

SENATE No. 2798

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 providing for a revised charter for the city of Taunton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>

SENATE No. 2798

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2798) of Marc R. Pacheco, Carol A. Doherty, Patricia A. Haddad and Norman J. Orrall (with approval of the mayor and city council) for legislation to provide for a revised charter for the city of Taunton. Municipalities and Regional Government. [Local approval received]

The Commonwealth of Massachusetts

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

An Act providing for a revised charter for the city of Taunton.

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 following shall be the charter of the city of Taunton:

2 Preamble

3 We, the people of Taunton, in order to ensure the rights and liberties of the people and to
4 establish guiding principles for the operation of our local government, do adopt this Charter.

5 We envision and expect a local government that represents all individuals, supports
6 vibrant neighborhoods, provides essential services, establishes quality schools, ensures safe and
7 secure homes, celebrates diversity, supports local businesses, promotes community participation,
8 and cares for those in need.

9 It is the intent of the people that this Charter will facilitate responsible management and
10 use of public resources, enhance voter participation in an engaged citizenry, promote equality,

11 inclusivity, and respect for all in the community, and secure ethical, transparent and responsive
12 leadership.

13 Article 1

14 INCORPORATION; SHORT TITLE; DEFINITIONS.

15 Section 1-1 INCORPORATION.

16 The inhabitants of the city of Taunton, within the territorial limits established by law,
17 shall continue to be a municipal corporation, a body corporate and politic, under the name "city
18 of Taunton".

19 Section 1-2 SHORT TITLE.

20 This act shall be known and may be cited as the city of Taunton Charter.

21 Section 1-3 DIVISION OF POWERS.

22 The administration of the fiscal, prudential and municipal affairs of the city, with the
23 government thereof, shall be vested in an executive branch headed by a mayor and a legislative
24 branch consisting of a municipal council. The legislative branch shall never exercise any
25 executive power and the executive branch shall never exercise any legislative power.

26 Section 1-4 POWERS OF THE CITY.

27 Subject only to express limitations on the exercise of any power or function by a
28 municipal government in the Constitution of the Commonwealth or the Massachusetts General
29 Laws, it shall be the intention and the purpose of the voters of the city through the adoption of
30 this charter to secure for themselves and their government all of the powers it is possible to

31 secure as fully and completely as though each such power were specifically and individually
32 enumerated in this charter.

33 Section 1-5 CONSTRUCTION.

34 The powers of the city of Taunton under this charter shall be construed liberally in favor
35 of the city and the specific mention of any particular power shall not limit the general powers of
36 the city as stated in Articles 1 to 4, inclusive.

37 Section 1-6 INTERGOVERNMENTAL RELATIONS.

38 Subject only to express limitations in the Constitution of the Commonwealth and the
39 Massachusetts General Laws, the city may exercise any of its powers or perform any of its
40 functions and may participate in the financing thereof, jointly or in cooperation, by contract or
41 otherwise, with the Commonwealth or any of its agencies or political subdivisions or with the
42 United States government or any of its agencies or with any tribal or sovereign governments or
43 subdivisions thereof.

44 Section 1-7 DEFINITIONS.

45 The following words shall have the following meanings unless the context clearly
46 requires otherwise:

47 "Business day", any day on which Taunton city hall is open for the citizens of Taunton to
48 conduct routine business.

49 "Charter", this charter and any adopted amendments to it. AN ACT PROVIDING FOR A
50 REVISED CHARTER FOR THE CITY OF TAUNTON.

51 "City", the city of Taunton.

52 "City agency", a multiple-member body and any departments, divisions and offices of the
53 city.

54 "Day", the 24-hour period of time extending from 12:00 midnight and to 11:59 P.M.

55 "Municipal council", the entire authorized complement of the municipal council,
56 notwithstanding any vacancy that might exist.

57 "City officer", when used without further qualification or description, a person having
58 charge of an office , division or department of the city who, in the exercise of the powers or
59 duties of that position, exercises some portion of the sovereign power of the city.

60 "Department director", the head or chief of any city department, including the city
61 solicitor and assistant city solicitors and including the commissioner and supervisors of divisions
62 of the department of public works.

63 "Domicile", the place at which a person has been physically present and that the person
64 regards as home; a person's true, fixed, principal, and permanent home.

65 "Emergency", a sudden, unexpected and unforeseen happening, occurrence or condition
66 that necessitates immediate action or response.

