

**HOUSE . . . . . No. 3823**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***James M. Kelcourse and Diana DiZoglio***

*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 Amesbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>5/13/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>5/13/2021</i>

**HOUSE . . . . . No. 3823**

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By Representative Kelcourse of Amesbury and Senator DiZoglio, a joint petition (accompanied by bill, House, No. 3823) of James M. Kelcourse and Diana DiZoglio (with the approval of the mayor and city council) that the city of Amesbury be authorized to amend the charter of said city. Municipalities and Regional Government. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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

An Act amending the charter of the city of Amesbury.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The charter of the city of Amesbury, which is on file in the office of the  
2           archivist of the commonwealth, as provided in section 12 of chapter 43B of the general laws, is  
3           hereby amended by striking out, in the title, the word “City” and inserting in place thereof the  
4           word:- Home Rule.

5           SECTION 2. The title of part one of said charter is hereby amended by striking out the  
6           word “PART” and inserting in place thereof the word:- ARTICLE.

7           SECTION 3. The first sentence of subsection 2 of section 1 of said part I of said charter  
8           is hereby amended by inserting prior to the words “Amesbury Home Rule Charter” the following  
9           words:- City of.

10 SECTION 4. The second sentence of subsection 3 of section 1 of said part I of said  
11 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the  
12 word:- city.

13 SECTION 5. Subsection 5 of section 1 of said part I of said charter is stricken in its  
14 entirety, and subsections 6 and 7 of said section 1 of said part I of said charter shall be  
15 renumbered as subsections 5 and 6, respectively.

16 SECTION 6. The title of part II of said charter is hereby amended by striking out the  
17 word “PART” and inserting in place thereof the word:- ARTICLE.

18 SECTION 7. The first sentence of subsection 1(c) of section 2 of said part II of said  
19 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the  
20 word:- city.

21 SECTION 8. The second sentence of said subsection 1(c) of said section 2 of part II of  
22 said charter is hereby amended by striking out the word “councillors” and inserting in place  
23 thereof the word:- councilors.

24 SECTION 9. The first sentence of subsection 3 of section 2 of part II of said charter is  
25 hereby amended by striking out the word “board” and inserting in place thereof the word:-  
26 boards.

27 SECTION 10. Said subsection 3 of section 2 of part II of said charter is hereby amended  
28 by striking out the words “head librarian” and inserting in place thereof the words:- library  
29 director.

30 SECTION 11. Said subsection 3 of section 2 of part II of said charter is hereby amended  
31 by striking out the third sentence in its entirety and inserting in place thereof the following:-  
32 Unless otherwise provided by this charter, appointments of all city officers, department heads,  
33 and members of boards, commissions, and committees shall become effective twenty-one days  
34 after submission of a written notice of any appointment to the city clerk, provided however, that  
35 the city council may, during such period, by a two-thirds vote of the full city council, reject any  
36 such appointment or has sooner voted to affirm it.

37 SECTION 12. The third sentence of subsection 5 of section 2 of part II of said charter is  
38 hereby amended by striking out the word “effect” and inserting in place thereof the word:- affect.

39 SECTION 13. The first sentence of subsection 7(b) of section 2 of part II of said charter  
40 is hereby amended by striking out the word “councillors” and inserting in place thereof the  
41 word:- councilors.

42 SECTION 14. The title of subsection 8 of section 2 of part II of said charter is hereby  
43 amended by striking out the word “of” and inserting in place thereof the word: or.

44 SECTION 15. The second sentence of subsection 8(d) of section 2 of part II is hereby  
45 amended by striking out the words “his or her” and inserting in place thereof the word:- their.

46 SECTION 16. The third sentence of paragraph 1 of subsection 10 of part II of said  
47 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the  
48 word:- city.

49 SECTION 17. The first sentence of paragraph 2 of subsection 10 of part II of said charter  
50 is hereby amended by striking out the word “municipal” and inserting in place thereof the  
51 following word:- city.

52 SECTION 18. The second sentence of paragraph 2 of subsection 10 of part II of said  
53 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the  
54 word:- city.

55 SECTION 19. The third sentence of paragraph 2 of section 2-10 of said charter is hereby  
56 amended by striking out the word “councillor” and inserting in place thereof the word: councilor.

57 SECTION 20. The title of part III of said charter is hereby amended by striking out the  
58 word “PART” and inserting in place thereof the word:- ARTICLE.

