke licenses and permits for intoxicating liquors, and all licenses and permits now or hereafter  
507 vested by law in the mayors and city councils of cities of the commonwealth.

508 Section 6-3. Traffic and parking commission.

509 (a) Establishment and composition of commission. Until such time as provided  
510 otherwise pursuant to paragraph (a) of section 6-1, there shall be a traffic and parking  
511 commission which shall consist of the police chief, who shall serve as chairperson, the fire chief,  
512 the director of public works, the director of housing and community development, or their

513 designees, and 3 resident members appointed in accordance with section 4-2. The officer or  
514 employee appointed as parking clerk shall serve as clerk to the traffic and parking commission.

515 (b) Powers and duties. The traffic and parking commission shall have exclusive  
516 authority, except as otherwise provided by this Charter, to adopt, amend, alter and repeal rules  
517 and regulations, consistent with the General Laws, relative to vehicular traffic in the city and  
518 relative to the movement, stopping or standing of vehicles on, and their exclusion from, streets,  
519 ways, highways, roads and parkways under the control of the city. The commission's authority  
520 shall extend to rules and regulations designating a way or part of a way under the city's control as  
521 a through way pursuant to section 9 of chapter 89 of the General Laws and to prescribing  
522 penalties for a violation of a rule or regulation adopted pursuant to this section.

523 All rules and regulations promulgated by authorized vote of the traffic and parking  
524 commission, except temporary or emergency rules and regulations promulgated for less than 30  
525 days, shall become effective on the thirtieth day after the day on which notice of the proposed  
526 rule or regulation is filed with the city council, unless the city council votes within that period by  
527 majority of the full city council to reject the rule or regulation or unless the city council sooner  
528 votes to affirm it. If the notice of proposed rule or regulation is filed after the city council has  
529 recessed for longer than 30 days, then the rule or regulation, if not acted upon, shall become  
530 effective the day after the next scheduled city council meeting; provided, however, that the  
531 traffic and parking commission may make a temporary rule or regulation if the commission  
532 determines that the position shall be filled in order to assure continuity of services or effective  
533 and prompt response to the city's emergency needs.

534 Ten residents of the city, who are not less than 18 years of age, may petition the traffic  
535 and parking commission relating to a rule or regulation adopted or proposed to be adopted  
536 provided the rule or regulation has not been in effect for 90 days or less. The traffic and parking  
537 commission shall hold a public hearing on the petition not more than 30 days after its filing with  
538 the traffic and parking commission.

539 If a public hearing shall be held on a proposed rule or regulation, the proposed rule or  
540 regulation shall not be adopted until the public hearing has been concluded. After the public  
541 hearing has been held, any vote on the subject matter shall be passed by a majority of the full  
542 membership of the traffic and parking commission.

543 All rules and regulations adopted after a public hearing shall be published via internet and  
544 in a newspaper of general circulation in the city.

545 Section 6-4. Personnel administration.

546 The city manager shall adopt rules and regulations establishing a personnel system. The  
547 personnel system shall make use of current concepts of personnel management and may include,  
548 but not be limited to, the following elements: a method of administration; personnel policies  
549 indicating the rights, obligations and benefits of employees; a classification plan; a compensation  
550 plan; a method of recruiting and selecting employees based upon merit principles; a centralized  
551 record keeping system; a performance evaluation system; disciplinary procedures; and other  
552 elements that are determined necessary.

553 The city manager may establish procedures for the selection of department heads,  
554 including but not limited to, the establishment of selection or screening committees; provided,  
555 however, that the provisions of section 4-2 of this Charter are followed.

556 Unless otherwise provided by this Charter, all city agencies and positions shall be subject  
557 to the rules and regulations adopted under this section excluding those of the school department.  
558 Personnel rules and regulations shall be made available to the city council.

559 PART VII. NOMINATIONS AND ELECTIONS

560 Section 7-1. City elections; preliminary and general.

561 The regular city election shall be held on the first Tuesday following the first Monday in  
562 November of each odd-numbered year.