67 "Majority vote", a majority of the members of a deliberative body, irrespective of
68 absences or vacancies.

69 "Measure", an ordinance, order, resolution or other vote or proceeding adopted, or that
70 might be adopted, by the municipal council or the school committee.

71 "Multiple-member body", any board, commission, committee, subcommittee or other
72 body consisting of not less than 2 persons, whether elected, appointed or otherwise constituted;
73 provided, however, that "multiple-member body" shall not include the municipal council or the
74 school committee.

75 "Quorum", a majority of all members of a multiple-member body unless some other
76 number is required by law or by ordinance.

77 "Voters", the registered voters of the city of Taunton.

78 Article 2

79 EXECUTIVE BRANCH.

80 Section 2-1 MAYOR: QUALIFICATIONS; TERM OF OFFICE; PROHIBITIONS.

81 (a) Mayor, Qualifications. The chief executive officer of the city shall be a mayor who
82 shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of
83 mayor. If the mayor is no longer domiciled within the city, the office shall immediately be
84 deemed vacant and filled in the manner provided in section 2-10. The mayor shall devote full
85 time to the office and shall not hold any other elected or appointed city office.

86 (b) Term of Office. The term of office of the mayor shall be 4 years beginning on the first
87 Monday of January following the city election at which the mayor was chosen and shall continue
88 until a successor is qualified, unless that day falls on a holiday, in which event, the term of office
89 shall begin on the next day. No person shall be elected to the office of mayor for more than 3
90 consecutive 4-year terms.

91 (c) Prohibitions. The mayor shall not hold any other city office or city employment for
92 which a salary or other emolument is payable from the city treasury. No former mayor shall hold
93 any compensated appointed city office or city employment until 1 year following the date on
94 which the former mayor's term of office as mayor has terminated. Nothing in this subsection
95 shall prevent a city officer or employee who has vacated a position in order to serve as mayor
96 from returning to the same office or position of city employment held at the time the position
97 was vacated; provided, however, that no such person shall be eligible for any other municipal
98 position until at least 1 year after the termination of service as mayor. Nothing in this subsection
99 shall apply to persons covered under the leave of absence provisions of section 37 of chapter 31
100 of the General Laws.

101 Section 2-2 EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.

102 The executive powers of the city shall be vested solely in the mayor and shall only be
103 exercised by the mayor personally or through the several city agencies under the general
104 supervision and control of the mayor. The mayor shall cause this charter, the laws, ordinances
105 and other orders for the government of the city to be enforced and shall cause a record of all
106 official acts of the executive branch of the city government to be kept. The mayor shall have
107 authority to singly approve payroll and vendor warrants. The mayor shall exercise general
108 supervision and direction over all city agencies unless otherwise provided by law or by this
109 charter. Upon the request of the mayor, a city agency shall immediately furnish to the mayor any
110 information or materials as the mayor may request and as the needs of the office of mayor and
111 the interest of the city may require. The mayor shall supervise, direct and be responsible for the
112 efficient administration of all city activities and functions placed under the control of the mayor
113 by law or by this charter. To assist the mayor in performing official duties, the mayor may

114 employ assistants, fix their salaries and determine their duties. The mayor may create additional
115 positions by executive order, subject to appropriation by the municipal council. The mayor shall
116 be responsible for the efficient and effective coordination of the activities of all city agencies
117 and, for this purpose may, consistent with law, call together for consultation, conference or
118 discussion at reasonable times all persons serving the city, whether elected directly by the voters,
119 appointed by persons elected directly by the voters or otherwise. The mayor shall be a member
120 of every appointed multiple-member body of the city by virtue of the office. As an ex officio
121 member, the mayor may attend any meeting of an appointed multiple-member body of the city at
122 any time, including executive sessions, to participate in the discussions, make motions and
123 exercise every other right held by a regular member of such body, except for the right to vote.