59 SECTION 21. Section 1 of said chapter 3 of part III of said charter is hereby amended by  
60 striking out subsection 1 in its entirety and inserting in place thereof the following subsection:-

61 (a) Composition

62 There shall be a city council composed of nine members that shall exercise the legislative  
63 powers of the city. Three members, to be known as councilors-at-large, shall be nominated and  
64 elected by and from the voters at large. Six members, to be known as district councilors, shall be  
65 nominated and elected by and from the voters of each district, one such district councilor to be  
66 elected from each of the six council districts into which the city is divided in accordance with  
67 Section 7-4.

68 (b) Eligibility

69 Any voter shall be eligible to hold the office of councilor-at-large. A district councilor  
70 shall at the time of election be a voter and resident of the district from which the councilor is  
71 elected.

72 A councilor-at-large who shall cease to be a resident of the city during the term for which  
73 such councilor was elected shall be deemed to have vacated the office of councilor-at-large and  
74 the office shall be considered vacant. If a district councilor moves from one district to another  
75 within the first twelve months of the term of office for which such councilor was elected, the  
76 office shall be considered vacant. Any district councilor who continues to reside in the city but  
77 who moves from the district they represent during the last twelve months of their term of office  
78 shall continue to serve for the balance of the term for which the district councilor was elected.  
79 Any vacancy in the office of councilor-at-large or district councilor shall be filled in accordance  
80 with Section 3-4.

81 (c) Election and Term

82 The term of office of city council members shall be for two years beginning on the first  
83 business day of January following the regular city election, and continuing until their successors  
84 are qualified.

85 SECTION 22. The first sentence of subsection 2 of said section 3 of part III of said  
86 charter is hereby amended by striking out the word “councillors-elect” and inserting in place  
87 thereof the word:- councilors-elect.

88 SECTION 23. Subsection 3 of said section 3 of said part III of said charter is hereby  
89 amended by striking out the last sentence in its entirety.

90 SECTION 24. The first sentence of subsection 4 of section 3 of part III of said charter is  
91 hereby amended by striking out the word “councillor” and inserting in place thereof the word:-  
92 councilor.

93 SECTION 25. The last sentence of said subsection 4 of section 3 of said part III of said  
94 charter is hereby amended by striking out the word “councillor” and inserting in place thereof the  
95 word:- councilor.

96 SECTION 26. The third sentence of subsection 5(b) of said section 3 of part III of said  
97 charter is hereby amended by striking out the word “councillors” and inserting in place thereof  
98 the word:- councilors.

99 SECTION 27. The third sentence of subsection 5(c) of said section 3 of part III of said  
100 charter is hereby amended by striking out the word “that” and inserting in place thereof the  
101 word:- than.

102 SECTION 28. The first sentence of subsection 6 of said section 3 of part III of said  
103 charter is hereby amended by striking out the word “it” and inserting in place thereof the word-  
104 is.

105 SECTION 29. The last sentence of subsection 7(b) said section 3 of said part III of said  
106 charter is hereby amended by striking out the word “late” and inserting in place thereof the word:  
107 later.

108 SECTION 30. The first sentence of subsection 10 of section 3 of said part III of said  
109 charter is hereby amended by striking out the word “councillor” and inserting in place thereof the  
110 word: councilor.

111 SECTION 31. Said subsection 10 of section 3 of said part III of said charter is hereby  
112 amended by striking out the second sentence in its entirety and inserting in place thereof the  
113 following:- No former councilor shall hold any compensated appointive office or employment  
114 under the city until one year after the expiration of their service on the city council.

115 SECTION 32. The second paragraph of section 3-11 of said charter is hereby amended  
116 by striking out the word “councillors” and inserting in place thereof the word:- councilors.

117 SECTION 33. The title of part four of said charter is hereby amended by striking out the  
118 word “PART” and inserting in place thereof, the word:- ARTICLE.

119 SECTION 34. Subsection 1 of section 4 of part IV of said charter is hereby amended by  
120 deleting the text thereof and inserting in place thereof the following:- In addition to the mayor  
121 and city council, the offices to be filled by the voters shall be a school committee, a planning  
122 board, a board of library trustees and such other regional authorities, districts, or committees as  
123 may be established by law or inter-local agreement. The members of the school committee,  
124 planning board, and board of library trustees shall be nominated and elected by and from the  
125 voters at large and their terms of office shall begin on the first business day of January following  
126 their election, and continuing until their successors are qualified.

127 SECTION 35. Subsection 6 of section 4 of said part IV of said charter is hereby deleted  
128 in its entirety, and the remaining subsections of said section 4 shall be renumbered accordingly.