563 On the sixth Tuesday preceding every regular city election, there shall be held a  
564 preliminary election for the purpose of nominating candidates.

565 The City shall make available to registered voters the ability to vote early in person  
566 weekdays during the preceding week and second Saturday preceding the regular city election  
567 held in November.

568 Section 7-2. Preliminary elections.

569 (a) Signature requirements. The number of signatures of voters required to place the  
570 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:

571 For the office of councillor-at-large the signature requirement shall be not less than 50.

572 For the office of at-large school committee member, the signature requirement shall be not less

573 than 50. For the office of district councillor the signature requirement shall be not less than 50.

574 For the office of district school committee member the signature requirement shall be not less

575 than 50.

576 (b) Ballot position. The order in which names of candidates appear on the ballot for  
577 each office shall be determined by a drawing by lot conducted by the city clerk in the presence of  
578 such candidates or their representatives as may choose to attend such drawings. The city clerk  
579 shall provide notice to candidates of their ballot position.

580 (c) Determination of candidates for election. The two persons receiving at a  
581 preliminary election the highest number of votes for nomination for an office shall be the sole  
582 candidates for that office whose names may be printed in the official ballot to be used at the  
583 regular election at which such office is to be filled, and no acceptance of a nomination at a  
584 preliminary election shall be necessary to assure its validity.

585 If two or more persons are to be elected to the same office at such regular election, the  
586 several persons in number equal to twice the number to be so elected receiving at such  
587 preliminary election the highest number of votes for nomination for that office shall be the sole  
588 candidates for that office whose names may be printed on the official ballot.

589 If the preliminary election results in a tie vote among candidates for nomination receiving  
590 the lowest number of votes, which but for said tie vote would entitle a candidate receiving the  
591 same to have such candidate's name printed upon the official ballot for the election, all  
592 candidates participating in said tie vote shall have their names printed upon the official ballot,  
593 although in consequence thereof, there be printed on such ballots the names of candidates  
594 exceeding twice the number to be elected.

595 (d) Nomination of candidates. If at the expiration of the time for filing petitions of  
596 candidates to be voted for at any preliminary election, not more than twice as many such  
597 petitions have been filed with the city clerk for an office as are to be elected to such office, the

598 candidates whose petitions have thus been filed shall be deemed to have been nominated to said  
599 office and their names shall be voted on for such office at the succeeding regular election, and  
600 the city clerk shall not print said names upon the ballot to be used at said preliminary election  
601 and no other nomination to said office shall be made.

602 Section 7-3. General elections.

603 (a) Information to voters. If the candidate in a regular city election is an incumbent of  
604 the office to which the candidate seeks election, against the candidate's name shall appear the  
605 phrase "candidate for re-election."

606 (b) Ballot position. The order in which names of candidates appear on the ballot for  
607 each office in a regular city election shall be determined by a drawing by lot conducted by the  
608 city clerk in the presence of such candidates or their representatives as may choose to attend. The  
609 city clerk shall provide notice to candidates of their ballot position.

610 Section 7-4. Districts.

611 The territory of the city shall be divided into districts so established as to consist of as  
612 nearly equal a number of inhabitants as it is possible in compact and contiguous territory;  
613 bounded insofar as possible by the center line of known streets or ways or by other well-defined  
614 limits.

615 Section 7-5. Application of state law.

616 Except as expressly provided in this Charter and authorized by laws of the  
617 commonwealth, all city elections shall be governed by the laws of the commonwealth relating to  
618 the right to vote, the registration of voters, the nomination of candidates, the conduct of

619 preliminary and regular elections, the submission of Charter amendments and other propositions,  
620 the counting of votes and the declaration of results.