124 Section 2-3 APPOINTMENTS BY THE MAYOR AND DEPARTMENT DIRECTORS.

125 The mayor shall appoint, subject only to the confirmation of such appointments by the
126 municipal council under section 3-8, all city officers and department directors and the members
127 of multiple-member bodies for whom no other method of appointment or selection is provided
128 by this charter. All appointments to multiple-member bodies shall be in accordance with section
129 2-11. Upon the expiration of the term of a member of a multiple-member body, a successor shall
130 be appointed in like manner. The mayor shall fill a vacancy for the remainder of the unexpired
131 term of an appointed member of a multiple-member body. All persons classified as city officers
132 shall assist in collective bargaining on behalf of the city and shall not be eligible to be in any
133 union notwithstanding any collective bargaining agreement to the contrary, but shall receive
134 standard employment contracts that shall be effective until the end of a specific fiscal year that
135 shall be stated in each contract and each contract shall contain a for-cause provision with respect
136 to discipline and termination but reappointment shall be at the discretion of the mayor.

137 Appointment of division directors of public works shall be made by the commissioner of public
138 works, subject to the approval of the mayor; reappointment shall be at the discretion of the
139 commissioner of public works, subject to the approval of the mayor. The mayor is not authorized
140 to recognize department directors as a member of any collective bargaining unit or group and
141 shall immediately withdraw any such recognition and shall issue individual contracts in
142 accordance with this section. Department directors shall, subject to the consent of the mayor,
143 appoint, promote and discipline all assistants, subordinates and other employees of the agency
144 for which that person is responsible. All appointments and promotions made by the mayor shall
145 be made on the basis of merit and fitness demonstrated by examination, past performance or by
146 other evidence of competence and suitability. Each person appointed to fill an office or position
147 shall be a person especially fitted by education, training and/or previous work experience to
148 perform the duties of the office or position for which the person is chosen. All appointments
149 made by the mayor within the final 90 days of the mayoral term, or if the mayor vacates the
150 office before the expiration of the term, shall be considered temporary appointments under
151 section 2-5.

152 Section 2-4 REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

153 (a) City officers and department directors. The mayor may remove or suspend any city
154 officer or department director appointed by the mayor, subject any existing employment
155 contract, as provided in this section. The mayor shall deliver a written statement to the city
156 officer or department director as further specified in this section and shall forthwith report such
157 action and the reasons therefor to the municipal council. The written statement shall set forth in
158 precise detail the specific reasons for the removal or suspension. The written statement shall be
159 delivered in hand or by certified mail, postage prepaid, to the last known address of the city

160 officer or department director or by electronic mail. The city officer or department director may
161 make a written reply by filing a reply statement with the city clerk not more than 10 business
162 days after the date the statement of the mayor has been delivered ; provided, however, that the
163 reply shall have no effect upon the removal or suspension unless the mayor shall so determine.
164 The decision of the mayor in suspending or removing a city officer or a department director shall
165 be final and all authority and responsibility for such suspension or removal shall be vested solely
166 in the mayor.

167 (b) Other city employees. Unless some other procedure is specified in a relevant
168 collective bargaining agreement or by civil service law, a department director may suspend or
169 remove any assistant, subordinate or other employee of the agency for which the department
170 director is responsible. The decision of the department director to suspend or remove an
171 assistant, subordinate or other employee shall be subject to review by the mayor. A person for
172 whom a department director has determined a suspension or removal is appropriate may seek
173 review of such a determination by filing a petition for review, in writing, with the office of the
174 mayor not more than 10 days following receipt of notice of the determination. The decision of
175 the mayor shall be final and all authority and responsibility for suspension or removal shall be
176 vested solely in the mayor. Nothing in this subsection shall be construed to prevent any other
177 review as may be provided by law.

178 Section 2-5 TEMPORARY APPOINTMENTS TO CITY OFFICES.

179 (a) If a temporary or permanent vacancy occurs in a city office and the needs of the city
180 require that the office be filled, the mayor may designate the director of another city agency, a
181 city officer, a city employee or some other person to perform the duties of the office on a

182 temporary basis until the position can be filled as otherwise provided by law or by this charter. If
183 a person is designated under this section, the mayor shall file a certificate with the city clerk in
184 substantially the following form:

185 I designate (name of person) to perform the duties of the office of (designate office in
186 which vacancy exists) on a temporary basis until the office can be filled by (here set out the
187 regular procedure for filling the vacancy or when the regular officer shall return). I certify that
188 the designated person is qualified to perform the duties that will be required and that I make this
189 designation solely in the interests of the city of Taunton.

190 (signed)

191 Mayor

192 (b) A person serving as a temporary officer under this section shall have only those
193 powers of the office essential to the performance of the duties of the office during the period of
194 the temporary appointment. Notwithstanding any general or special law to the contrary, no
195 temporary appointment shall be for more than 120 days; provided, however, that 1 extension of
196 not more than 60 days may be made when a permanent vacancy exists in the office.