129 SECTION 36. Subsection 7 of section 4 of part IV of said charter is hereby amended by  
130 striking out the first sentence and inserting in place thereof the following new sentence:- If a  
131 vacancy occurs in the membership of the school committee, planning board or board of library

132 trustees, whether by failure to elect or otherwise, the remaining members of said board or  
133 committee shall notify the president of the city council who will declare such vacancy to exist.

134 SECTION 37. The penultimate sentence of the third paragraph of said subsection 7 of  
135 said section 4 of said part IV of said charter is hereby amended by striking out the word: “shall”.

136 SECTION 38. Said subsection 7 of said section 4 of part IV of said charter is hereby  
137 further amended by deleting the last sentence and inserting in place thereof the following:-  
138 Should the remaining members of the school committee, planning board, or board of library  
139 trustees fail to declare a vacancy, the city council shall be the sole judge of whether a vacancy  
140 exists in the office of any elected office under this section and may declare any such elected  
141 office vacant by a majority vote of the council.

142 SECTION 39. Section 4 of part IV of said charter is hereby further amended by deleting  
143 the text of subsection 8 and inserting in place thereof the following:- No elected member of the  
144 school committee, board of library trustees, or planning board shall hold any compensated  
145 appointive office or employment under the city until one year after the expiration of the term of  
146 office of such elected member. This provision shall not prevent a city officer or employee who  
147 has been granted a leave of absence, by their appointing authority, from such duties in order to  
148 serve as a member of such elected office from returning to such employment or office following  
149 service as an elected member of the school committee, board of library trustees or planning  
150 board.

151 SECTION 40. Said section 4 of part IV of said charter is hereby amended by inserting, at  
152 the end, a new subsection, as follows:- Section 4-9 Eligibility for Health Insurance  
153 Notwithstanding chapter 32B of the General Laws, and excluding the mayor and city councillors,

154 officials of the city of Amesbury elected under subsection 4-1 who receive a salary or a stipend  
155 shall not be eligible for participation in the city's contributory health and life insurance plan.  
156 Officials elected under this section who receive a salary or a stipend and who elect to pay 100  
157 per cent of the cost of the official's participation in the city's health and life insurance benefit  
158 plan, plus any administrative costs that may be assessed by the city council, may be considered  
159 eligible to participate.

160 SECTION 41. The title of part 5 of said charter is hereby amended by striking out the  
161 word "PART" and inserting in place thereof the word:- ARTICLE.

162 SECTION 42. The title of subsection 3 of section 5 of part V of said charter is hereby  
163 amended by striking out the word "of" and inserting in place thereof the word:- on.

164 SECTION 43. The second sentence of subsection 3(a) of said section 5 of said part V of  
165 said charter is hereby amended by striking out the word "if" and inserting in place thereof the  
166 word:- of.

167 SECTION 44. The second sentence of subsection 4(b) of said section 5 of part V of said  
168 charter is hereby amended by striking out the word "date" and inserting in place thereof the  
169 word:- data.

170 SECTION 45. The second sentence of subsection 4(c) of said section 5 of said part V of  
171 said charter is hereby amended by striking out the word "resources" and inserting in place  
172 thereof the word:- sources.

173 SECTION 46. The first sentence of subsection 5 of said section 5 of said part V of said  
174 charter section 5-5 of said charter is hereby amended by striking out the word “accounts” and  
175 inserting in place thereof the word:- accountants.

176 SECTION 47. The second sentence of said subsection 5 of said section of said part V of  
177 said charter is hereby amended by striking out the word “east” and inserting in place thereof the  
178 word:- least.

179 SECTION 48. Part VI of said charter is hereby amended by striking out the title in its  
180 entirety and inserting in place thereof the following words:- ARTICLE VI Administration of  
181 City Government.

182 SECTION 49. Subsection 1(a)(1) of section 6 of part VI of said charter is hereby  
183 amended by striking it in its entirety and inserting in place thereof the following new  
184 subsection:- The city council may, by ordinance passed by two-thirds of the full city council  
185 membership, reorganize, consolidate, create, merge, divide or abolish any city division,  
186 department or agency, in whole or in part, establish such new city agencies as deemed necessary  
187 or advisable, and prescribe the functions and the administrative procedures to be followed by all  
188 such agencies.

189 SECTION 50. The first sentence of subsection 3(b) of said section 6 of said part VI of  
190 said charter is hereby amended by striking out the word “municipal” and inserting in place  
191 thereof the word:- city.