621 PART VIII. CITIZEN PARTICIPATION MECHANISMS

622 Section 8-1. Free petition.

623 The city council or the school committee shall hold a public hearing and act with respect  
624 to every petition which is addressed to it, which is signed by 150 voters or more, and which  
625 seeks the passage of a measure. The hearing shall be held by the city council or the school  
626 committee, or, in either case, by a committee or subcommittee thereof, and the action by the city  
627 council or the school committee shall be taken not later than six weeks after the petition is filed  
628 with the clerk of the city council or the secretary of the school committee, as may be appropriate.  
629 Hearings on two or more petitions filed under this section may be held at the same time and  
630 place. The clerk of the city council or the secretary of the school committee shall mail notice of  
631 the hearing to the ten persons whose names appear first on the petition at least seven days prior  
632 to the hearing. Notice, by publication, of all such hearings shall be at public expense.

633 Section 8-2. Citizen initiative measures.

634 (a) Commencement of proceedings. Initiative procedures shall be commenced by the  
635 filing of an initiative petition with the city clerk. The petition shall be addressed to the city  
636 council or the school committee, shall contain a request for passage of a particular measure set  
637 forth in the petition and shall be signed by not less than 20 percent of the total number of voters.

638 Signatures to initiative petitions need not be all on one paper. All such papers pertaining  
639 to any one measure shall be fastened together and shall be filed in the office of the city clerk as



640 one instrument, with the endorsement thereon of the names and addresses of the persons  
641 designated as filing the same. With each signature to the petition shall be stated the place of  
642 residence of the signer, giving the street and number, if any.

643           Within ten days of the filing of said petition the registrars of voters shall ascertain by  
644 what number of voters the petition is signed, and shall attach thereto their certificate showing the  
645 result of such examination.

646           The city clerk shall forthwith transmit the said certificate with the said petition to the city  
647 council or to the school committee, as appropriate, and at the same time shall send a copy of said  
648 certificate to the persons designated on the petition as filing the same.

649           When such certificate has been so transmitted, said petition shall be deemed to be valid  
650 unless written objections are made with regard to the signatures thereon by a voter within 48  
651 hours after such certification by filing such objections with the city council or the school  
652 committee, and a copy thereof with the registrars of voters. Any such objection shall be  
653 determined forthwith.

654           (b)   Referral to city solicitor. If the city clerk determines that a sufficient number of  
655 signers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.

656           Within 15 days after receipt by the city solicitor of the petition the city solicitor shall  
657 advise the city clerk in writing whether the measure may be proposed by initiative procedures,  
658 and whether it may be lawfully passed by the city council or the school committee. If the opinion  
659 of the city solicitor is that the measure may not lawfully be passed, the city solicitor shall state  
660 the reason or reasons therefor in said reply. The city clerk shall forthwith furnish a copy of the  
661 city solicitor's opinion to the person designated on the petition as filing the same.

662 (c) Initiative petition; requirements for passage and submission to electorate. If any  
663 initiative petition is signed by voters equal in number to at least 20 percent of the total number of  
664 voters, and in the opinion of the city solicitor, such measure may be lawfully passed by the city  
665 council or school committee, the city council or school committee within 30 days after the date  
666 of the certificate of the registrars to that effect:

667 (1) May pass said measure without alteration, subject to the referendum vote  
668 provided in this Charter; or

669 (2) The city council shall call a special election to be held at a date fixed by it not less  
670 than 60 days after the date of the certificate herein mentioned, and shall submit the proposed  
671 measure without alteration to a vote of the voters at that election; provided, however, that if any  
672 city election is otherwise to occur within 120 days after the date of said certificate, the city  
673 council may, at its discretion, omit the calling of a special election and submit the proposed  
674 measure to the voters at such approaching election.

675 The ballots used when voting upon a proposed measure under this section shall state the  
676 nature of the measure in terms sufficient to show the substance thereof.

677 (d) Ballot question. The ballots used when voting upon a proposed measure under  
678 this section shall state the nature of the measure in terms sufficient to show the substance thereof  
679 by preparation of a fair, concise summary by the city solicitor and approved by the registrars of  
680 voters.