197 Section 2-6 COMMUNICATIONS; SPECIAL MEETINGS.

198 (a) Communications to the municipal council. The mayor shall from time to time, by
199 written communication, recommend to the municipal council for its consideration such measures
200 as, in the judgment of the mayor, the needs of the city require.

201 (b) Special meetings of the municipal council. The mayor may call a special meeting of
202 the municipal council at any time and for any purpose by causing a notice of the meeting to be

203 delivered in hand, via electronic mail, or by first class mail, to each member of the municipal
204 council. This notice shall, except in an emergency as determined by the mayor, be delivered not
205 less than 48 hours before the time scheduled for the special meeting to be held, excluding
206 Saturdays, Sundays and legal holidays, and shall specify any purpose for which the meeting is to
207 be held. A copy of each notice shall be immediately posted in the customary manner for
208 municipal council meetings.

209 Section 2-7 APPROVAL OF MAYOR; MAYOR'S VETO; MUNICIPAL COUNCIL'S
210 VETO OVERRIDE.

211 Every order, ordinance, resolution or vote adopted or passed by the municipal council
212 relative to the affairs of the city, except memorial resolutions and any matters relating to the
213 internal affairs of the municipal council, shall be presented to the mayor for approval. If the
214 mayor approves of a measure, the mayor shall sign it and thereupon it shall be in force. If the
215 mayor disapproves of a measure, the mayor shall return the measure with the specific reasons for
216 the disapproval attached to it, in writing, to the municipal council within 15 calendar days and
217 the municipal council shall enter the objections of the mayor on its records. Measures may be
218 reconsidered not less than 10 but not more than 30 days from the date of the mayor's return of
219 the measure. If the municipal council shall again pass the order, ordinance, resolution or vote by
220 a 2/3 vote of the full council, it shall then take effect notwithstanding the objections of the
221 mayor; provided, however, that a vote to override a veto shall be by roll call vote. Items or parts
222 of items that the mayor neither signs nor disapproves within 15 days after the order, ordinance,
223 resolution or vote shall have been presented to the mayor shall be in force on and after the
224 sixteenth day following such presentation.

225 Section 2-8 TEMPORARY ABSENCE OF THE MAYOR.

226 (a) Acting mayor. If by reason of sickness, absence from the city or other cause the
227 mayor shall be unable to perform the duties of the office, the president of the municipal council
228 shall be the acting mayor.

229 (b) Powers of acting mayor. The acting mayor shall have only those powers of the mayor
230 that are essential to the conduct of the business of the city in an orderly and efficient manner and
231 on which action may not be delayed. The acting mayor may not request additional appropriation
232 unless an emergency exists. The acting mayor shall not make any permanent appointment or
233 removal from city service unless the disability of the mayor shall continue for more than 90 days
234 and the acting mayor shall not approve or disapprove any measure adopted by the municipal
235 council unless the time within which the mayor is required to act would expire before the return
236 of the mayor. The acting mayor shall not overturn any vetoes of the mayor. During any period in
237 which a councilor is serving as acting mayor, the councilor shall not vote as a member of the
238 municipal council.

239 Section 2-9 DELEGATION OF AUTHORITY BY MAYOR.

240 The mayor may authorize any subordinate officer or employee of the city to exercise any
241 power or perform any function or duty that is assigned by this charter or otherwise to the mayor
242 and the mayor may rescind or revoke any such authorization previously made; provided,
243 however, that an act performed under any such delegation of authority during a period of
244 authorization shall be and remain the act of the mayor. Nothing in this section shall authorize a
245 mayor to delegate the mayor's powers and duties as a school committee member, the power of

246 appointment to city office or employment or to sign or return measures approved by the
247 municipal council.

248 Section 2-10 VACANCY IN OFFICE OF MAYOR.

249 (a) Special election. If a vacancy occurs in the office of mayor during the first 3 years and
250 6 months of the term for which the mayor was elected, whether by reason of death, resignation,
251 removal from office, incapacity or otherwise, the municipal council shall, not later than 15 days,
252 in the manner provided in section 5-1, order a special election to be held not more than 120 days
253 following the date on which the vacancy was created to fill the vacancy for the balance of the
254 then unexpired term. If a regular city election is to be held not more than 180 days following the
255 date on which the vacancy was created, a special election shall not be held and the position shall
256 be filled by vote at such regular election.