192 SECTION 51. Subsection 3(b) of said chapter 6 of said part VI of said charter is hereby  
193 further amended, by striking out, in the first sentence of the second paragraph, the word “the”  
194 prior to the word:- auditing.

195 SECTION 52. The title of part seven of said charter is hereby amended by striking out  
196 the word “PART” and inserting in place thereof the word “ARTICLE.”

197 SECTION 53. The second sentence of subsection 1 of section 7 of part VII of said charter  
198 is hereby amended by striking out the word “municipal” and inserting in place thereof the word:-  
199 city.

200 SECTION 54. The first sentence of subsection 2(a) of section 7 of part VII of said charter  
201 is hereby amended by striking out the words “councillor-at-large” inserting in place thereof the  
202 words:- councilor-at-large.

203 SECTION 55. The first sentence of said subsection 2(a) of said section 7 of part VII of  
204 said charter is hereby further amended by striking out the word “councillor” and inserting in  
205 place thereof the word:- councilor.

206 SECTION 56. The first sentence of subsection 4 of said section 7 of said part VII of said  
207 charter is hereby amended by inserting prior to the word “known” the word:- of.

208 SECTION 57. Subsection 4 of said section 7 of said part VII of said charter is hereby  
209 further amended by inserting, at the end of said section, the following new sentence:- Every 10  
210 years in years ending with 1, the city council shall review these districts to ensure their  
211 uniformity in number of inhabitants.

212 SECTION 58. Subsection 5 of said section 7 of said part VII of said charter is hereby  
213 amended by striking out the word “municipal” and inserting in place thereof the word:- city.

214 SECTION 59. The title of part 8 of said charter is hereby amended by striking out the  
215 word “PART” and inserting in place thereof the word:- ARTICLE.

216 SECTION 60. Subsections 2 through 8 of section 8 of part VIII of said charter are hereby  
217 amended by striking out the text and titles thereof and inserting in their place, the following:-

218 Section 8-2 Citizen Initiative Measures

219 (a) Commencement of Proceedings. Initiative procedures shall be started by the filing of  
220 an initiative petition with the city clerk or clerk of the school committee. The petition shall be  
221 addressed to the city council or to the school committee, shall contain a request for the passage  
222 of a particular measure which shall be set forth in full in the petition and shall be signed by at  
223 least 250 voters. The petition shall be accompanied by an affidavit signed by 10 voters and  
224 containing their residential stating that those voters will constitute the petitioners' committee and  
225 be responsible for circulating the petition and filing it in proper form.

226 (b) Referral to City Attorney. The city clerk or the clerk of the school committee shall,  
227 immediately following receipt of a proposed petition, deliver a copy of the petition to the city  
228 attorney. The city attorney shall, within 15 days following receipt of a copy of the petition, in  
229 writing, advise the city council or the school committee and the city clerk whether the measure  
230 as proposed may lawfully be proposed by the initiative process and whether, in its present form,  
231 it may lawfully be adopted by the city council or the school committee. If the opinion of the city  
232 attorney is that the measure is not in proper form, the reply shall state the reasons for this  
233 opinion, in full. A copy of the opinion of the city attorney shall be mailed to the members of the  
234 petitioners' committee.

235 (c) Submission to City Clerk. If the city attorney determines that the petition is in a  
236 proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall  
237 print at the top of each blank form a fair, concise summary of the proposed measure, as

238 determined by the city attorney, together with the names and addresses of the petitioners'  
239 committee who signed the originating petition. The city clerk shall notify the petitioners'  
240 committee that the blank forms are issued. Within 30 days following the date of the notice, the  
241 petition shall be returned and filed with the city clerk signed by at least 10 percent of the total  
242 number of registered voters as of the date of the most recent regular city election. Signatures to  
243 an initiative petition need not all be on 1 paper, but all papers pertaining to any single measure  
244 shall be fastened together and shall be filed as a single instrument, with the endorsement on it of  
245 the name and address of the person designated as filing the papers. With each signature on the  
246 petition there shall also appear the street and number of the residence of each signer. Within 10  
247 days following the filing of the petition, the registrars of voters shall ascertain the number of  
248 voters that signed the petition and the percentage that number is of the total number of voters as  
249 of the date of the most recent regular city election. The registrars of voters shall attach to the  
250 petition a certificate showing the results of its examination and shall return the petition to the city  
251 clerk or the clerk of the school committee, depending on how the petition is addressed. A copy of  
252 the registrars of voters' certificate shall also be mailed to the members of the petitioners'  
253 committee.