681 The full text of the measure shall be published in a least one newspaper of general  
682 circulation in the city at least seven days before the election at which the question shall appear on  
683 the ballot.

684           The ballot used when voting upon a proposed measure under this section shall contain the  
685 question in substantially the following form:

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

687           (Text of measure summary)

688           YES \_\_\_\_\_ NO \_\_\_\_\_

689           If a majority of the votes cast on the question is in the affirmative the measure shall be  
690 deemed to be effective forthwith, unless a later date is specified in the measure.

691           Section 8-3. Citizen referendum procedures.

692           If within ten days after the final passage of any measure a petition signed by voters equal  
693 in number to at least five percent of the total number of voters, and addressed to the city council  
694 or to the school committee, as the case may be, protesting against such measure or any part  
695 thereof taking effect, is filed with the city clerk, the same shall thereupon and thereby be  
696 suspended from taking effect; and the city council or the school committee, as the case may be,  
697 shall immediately reconsider such measure or part thereof; and if such measure or part thereof is  
698 not entirely rescinded, the city council shall submit the same, by the method herein provided, to a  
699 vote of the voters either at the next regular city election, or at a special election which may, in its  
700 discretion, be called for the purpose and such measure or part thereof shall forthwith become null  
701 and void unless a majority of the voters voting on the same at such election vote in favor thereof.  
702 The petition described in this section shall be termed a referendum petition and paragraph (a) of  
703 section 8-2 shall apply to the procedure in respect thereto, except that the words "measure or part  
704 thereof protested against" shall for this purpose be understood to replace "measure" in said

705 section whenever it may occur, and "referendum" shall be understood to replace the word  
706 "initiative" in said section.

707 Section 8-4. Required voter participation.

708 For any measure to be effective under initiative or referendum procedures at least 30  
709 percent of the voters shall vote at an election upon which an initiative or referendum question is  
710 submitted to the voters.

711 Section 8-5. Measures not subject to initiative and referendum.

712 Measures which include the following subject matter shall not be subject to initiative and  
713 referendum procedures:

- 714 (a) Revenue loan orders;
- 715 (b) Appropriations for the payment of debt or debt service;
- 716 (c) Internal operational procedures of the city council and the school committee;
- 717 (d) Emergency measures;
- 718 (e) The city budget or any appropriation contained therein;
- 719 (f) The school committee budget or any appropriation contained therein;
- 720 (g) The capital improvements program or any item contained therein;
- 721 (h) Appropriation of funds to implement a collective bargaining agreement;
- 722 (i) Procedures relating to election, appointment, removal, discharge or any other  
723 personnel action; and

724 (j) Proceedings providing for the submission or referral of a measure to the voters at  
725 an election.

726 Section 8-6. Submission of proposed measure to voters.

727 The city council may, of its own motion, and shall, upon request of the school committee  
728 if a measure originates with that committee and pertains to the affairs under its administration,  
729 submit to a vote of the voters for adoption or rejection at a general or special city election any  
730 proposed measure, or a proposition for the repeal or amendment of any measure, in the same  
731 manner and with the same force and effect as are hereby provided for submission on petition.

732 Section 8-7. Measures with conflicting provisions.

733 If two or more proposed measures passed at the same election contain conflicting  
734 provisions, only the one receiving the greater number of affirmative votes shall take effect.

735 Section 8-8. Recall of elected officials.

736 (a) Application. Any person who holds an elected city office with more than six  
737 months remaining of the term of office at the time of the filing of the affidavit may be recalled  
738 from the office by the voters in the manner provided in this section. No recall petition may be  
739 filed against an elected official within six months after taking office.