257 (b) President of municipal council to serve as interim mayor. If a vacancy in the office of
258 mayor occurs in the last 6 months of the term for which the mayor is elected, whether by reason
259 of death, resignation, removal from office or otherwise, the president of the municipal council
260 shall become the interim mayor so long as the president of the municipal council is able and
261 willing to perform the full-time duties of mayor. If the president of the municipal council is
262 unable or unwilling to serve as mayor, the vice president of the municipal council shall become
263 the interim mayor so long as the vice president of the municipal council is able and willing to
264 perform the full-time duties of mayor. If the vice president of the municipal council is unable or
265 unwilling to serve as mayor, the municipal council shall elect from among its members the
266 interim mayor. If 10 successive votes of the municipal council result in a tie, the candidate most
267 junior in years of service shall be eliminated from consideration. If multiple candidates are

268 equally junior in years of service, the candidate most junior in both years of service and age shall
269 be eliminated from consideration. Upon the qualification of the interim mayor under this section,
270 a vacancy shall exist in that seat on the municipal council that shall be filled in the manner
271 provided in section 3-9. A president or other councilor serving as interim mayor under this
272 subsection shall not be entitled to have the words "candidate for re-election" printed with their
273 name on the election ballot if they are seeking the office of mayor.

274 (c) Powers, term of office. A person who assumes the office of mayor under a special
275 election shall have all of the powers of the mayor and a person who assumes the office of interim
276 mayor shall have only those powers of an acting mayor provided in section 2-8. A person elected
277 under subsection (a) shall serve for the remainder of the unexpired term. A person chosen under
278 subsection (b) shall serve until the time of the next regular election at which time the person
279 elected to fill the office shall serve for the remainder of the then unexpired term in addition to
280 the term of office for which such person was elected.

281 Section 2-11 MERIT PRINCIPLE.

282 All appointments and promotions of city officers, employees and multiple member bodies
283 shall be made on the basis of merit and fitness as demonstrated by examination, past
284 performance or other evidence of competence and suitability.

285 Section 2-12 OATH OF OFFICE OF MAYOR.

286 A mayor-elect shall, on the first Monday in January of each year following the mayoral
287 election, be sworn to the faithful discharge of the mayor's duties; provided, however, that if the
288 first Monday falls on a holiday, the term of office shall begin on the next day. The oath may be
289 administered to the mayor by the city clerk, by a judge of a court of record or by a justice of the

290 peace. A certificate that the oath has been administered shall be entered in the journal of the
291 municipal council. If the mayor-elect is unavailable to be sworn in as prescribed herein, the oath
292 may be administered at any time thereafter. A certificate of oath administered shall be entered in
293 the journal of the city clerk.

294 Article 3

295 LEGISLATIVE BRANCH.

296 Section 3-1 COMPOSITION, TERM OF OFFICE.

297 (a) Composition. There shall be a municipal council that shall exercise the legislative
298 powers of the city. The municipal council shall consist of 9 members, all of whom shall be
299 councilors-at-large who shall be nominated and elected by and from the voters at large.

300 (b) Term of office. There shall be annual elections for 1/3 of the councilors. The term of
301 office for all councilors shall be 3 years, beginning by the second meeting of the municipal
302 council in January in the year following their election and until their successors have been
303 qualified. Initially, in order to facilitate staggered terms, there shall be 3 councilors elected to
304 serve 1-year terms, 3 to serve 2-year terms and 3 to serve 3-year terms and each year thereafter
305 the expiring 3 terms shall be filled by election. Initially, the councilors who receive the most
306 votes shall receive the initial 3-year terms, the councilors receiving the next highest amount of
307 votes shall serve the 2-year terms and the councilors receiving the next highest amount of votes
308 shall serve the 1-year term. If multiple councilors receive the same number of votes, the
309 councilor senior in years of service on the municipal council shall receive the longer term. If 2 or
310 more members are equally senior in years of service on the municipal council, the member senior

311 in both years of service on the municipal council and age shall receive the term. No person shall
312 be elected for the office of municipal councilor for more than 4 consecutive 3-year terms.