254 (d) Action on Petitions. Within 60 days following the date a petition has been returned to  
255 the city clerk or the clerk of the school committee, the city council or the school committee shall  
256 act with respect to each initiative petition by passing it without change, by passing a measure  
257 which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure  
258 which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative  
259 measure. If the city council or the school committee fails to act within 60 days following the date  
260 the measure is returned to it, the measure shall be deemed to have been rejected on the sixtieth

261 day. If an initiative measure is rejected, the city clerk or the clerk of the school committee shall  
262 promptly give notice of that fact to the petitioners' committee by certified mail.

263 (e) Supplementary Petitions. Within 60 days following the date an initiative petition has  
264 been rejected, a supplemental initiative petition may be filed with the city clerk or the clerk of  
265 the school committee, but only by persons constituting the original petitioners' committee. The  
266 supplemental initiative petition shall be signed by a number of additional voters equal to at least  
267 5 percent of the total number of registered voters as of the date of the most recent regular city  
268 election. The signatures on the initial petition filed under subsection (c) and the signatures on the  
269 supplemental petition filed under this subsection, taken together, shall contain the signatures of  
270 at least 15 percent of the total number of registered voters as of the date of the most recent  
271 regular city election. If the number of signatures to this supplemental petition is found to be  
272 sufficient and certified by the registrars of voters, the registrars shall prepare and submit such  
273 certifications to the city clerk, and the city council shall call a special election to be held on a  
274 date not less than 35 nor more than 90 days following the date of the certificate of the registrars  
275 of voters that a sufficient number of registered voters have signed the supplemental initiative  
276 petition and shall submit the proposed measure, without alteration, to the voters for  
277 determination, but if a city election is to be held within 120 days following the date of the  
278 certificate, the city council may omit calling the special election and cause the question to appear  
279 on the election ballot at the approaching election for determination by the voters.

280 (f) Publication. The full text of an initiative measure which is submitted to the voters  
281 shall be published in at least 1 local newspaper not less than 7 nor more than 14 days preceding  
282 the date of the election at which the question is to be voted upon. Additional copies of the full

283 text shall be available for distribution to the public in the office of the city clerk, and also posted  
284 on the city bulletin board.

285 (g) Form of Question. The ballots used when voting on a measure proposed by the voters  
286 under this section shall contain a question in substantially the following form:

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

288 (Here insert the fair, concise summary of the proposed measure, as determined by the city  
289 attorney as referenced in subsection (c)).

290 \_\_ YES \_\_ NO

291 (h) Time of Taking Effect

292 Subject to section 8-6, if a majority of the votes cast on the question is in the affirmative,  
293 the measure shall be deemed to be effective immediately, unless a later date is specified in the  
294 measure.

295 Section 8-3 Citizen Referendum Procedures

296 (a) Petition, Effect on Final Vote. If, within 21 days following the date on which the city  
297 council or the school committee has voted finally to approve any measure, a petition signed by a  
298 number of voters equal to at least 12 percent of the total number of voters as of the date of the  
299 most recent regular city election and addressed to the city council or to the school committee,  
300 protesting against the measure or any part of it is filed with the clerk of the school committee or  
301 city clerk, the effective date of that measure shall be temporarily suspended. The school  
302 committee or the city council shall immediately reconsider its vote on the measure or part of it  
303 and, if the measure is not rescinded, the city council shall provide for the submission of the

304 question for a determination by the voters either at a special election, which it may call at its  
305 convenience, within such time as may be requested by the school committee or at the next  
306 regular city election; provided, however, that pending this submission and determination, the  
307 effect of the measure shall continue to be suspended.

308 (b) Certain Initiative Provisions to Apply. The petition described in this section shall be  
309 termed a referendum petition and section 8-2(c), as the section relates to the filing and  
310 certification of signatures, shall apply to such referendum petitions, except that the words  
311 "measure or part thereof protested against" shall be deemed to replace the word "measure" and  
312 the word "referendum" shall be deemed to replace the word "initiative". Subject to section 8-6,  
313 the measure or part thereof protested against shall be null and void unless a majority of those  
314 voting on the question shall vote in favor of the measure or part thereof protested against at the  
315 election.