740 (b) Recall petitions. A recall affidavit signed by at least 300 for any official elected at  
741 large and by at least 100 for any officer elected by district may be filed with the city clerk  
742 containing the name of the office whose recall is sought and a statement of the grounds for recall.  
743 The board of registrars of voters shall certify such petitions with regard to the sufficiency and  
744 validity of the signatures of voters and within five working days following such filing the city

745 clerk shall deliver to the ten persons first named on such petitions, petition blanks demanding  
746 said recall, printed forms of which the city clerk shall keep available. The blanks may be  
747 completed by printing or typewriting; they shall be addressed to the city council; they shall  
748 contain the names of the ten persons to whom they are issued and the grounds for the recall as  
749 stated in the affidavit; they shall be dated and signed by the city clerk. A copy of the petition  
750 shall be entered into the records kept in the office of the city clerk.

751           The recall petitions shall be returned to the office of the city clerk within 20 days  
752 following the date they are issued, signed by at least 20 percent of the total number of persons  
753 who voted at the most recent municipal election for officials elected at large, and for officials  
754 elected by district, signed by at least 20 percent of the total number of persons who voted at the  
755 most recent municipal election from the district the official sought to be recalled represents.

756           The city clerk shall forthwith submit the petition to the registrars of voters, and the  
757 registrars shall within five working days certify thereon the names of the registered voters of the  
758 city, or from the district represented by the official sought to be recalled.

759           (c) Recall election. If the petition shall be found and certified by the city clerk to be  
760 sufficient, the city clerk shall submit the same with such certificate to the city council within five  
761 working days, and the city council shall forthwith give written notice of the receipt of the  
762 certificate to the official sought to be recalled, and shall, if the official does not resign within five  
763 days thereafter, order an election to be held on a date fixed by them not less than 60 days after  
764 the date of the city clerk's certificate; provided, however, that if any city election is otherwise to  
765 occur within 120 days after the date of said certificate, the city council may, at its discretion,  
766 omit the calling of a special election and submit the proposed recall to the voters at such

767 approaching election. The recall election for any official elected by district shall only be held in  
768 the district that the official represents.

769           If a vacancy occurs in said office after a recall election has been ordered, the election  
770 shall not proceed as provided in this section.

771           (d)    Office holder. The incumbent shall continue to perform the duties of the office  
772 until the recall election. If said incumbent is not recalled, the incumbent shall continue in office  
773 for the remainder of the unexpired term subject to recall as before. If recalled, the official shall  
774 be deemed removed and the office vacant. The vacancy created thereby shall be filled in  
775 accordance with this Charter. Any person appointed to fill the vacancy caused by such recall  
776 shall hold office for the unexpired term of the official recalled.

777           (e)    Ballot question. The form of the question to be voted upon shall be substantially  
778 as follows: "Shall - here insert the name and title of the elected official whose recall is sought -  
779 be recalled?" If a majority of the votes cast upon the question of call is in the affirmative, such  
780 elected official shall be recalled.

781           No recall election shall be effective unless at least 40 percent of those entitled to vote  
782 shall have voted.

783           (f)    Repeat of recall. In the case of an official subjected to a recall election and not  
784 recalled thereby, no recall petition shall be filed against such an official until at least 60 days  
785 after the election at which the official's recall was submitted to the voters of the city.

786 (g) Office holder recalled. No person recalled from office, or who has resigned from  
787 office while recall proceedings were pending against such person, shall be appointed to any  
788 office or employment under the city within two years after such recall or resignation.

789 PART IX. GENERAL PROVISIONS

790 Section 9-1. Revision or amendment of act.

791 This act may be replaced, revised or amended in accordance with any procedure made  
792 available by article LXXXIX of the Amendments to the Constitution of the commonwealth and  
793 any laws of the commonwealth enacted to implement said constitutional amendment.

794 Section 9-2. Rules of interpretation.

795 The following rules shall apply when interpreting the Charter:

796 (a) Specific provisions to prevail. To the extent that any specific provision of the  
797 Charter shall conflict with any provision expressed in general terms, the specific provision shall  
798 prevail.

799 (b) Computation of time. In computing time under this Charter, if seven days or less,  
800 only business days, not including Saturdays, Sundays, or legal holidays, shall be counted; if more  
801 than seven days, every day shall be counted.