313 (c) Eligibility. Any voter shall be eligible to hold the office of councilor. A councilor
314 shall, at the time of election, be a voter of the city; provided, however, that if a councilor is no
315 longer domiciled within the city, the office shall immediately be deemed vacant and filled in the
316 manner provided in section 3-9.

317 (d) Oath of office of municipal council. The municipal council members-elect shall, by
318 the second meeting of the municipal council in January of the year following the November
319 election, meet and be sworn to the faithful discharge of their duties. The oath may be
320 administered to the municipal council by the mayor or city clerk or by a judge of a court of
321 record or by a justice of the peace. A certificate that such oath has been administered shall be
322 entered in the journal of the municipal council. If a municipal councilor-elect is unable to be
323 sworn in as prescribed herein, the oath may be administered at any time thereafter to such
324 municipal councilor-elect and a certificate of each oath subsequently administered shall be
325 entered in the journal of the municipal council.

326 Section 3-2 PRESIDENT AND VICE PRESIDENT.

327 (a) Election. Following each election and as soon as practicable after the councilors-elect
328 have been qualified as provided in section 3-1, the members of the municipal council shall elect,
329 by majority vote from among its members, a president who shall serve for 1 year. If the mayor or
330 city clerk is unable to preside during this election, the municipal council member senior in years
331 of service on the municipal council shall preside during this election. If 2 or more members are
332 equally senior in years of service on the municipal council, the member most senior in both years

333 of service and age shall preside. The president shall be sworn by the mayor or city clerk or, in the
334 case of the absence of the mayor and city clerk, by any person qualified to administer oaths or
335 affirmations. If 10 successive votes result in a tie, the candidate most junior in years of service
336 shall be eliminated from consideration, and the process shall continue as aforesaid until 1
337 candidate is elected. If multiple candidates are equally junior in years of service, the candidate
338 most junior in both years of service and age shall be eliminated from consideration. The mayor
339 shall be the presiding officer of municipal council meetings and, in the absence of the mayor, the
340 president shall preside and, in the absence of the president, the vice president shall preside and,
341 in the absence of the vice president, the municipal council member most senior in years of
342 service shall preside and in the event that multiple members are equally senior in years of
343 service, the member most senior in both years of service and age shall preside. The vice
344 president shall be elected in the same manner and shall be the acting president in the president's
345 absence.

346 (b) Removal and vacancy. The president may be removed at any time by a 2/3 vote of the
347 membership. Any vacancy shall be filled by the vice president and shall cause an election to be
348 held to fill the position of vice president.

349 (c) Powers and duties. The mayor shall preside at all meetings of the municipal council,
350 set its agenda, regulate its proceedings, and decide all questions of order and ,in the mayor's
351 absence, the president shall preside at the meeting and regulate its proceedings. In the
352 president's absence, the vice president shall preside at the meetings and regulate its proceedings.
353 The municipal council may, by a majority vote of its members, place an item on the agenda for a
354 subsequent meeting. The president shall have the same powers to vote upon the measures

355 coming before the municipal council as any other member of the municipal council. The
356 president shall perform other duties consistent with the office as provided by charter.

357 Section 3-3 PROHIBITIONS.

358 (a) Holding other city office or position. No member of the municipal council may
359 concurrently receive both compensation for service as a municipal councilor and city
360 employment for which a salary or other emolument is payable from the city treasury. No current
361 or former member of the municipal council shall hold a compensated appointed city office or
362 employment until at least 1 year following the date on which the former member's service on the
363 municipal council ended unless the municipal councilor held the same position prior to the
364 municipal councilor's service as a member of the municipal council; provided, however, that no
365 such person shall be eligible for any other municipal position until at least 1 year following that
366 member's termination of service as a member of the municipal council.

367 (b) Separation of powers. No individual member of the municipal council shall give
368 operational or management orders or directions, either publicly or privately, to an officer or
369 employee of the city who is appointed by the mayor.

370 Section 3-4 LEGISLATIVE POWERS.

371 The legislative power of the city shall be vested in the municipal council, which shall
372 provide for its exercise and for the performance of all duties and obligations pertaining thereto.

373 Section 3-5 EXERCISE OF POWERS; QUORUM; RULES.

374 (a) Exercise of powers. Except as otherwise provided by law or this charter, the
375 legislative powers of the municipal council may be exercised in a manner determined by the
376 municipal council.