#### 316 Section 8-4 Ineligible Measures

317 None of the following shall be subject to the initiative or the referendum procedures:

318 (1) proceedings relating to the internal organization or operation of the city council or of  
319 the school committee;

320 (2) an emergency measure adopted under the charter;

321 (3) the city budget or any appropriation contained therein or the school committee budget  
322 or any appropriation contained therein;

323 (4) any appropriation for the payment of the city's debt or debt service;

324 (5) any appropriation of funds to implement a collective bargaining agreement;

325 (6) proceedings relating to the appointment, removal, discharge, employment, promotion,  
326 transfer, demotion or other personnel action;

327 (7) any proceedings repealing or rescinding a measure or part of it which is protested by  
328 referendum procedures;

329 (8) any proceedings providing for the submission or referral to the voters at an election;  
330 and

331 (9) resolutions and other votes constituting ordinary, routine matters not suitable as the  
332 subject of a referendum petition.

### 333 Section 8-5 Recall

#### 334 (a) Application

335 Any holder of an elected office in the city, with more than 6 months remaining in the  
336 term of office to which the officer was elected, may be recalled therefrom by the voters of the  
337 city in the manner provided in this section. No recall petition shall be filed against an officer  
338 within 6 months after taking office.

#### 339 (b) Recall Petition

340 A recall petition may be initiated by the filing of an affidavit containing the name of the  
341 officer sought to be recalled and a statement of the grounds for recall, provided that the affidavit  
342 is signed by at least 300 voters for the office of mayor; 200 voters for any office elected at large,  
343 and at least 75 voters for a district councilor, all such signatures from voters of the district. The  
344 city clerk shall thereupon deliver to those voters making the affidavit, copies of petition blanks  
345 demanding such recall, copies of which printed forms the city clerk shall keep available. The

346 blanks shall be issued by the city clerk, with signature and official seal attached thereto. The  
347 blanks shall be dated, shall be addressed to the city council and shall contain the names of all the  
348 persons to whom the blanks are issued, the number of blanks so issued, the name of the person  
349 whose recall is sought, the office from which removal is sought and the grounds of recall as  
350 stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the  
351 office of the city clerk. Said recall petition shall be returned and filed with the city clerk within  
352 28 days after the filing of the affidavit, and shall have been signed by at least 20 percent of the  
353 voters of the city for any officer elected at large and signed by at least 20 percent of the voters of  
354 the district for an officer elected by district. The city clerk shall submit the petition to the  
355 registrars of voters and the registrars shall, within 5 days, certify thereon the number of  
356 signatures which are names of voters.

357 (c) Recall Election

358 If the petition shall be found and certified by the registrars of voters to be sufficient, the  
359 city clerk shall submit such certificate to the city council within 5 days, and the city council shall  
360 give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if  
361 the officer does not resign within 5 days thereafter, order an election to be held on a date fixed by  
362 the city council not less than 64 days and not more than 90 days after the date of the city clerk's  
363 certificate that a sufficient petition has been filed; provided, however, that if any other city  
364 election is to occur within 120 days after the date of the certificate, the city council shall  
365 postpone the holding of the recall election to the date of such other election. If a vacancy occurs  
366 in said office after a recall election has been ordered, the election shall not proceed as provided  
367 in this section.

368 (d) Office Holder

369 The incumbent shall continue to perform the duties of the office until the recall election.  
370 If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the  
371 unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and  
372 the office vacant. The vacancy created thereby shall be filled under articles 2, 3, and 4 of this  
373 charter for filling vacancies in such office. A person chosen to fill the vacancy caused by a recall  
374 shall hold office until the next regular city election. Should the person be a candidate in the  
375 subsequent election, that person will not be allowed to have "candidate for re-election" appear on  
376 the ballot at such election.

377 (e) Ballot Proposition

378 The form of the question to be voted upon shall be substantially as follows:

379 "Shall [here insert the name and title of the elective officer whose recall is sought] be  
380 recalled?"

381  Yes  No

382 If a majority of the votes cast upon the question of recall is in the affirmative, such  
383 elected officer shall be recalled.

384 (f) Repeat of Recall

385 In the case of an officer subjected to a recall election and not recalled thereby, no recall  
386 petition shall be filed against such officer until at least 270 days after the election at which the  
387 officer's recall was submitted to the voters of the city.

388 (g) Office Holder Recalled

389 No person who has been recalled from an office or who has resigned from office while  
390 recall proceedings were pending against such person, shall be appointed to any city office within  
391 2 years after such recall or such resignation.