802 Section 9-3. Definitions.

803 As used in this Charter the following words shall, unless the context clearly requires  
804 otherwise, have the following meanings:



- 805           (a)     "Charter," this Charter and any amendments to it made through any methods  
806 provided under article LXXXIX of the amendments to the Constitution of the commonwealth.
- 807           (b)     "City," the City of Chelsea.
- 808           (c)     "City agency or agency," any board, commission, committee, department or office  
809 of city government, whether elected, appointed or otherwise constituted.
- 810           (d)     "City bulletin board," the bulletin board located outside the office of the city  
811 clerk.
- 812           (e)     "Emergency," a sudden, unexpected, unforeseen happening, occurrence or  
813 condition which necessitates immediate action.
- 814           (f)     "Majority vote," a majority of those present and voting, provided a quorum is  
815 present when a vote is taken, unless a higher number is required by law, this Charter, or by the  
816 city council's own rules.
- 817           (g)     "Multiple-member body," any board, commission or committee, except advisory  
818 bodies, appointed by the city manager.
- 819           (h)     "Resident," an inhabitant of the city.
- 820           (i)     "Remove from the district," a person's place of regular domicile is not within the  
821 territorial limits of the district.
- 822           (j)     "Remove from the city," a person's place of regular domicile is not within the  
823 territorial limits of the city.

824 (k) "Voters," registered voters of the city as defined by the laws of the  
825 commonwealth, including but not limited to, the residency, age, and citizenship requirements of  
826 voters.

827 Section 9-4. Inspection of documents.

828 All documents cited in this Charter as available for public inspection shall be maintained  
829 in the office of the city clerk and in the Chelsea Public Library. The city clerk shall provide  
830 copies of documents to the Chelsea Public Library.

831 Section 9-5. Multiple-member bodies.

832 (a) Multiple-member bodies; composition; terms of office. Except as otherwise  
833 provided by this Charter, all multiple-member bodies shall consist of three or more members  
834 appointed for terms of three years each, so arranged that the term of one-third of the members, or  
835 as nearly that number as may be possible, shall expire each year. All members of multiple-  
836 member bodies shall take the oath of office within four weeks of their appointment and must take  
837 the oath of office prior to entering upon the duties of their office. Unless a member of a multiple-  
838 member body serves by virtue of office or employment, all members shall be residents of the  
839 city. This requirement may be waived upon the recommendation of the city manager with the  
840 approval of the city council.

841 (b) Method of appointment. All appointments to multiple-member bodies shall  
842 become effective in accordance with section 4-2.

843 Any officials appointed to serve on multiple-member bodies may be removed from office  
844 by the city manager for such cause as the city manager deems sufficient and such cause shall be

845 stated in the order of removal. A member of a multiple-member body shall be deemed to have  
846 vacated office if said member fails to attend regularly scheduled meetings for a period of three  
847 consecutive months without express leave from the chair of such multiple-member body or if  
848 such member is absent from such duties for the period of one year notwithstanding the  
849 permission from the chair to be absent. Any member of a multiple-member body shall be deemed  
850 to have vacated office if such member is finally convicted of any felony and shall not be eligible  
851 to serve in any other elective or appointive office or position under the city.

852 (c) Uniform procedures applicable to multiple-member bodies. In order to acquaint  
853 new members of multiple-member bodies with the affairs which will come before them, the chair  
854 of each such multiple-member body shall make available to each new member the minutes of the  
855 meetings of the two prior years and copies of any applicable laws, rules, or regulations governing  
856 such multiple-member body.

857 All multiple-member bodies shall meet regularly at such times and places as they shall  
858 determine, unless some other provision is made by administrative order. Special meetings of any  
859 multiple-member body shall be held on the call of the chair or by a majority of its members, by  
860 written notice delivered in hand or to the place of residence of each member and which contains  
861 notice of the matters to be acted upon. Except in the case of any emergency, all notices shall be  
862 delivered at least 48 hours in advance of the time set for such meeting. A copy of such notice  
863 shall, forthwith, be posted upon the city bulletin board.