377 (b) Quorum. The presence of 5 members of the municipal council shall constitute a
378 quorum for the transaction of business; provided, however, that a smaller number may meet and
379 adjourn from time to time.

380 (c) Committees/Rules of Procedure. The municipal council shall determine its
381 committees by the second municipal council meeting in January. The municipal council shall
382 annually, not later than the second municipal council meeting in February, adopt rules regulating
383 its procedures that shall include, but not be limited to, a requirement that:

384 (i) regular meetings of the municipal council shall be held beginning the first week of
385 January and every other week thereafter;

386 (ii) regular committee meetings of the municipal council shall be held beginning the
387 second week of January and every other week thereafter, as necessary; provided, however, that
388 special committee meetings of the municipal council may occur as necessary whether on the
389 regular committee meeting week or on the regular meeting of the municipal council week;

390 (iii) special meetings of the municipal council be held at the call of the mayor, the
391 president or at least 4 members, by written notice delivered in hand, via electronic mail, or by
392 first class mail to each member; provided, however, that such notice shall contain a listing of the
393 items to be acted upon; provided further, that except in case of an emergency, such notice shall
394 be delivered not less than 48 hours in advance of the time set for such meeting, excluding
395 Saturdays, Sundays and legal holidays; and provided further, that if a municipal council

396 committee meeting is scheduled to occur at the same time that a meeting of the municipal
397 council is scheduled to begin, the municipal council committee meeting shall adjourn or recess
398 and the municipal council meeting shall commence;

399 (iv) all sessions of the municipal council and of every committee or subcommittee of the
400 board be open to the public unless otherwise provided by law; and

401 (v) accurate and up-to-date minutes of the proceedings of the municipal council shall be
402 kept, which shall include a record of each vote taken and which shall be made available with
403 reasonable promptness following each meeting; provided, however, that the minutes of an
404 executive session shall be made available as soon as their publication would not defeat the lawful
405 purposes of the executive session.

406 Section 3-6 ACCESS TO INFORMATION.

407 (a) Investigations. The municipal council may, by two-thirds vote, conduct investigations
408 into alleged improper actions or wrongdoing in the affairs of the city and into the conduct and
409 performance of any city agency and may make inquiry upon good faith. The municipal council
410 may spend money to conduct the investigation by requesting the mayor to initiate a sufficient
411 appropriation. If the mayor does not initiate a request for a sufficient appropriation within 15
412 days after being presented with the request, the municipal council may, not less than 16 days but
413 not more than 30 days from the date presented to the mayor, by a two-thirds roll call vote, spend
414 up to a \$100,000 per fiscal year for investigations under this section.

415 (b) City officers; members of boards and commissions. The municipal council may
416 require, by a majority vote, any city officer or member of a board or commission to appear
417 before the municipal council to give any information that the municipal council may require in

418 relation to the municipal services, functions, powers or duties that are within the scope of
419 responsibility of that person and within the jurisdiction of the municipal council. The mayor may
420 bring to such meeting any assistant, department director or other city officer that the mayor
421 deems necessary to assist in responding to the questions posed by the municipal council.

422 (c) Notice. The municipal council shall give at least 10 days' notice of an investigation
423 and 7 days' notice to any other person whose appearance is requested. The notice shall include
424 specific questions on which the municipal council seeks information and no person called to
425 appear before the municipal council under this section shall be required to respond to any subject
426 not relevant or related to those presented in advance and in writing.

427 Section 3-7 APPOINTMENTS OF THE MUNICIPAL COUNCIL.

428 (a) Clerk of Committees. The municipal council shall elect a clerk of committees to serve
429 at the pleasure of the municipal council. The clerk of committees shall perform the duties as may
430 be provided by ordinance or by other vote of the municipal council, and is supervised by the
431 council president.

432 (b) Salary, Compensation. The clerk of committees shall receive such salary or other
433 compensation as provided by ordinance.

434 (c) The municipal council shall be the appointing authority for purposes of civil service,
435 general law chapter 31.