392 Section 8-6 Required Voter Participation

393 For any measure to be effective under initiative or referendum procedure(s), at least 20  
394 percent of the voters shall vote at an election upon which an initiative or referendum question is  
395 submitted to the voters.

396 Section 8-7 Submission of Proposed Measure to Voters

397 The city council may on its own motion and shall, upon request of the school committee,  
398 if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the  
399 voters at a regular city election for adoption or rejection a measure in the same manner and with  
400 the same force and effect as are provided for submission by initiative or referendum petitions.

401 Any measure adopted pursuant to initiative procedures shall not be subject to amendment  
402 or repeal by the city council for a period of 6 months after the election at which said measure  
403 was adopted.

404 Notwithstanding any general or special law to the contrary, the city council may place  
405 one or more non-binding public opinion advisory questions on the ballot for either a regular or  
406 special city election under the procedures established by the laws of the commonwealth.

407 Section 8-8 Conflicting Provisions

408           If 2 or more measures passed at the same election contain conflicting provisions, only the  
409 1 receiving the greatest number of affirmative votes shall take effect.

410           SECTION 61. The title of part IX of the charter of the city of Amesbury is hereby  
411 amended by striking out the word “PART” and inserting in place thereof the word:- ARTICLE.

412           SECTION 62. Subsection 4(d) of section 9 of part IX of said charter is hereby amended  
413 by striking out the entire subsection and replacing it with the following words:- The phrase ‘city  
414 bulletin board’ shall mean the display on the city’s website established and maintained by the  
415 city as its online repository of city information, or the display at any other location(s) as may be  
416 designated from time to time by the City Council.

417           SECTION 63. Subsection 4 of section 9 of part IX of said charter is hereby further  
418 amended by inserting, after subsection 4(g) the following:-,

419           (h) Measures - All matters to come before the Council which are inherently legislative in  
420 nature, including ordinances, charter amendments, free petitions, appropriations, loan orders,  
421 lease approvals, acceptance of statutes, petitions to the General Court, tax classification votes,  
422 contract approvals or property transactions (real and personal).

423           (i) “Full council”, “full school committee” or “full multiple-member body” - the entire  
424 authorized complement of the council, school committee or other multiple-member body  
425 notwithstanding any vacancy which might exist.

426           (j) Majority vote - when used in connection with a meeting of the council, school  
427 committee or a multiple-member body, shall mean a majority of those present and voting, unless  
428 another provision is made by general law or ordinance.

429 (k) Multiple-member body - any board, commission, committee, subcommittee or other  
430 body consisting of two or more persons whether elected, appointed or otherwise constituted, but  
431 not including the council, the school committee, or executive ad hoc or working groups advisory  
432 to the mayor.

433 (l) Ordinance - any rule, law or regulation adopted by the municipality in accordance  
434 with this charter.

435 (m) Referendum - a measure adopted by the council or the school committee that is  
436 protested under the referendum procedures of this charter.

437 (n) Resolution - a formal expression of opinion or a ceremonial declaration voted by the  
438 council not requiring the signature of the mayor and having no force of law.

439 SECTION 64. Subsection (5)(a) of said section 9 of said part IX of said charter is hereby  
440 amended by deleting the text in its entirety and inserting in place thereof the following new  
441 section:-

442 Except subcommittees of the city council and as otherwise provided by law or this  
443 charter, all boards, commissions and committees shall consist of three or more members  
444 appointed by the mayor for terms of three years each, so arranged that the term of one-third of  
445 the members, or as nearly the number as may be possible, shall expire each year. Appointments  
446 made hereunder shall begin on March 1 and shall expire on the last day of February of the third  
447 year following appointment; provided, however, that any person appointed hereunder shall serve  
448 until their successor is appointed and qualified, or until their sooner vacating of office. Failure to  
449 reappoint at the end of an expired term shall not constitute removal from office. All members of  
450 boards, commissions, and committees shall serve without compensation or benefits and shall be

451 sworn into office within four weeks of their appointment; notwithstanding the prior clause,  
452 however, members of the school committee shall receive such compensation as may be included  
453 in the budget and appropriated by the city council from time to time. All board, commission or  
454 committee members must take the oath of office prior to entering upon the duties of their office.

455 All appointed multiple-member body members shall be residents of the city. However,  
456 the provisions of this subsection with respect to residency may be waived by majority vote of the  
457 city council upon recommendation of the mayor. The mayor's recommendation shall set out the  
458 reason(s) why said waiver is in the best interest of the city.