864 Each multiple-member body shall determine its own rules of order of business unless  
865 another provision is made by administrative order, and shall provide for the keeping of a journal  
866 of its proceedings. Such rules and journals shall be available for public inspection.

867           If requested by any member, any vote of any multiple-member body shall be taken by a  
868 call of the roll and the vote shall be recorded in the journal; provided, however, if the vote is  
869 unanimous, only that fact need be recorded.

870           A majority of the members of a multiple-member body shall constitute a quorum, but a  
871 smaller number may meet and adjourn from time to time.

872           (d)    Notice of vacancies. Whenever a vacancy occurs on a multiple-member body,  
873 whether because of death, resignation, removal from the city, removal by the city manager or the  
874 pending expiration of a term for which a person has been appointed, public notice of the vacancy  
875 or pending expiration of the term shall be given in the following manner: by publication in at  
876 least one newspaper of general circulation in the city, by title, length of term, brief description of  
877 duties and a general indication of the qualifications desired of candidates. Such notice shall also  
878 state the time in which persons who desire to be considered for appointment of such offices shall  
879 file a statement of interest, with whom, and shall indicate the form in which such applications  
880 should be made. A copy of all such notices shall be posted on the city bulletin board and in one  
881 or more public places within the city.

882           Section 9-6. Disqualification from office.

883           Any person who has been finally convicted of a state or federal felony shall not be  
884 eligible to petition for or serve in any elective or appointive office or position under the city.

885           Section 9-7. Charter review.

886           In every year ending in zero the city council shall establish a Charter review committee  
887 consisting of members of the city council, the school committee and residents of the city to

888 examine and review the Charter and report to the city council findings, conclusions and  
889 recommendations.

890 Section 9-8. Reenactment and publication of ordinances.

891 In the year following the initial review as referenced in section 9-7, and at five-year  
892 intervals thereafter, the city council shall cause to be prepared a proposed revision or  
893 recodification of all city ordinances which shall be submitted to the city council for reenactment.  
894 The city council shall adopt the proposed revision or recodification with or without amendment  
895 prior to the expiration of the calendar year in which it is submitted to them. Such revisions or  
896 recodification shall be prepared under the supervision of the city solicitor, or if the city council  
897 so directs by special counsel retained for such purposes. Copies of the revised or recodified  
898 ordinances shall be made available for distribution; provided, however, that a charge not to  
899 exceed the actual cost per copy of reproduction may be charged.

900 In each year between such reenactments, an annual supplement shall be published in at  
901 least one newspaper of general circulation in the city which shall contain all ordinances and  
902 amendments to ordinances adopted in the preceding year.

903 PART X. TRANSITION PROVISIONS

904 Section 10-1. Continuation of existing laws.

905 All ordinances, resolutions, rules, regulations, and votes of the city council and all  
906 administrative orders adopted by the receiver which are in force at the time this Charter is  
907 adopted, not inconsistent with the provisions of this Charter, shall continue in full force until  
908 amended or repealed.

909           Where provisions of this Charter conflict with provisions of city ordinances, rules,  
910 regulations, orders, and special acts and acceptances of laws of the commonwealth, the  
911 provisions of this Charter shall govern. All provisions of city ordinances, rules, regulations,  
912 orders and administrative orders of the receiver not superseded by this Charter shall remain in  
913 force.

914           Section 10-2. Continuation of obligations.

915           All official bonds, obligations, contracts and other instruments entered into or executed  
916 by or to the city before the adoption of this Charter and all taxes, special assessments, fines,  
917 penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and  
918 collected and all writs, prosecutions, actions and causes of action, except as otherwise provided  
919 in this Charter, shall continue and remain unaffected by this Charter. No legal act done by or in  
920 favor of the city shall be rendered invalid by the adoption of this Charter.

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