HOUSE DOCKET, NO. 4882 FILED ON: 2/24/2022

HOUSE . . . . . No. 4534

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:
Daniel J. Ryan	*2nd Suffolk*	*2/24/2022*
Sal N. DiDomenico	*Middlesex and Suffolk*	*3/14/2022*
Jessica Ann Giannino	*16th Suffolk*	*2/28/2022*

HOUSE DOCKET, NO. 4882 FILED ON: 2/24/2022

HOUSE . . . . . No. 4534

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.]

The Commonwealth of Massachusetts

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:

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

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

Preamble.

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

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

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

PART I. INCORPORATION, SHORT TITLE, POWERS

Section 1-1. Incorporation continued.

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

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

Section 1-3. Division of powers.

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

Section 1-4. Powers of the city.

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

Section 1-5. Interpretation of powers.

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

Section 1-6. Intergovernmental cooperation.

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

PART II. LEGISLATIVE

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

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

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

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

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

Section 2-2. City council organization.

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

Section 2-3. General powers and duties.

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

Section 2-4. Filling of vacancies.

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

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

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

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

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

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

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

Section 2-6. City council staff.

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

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

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

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

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

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

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

Section 2-8. Inquires and investigations.

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

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

Section 2-9. Prohibitions.

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

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

Section 2-10. Compensation.

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

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

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

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

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

PART III. SCHOOL COMMITTEE

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

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

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

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

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

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

Section 3-2. Filling vacancies.

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

Section 3-3. Prohibitions.

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

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

Section 3-4. Compensation.

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

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

PART IV. CITY MANAGER

Section 4-1. Appointment; qualifications.

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

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

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

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

Section 4-2. Powers of appointment.

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

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

Section 4-3. Administrative powers and duties.

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

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

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

(c) To coordinate all activities of city departments or agencies;

(d) To attend all regular and special meetings of the city council, unless excused, and to answer all questions addressed to the city manager which are related to matters under the general supervision of the city manager;

(e) To keep the city council fully informed as to the needs of the city, and to recommend to the city council for adoption such measures requiring action by them as the city manager deems necessary or expedient;

(f) To ensure that complete and full records of the financial and administrative activity of the city are maintained and to render reports to the city council as may be required or requested;

(g) To be responsible for the rental, use, maintenance and repair of all city facilities, except those under the jurisdiction of the school committee. Rental agreements of more than five years in duration shall be subject to the approval of the city council;

(h) To act as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment. The city manager may delegate this function to some other officer or employee as deemed necessary;

(i) To prepare and maintain a full and complete inventory of all city owned real and personal property;

(j) To administer personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all city officers and employees and to administer

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

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

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

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

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

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

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

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

Section 4-4. Compensation.

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

Section 4-5. Vacancy in office.

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

Section 4-6. Temporary absence.

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

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

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

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

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

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

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

PART V. FINANCIAL PROCEDURES

Section 5-1. Annual budget policy.

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

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

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

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

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

Section 5-3. Action on the operating budget.

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

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

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

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

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

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

Section 5-4. Capital improvements program.

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

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

(1) A clear summary of its contents;

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

(3) Cost estimates, method of financing, and recommended time schedules; and

(4) The estimated annual cost of operating and maintaining the facilities included.

(c) Public hearing. The city council shall publish on the internet and in at least one newspaper of general circulation in the city a summary of the capital improvements program and a notice stating:

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

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

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

Section 5-5. Long-term financial forecast.

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

Section 5-6. Annual audit.

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

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

PART VI. ADMINISTRATIVE ORGANIZATION

Section 6-1. Organization of city agencies.

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

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

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

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

Section 6-2. Licensing commission.

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

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

Section 6-3. Traffic and parking commission.

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

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

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

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

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

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

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

Section 6-4. Personnel administration.

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

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

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

PART VII. NOMINATIONS AND ELECTIONS

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

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

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

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

Section 7-2. Preliminary elections.

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

For the office of councillor-at-large the signature requirement shall be not less than 50. For the office of at-large school committee member, the signature requirement shall be not less than 50. For the office of district councillor the signature requirement shall be not less than 50. For the office of district school committee member the signature requirement shall be not less than 50.

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

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

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

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

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

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

Section 7-3. General elections.

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

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

Section 7-4. Districts.

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

Section 7-5. Application of state law.

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

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

PART VIII. CITIZEN PARTICIPATION MECHANISMS

Section 8-1. Free petition.

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

Section 8-2. Citizen initiative measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Text of measure summary)

YES _____ NO _____

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

Section 8-3. Citizen referendum procedures.

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

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

Section 8-4. Required voter participation.

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

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

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

(a) Revenue loan orders;

(b) Appropriations for the payment of debt or debt service;

(c) Internal operational procedures of the city council and the school committee;

(d) Emergency measures;

(e) The city budget or any appropriation contained therein;

(f) The school committee budget or any appropriation contained therein;

(g) The capital improvements program or any item contained therein;

(h) Appropriation of funds to implement a collective bargaining agreement;

(i) Procedures relating to election, appointment, removal, discharge or any other personnel action; and

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

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

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

Section 8-7. Measures with conflicting provisions.

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

Section 8-8. Recall of elected officials.

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

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

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

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

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

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

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

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

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

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

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

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

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

PART IX. GENERAL PROVISIONS

Section 9-1. Revision or amendment of act.

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

Section 9-2. Rules of interpretation.

The following rules shall apply when interpreting the Charter:

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

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

Section 9-3. Definitions.

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

(a) "Charter," this Charter and any amendments to it made through any methods provided under article LXXXIX of the amendments to the Constitution of the commonwealth.

(b) "City," the City of Chelsea.

(c) "City agency or agency," any board, commission, committee, department or office of city government, whether elected, appointed or otherwise constituted.

(d) "City bulletin board," the bulletin board located outside the office of the city clerk.

(e) "Emergency," a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(f) "Majority vote," a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this Charter, or by the city council's own rules.

(g) "Multiple-member body," any board, commission or committee, except advisory bodies, appointed by the city manager.

(h) "Resident," an inhabitant of the city.

(i) "Remove from the district," a person's place of regular domicile is not within the territorial limits of the district.

(j) "Remove from the city," a person's place of regular domicile is not within the territorial limits of the city.

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

Section 9-4. Inspection of documents.

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

Section 9-5. Multiple-member bodies.

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

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

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

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

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

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

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

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

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

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

Section 9-6. Disqualification from office.

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

Section 9-7. Charter review.

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

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

Section 9-8. Reenactment and publication of ordinances.

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

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

PART X. TRANSITION PROVISIONS

Section 10-1. Continuation of existing laws.

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

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

Section 10-2. Continuation of obligations.

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

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