459 SECTION 65. The second sentence of subsection 5(b) of said section 9 of said part IX of  
460 said charter is hereby amended by striking out the word "nor" and inserting in place thereof the  
461 word:- or.

462 SECTION 66. Said subsection 5(b) of said section 9 of part IX of said charter is hereby  
463 further amended by striking out the seventh sentence in its entirety and inserting in place thereof  
464 the following sentence:- If any member of an appointed board, commission or committee fails to  
465 attend one half of the meetings held by such board, commission or committee during a calendar  
466 year, upon notice to the mayor from the City Council, board, commission or committee affected,  
467 the mayor shall within thirty (30) days of said notice determine, based on their own  
468 investigation, of which a public record shall be kept, whether to retain said member or to declare  
469 the seat vacant and to fill the vacancy.

470 SECTION 67. Subsection 5(c) of said section 9 of part IX of said charter is hereby  
471 amended by inserting, at the end of the section, two new sentences as follows:- The provisions of  
472 the subsection may be waived by majority vote of the city council upon recommendation of the

473 mayor. The mayor's recommendation shall set out the reason(s) why said waiver is in the best  
474 interests of the city.

475 SECTION 68. Subsection 9 of said section 9 of part IX of said charter is hereby amended  
476 by striking out the phrase "Beginning in 2018 and" and the word "thereafter" and inserting the  
477 follow clause at the beginning of the first sentence:- No later than the first day in April.

478 SECTION 69. The title of part X of said charter is hereby amended by striking out the  
479 word "PART" and inserting in place thereof the word:- ARTICLE.

480 SECTION 70. The first sentence of subsection 2 of said section 10 of part X of said  
481 charter shall hereby be amended by striking out the word "town" in both places in which it  
482 appears and inserting in place thereof, in each instance, the word:- city.

483 SECTION 71. The second sentence of subsection 2 of said section 10 of said part X of  
484 said charter shall hereby be amended by deleting the word "town" and inserting in place thereof  
485 the following word:- city.

486 SECTION 72. Subsection 3 of said section 10 of part X of said charter shall hereby be  
487 amended by striking out the word "town" in both places in which it appears and inserting in  
488 place thereof, in each instance, the word:- city.

489 SECTION 73. The first sentence of subsection 4 of said section 10 of said part X of said  
490 charter hereby be amended by deleting the word "town" in each instance in which it appears and  
491 inserting in place thereof, in each instance, the word:- city.

492 SECTION 74. The second sentence of said subsection 4 of said section 10 of said part X  
493 of said charter shall hereby be amended by deleting the word “town” and inserting in place  
494 thereof the following word:- city.

495 SECTION 75. Subsection 5 of said section 10 of said part X of said charter is hereby  
496 amended by striking out the word “town” and inserting in place thereof the word:- city.

497 SECTION 76. Upon the effective date of this act, the changes made in subsections 1, 6,  
498 7, and 8 of section 4 of part IV of said charter deleting, in each place in which it appears,  
499 reference to the elected housing authority thereby abolishes said elected housing authority and  
500 creates an appointed housing authority consistent with the provisions of section 5 of chapter  
501 121B of the general laws; provided, however, that all persons elected to the housing authority as  
502 of the effective date of this act shall continue to serve for a time equivalent to the remainder of  
503 their respective elected term or sooner vacating of office. As vacancies arise, whether by  
504 expiration of term or otherwise, the mayor shall fill such vacancies consistent with the provisions  
505 of section 5 of chapter 121B of the General Laws and this section, so that the term of one  
506 member expires each year, and thereafter all members shall be appointed in accordance with  
507 subsection 3 of section 2 of said part II of the said charter and consistent with the provisions of  
508 section 5 of chapter 121B as it may be amended from time to time.

509 SECTION 77. To implement the provisions of section 40 of this act, any incumbent  
510 compensated elected official elected under section 4-1 of said charter then participating in the  
511 city participatory health and benefits program shall be entitled to continue to so participate in the  
512 same manner for the remainder of their unexpired term.

513           SECTION 78. To implement the provisions of section 64 of this act, the terms of all  
514 appointees holding office on the effective date of this act, that would otherwise expire prior to  
515 the last day of February in the third year following appointment, shall nevertheless continue until  
516 said last day of February that year, and the terms of appointees holding office on the effective  
517 date of this act that would otherwise expire following the last day of February in the third year of  
518 appointment shall instead expire on said last day of February.

519           SECTION 79. This act shall take effect upon its passage, but no earlier than January 1,  
520 2022.