436 Section 3-8 MUNICIPAL COUNCIL CONFIRMATION OF CERTAIN
437 APPOINTMENTS.

438 The mayor shall submit to the municipal council the name of each person the mayor
439 desires to appoint as a member of a multiple-member body or as a department director, including
440 the commissioner of public works; provided, however, that this provision shall not apply to
441 appointments to a position subject to civil service laws. Such appointments made by the mayor
442 shall become effective upon a majority vote or upon the expiration of 30 days following the date
443 that notice of the proposed appointment was filed with the city clerk unless rejected by the
444 municipal council within that 30-day period. For each mayoral appointment under this section,
445 the mayor shall provide to the municipal council, at or before the time of submission of the
446 name, a copy of the person's resume. Resumes submitted under this section shall be held in
447 confidence by the municipal council and shall not be shared or disseminated to any other person
448 and nothing in this section shall be construed to make the person's resume a public record.

449 Section 3-9 FILLING OF VACANCIES.

450 Councilor. If a vacancy shall occur in the office of councilor, the vacancy shall be filled
451 within 14 days in descending order of votes received by the candidate for the office of councilor
452 at the preceding city election who received the highest number of votes without being elected, if
453 that person remains eligible and willing to serve as councilor. If such person is unwilling or
454 ineligible to serve, the person who received the next highest votes shall fill the position and so
455 on. If there are no such candidates receiving any votes that are eligible and willing to serve, the
456 council shall elect, by a majority vote of the full council, any registered voter in the city. A
457 person elected by the municipal council under this section to fill a vacancy shall serve for the
458 remainder of the unexpired term and shall not be entitled to have the words "candidate for re-
459 election" printed with the person's name on the election ballot if such person is seeking the office

460 of councilor. The city clerk shall certify this candidate to the office of councilor to serve for the
461 remainder of the unexpired term.

462 Article 4

463 SCHOOL COMMITTEE.

464 Section 4-1 COMPOSITION, TERM OF OFFICE.

465 (a) Composition. There shall be a school committee that shall consist of 9 members, 8 of
466 whom who shall be nominated and elected by and from the voters of the city at large. The mayor
467 shall serve as the ninth member of the school committee and shall have the same powers and
468 duties as the members elected by the voters as school committee members.

469 (b) Term of office. There shall be annual elections for 1/3 of the school committee
470 members. The term of office for all school committee members shall be 3 years, beginning by
471 the second meeting of the school committee in January in the year following their election and
472 until their successors have been qualified. Initially, in order to facilitate staggered terms, there
473 shall be 3 members elected to serve 3-year terms, 3 members elected to serve 2-year terms and 2
474 members elected to serve 1-year terms and each year thereafter the expiring terms shall be filled
475 by election. Initially, the school committee members who receive the most votes shall serve the
476 initial 3-year terms, the school committee members receiving the next highest amount of votes
477 shall serve the 2-year terms and the school committee members receiving the next highest votes
478 shall serve the 1-year terms. No person shall be elected to the school committee for more than 4
479 consecutive 3-year terms.

480 (c) Eligibility. A school committee member shall, at the time of election, be a voter of the
481 city. If a school committee member is no longer domiciled within the city, the office shall
482 immediately be deemed vacant and filled in the manner provided in section 4-5.

483 (d) Oath of office of school committee. The school committee members-elect shall, by
484 the second meeting of the school committee in January of the year following the November
485 election, meet and be sworn to the faithful discharge of their duties. The oath may be
486 administered to the school committee members by the mayor or city clerk or by a judge of a
487 court of record or by a justice of the peace. A certificate that such oath has been administered
488 shall be entered in the journal of the school committee. If a school committee member is unable
489 to be sworn in as prescribed herein, the oath may be administered at any time thereafter to such
490 school committee member and a certificate of each oath subsequently administered shall be
491 entered in the journal of the school committee.

492 Section 4-2 SCHOOL COMMITTEE CHAIR AND VICE CHAIR.

493 (a) Election and Term. Following each city election and as soon as practicable after the
494 school committee members-elect have been qualified as provided in section 4-1, the members of
495 the school committee shall elect, by a majority vote from among its members, a vice chair. If the
496 mayor or city clerk is unable to preside during this election, the member senior in years of
497 service on the school committee shall preside. If 2 or more members are equally senior in years
498 of service on the school committee, the member most senior in both years of service and age
499 shall preside. The vice chair shall be sworn by the mayor or city clerk or, in the case of the
500 absence of the mayor and city clerk, by any person qualified to administer oaths or affirmations.

501 (b) Removal and Vacancy. The vice chair may be removed at any time by a 2/3 vote. Any
502 such removal shall cause an election to be held to fill the position of vice chair.

503 (c) Powers and Duties. The mayor shall preside and chair all meetings of the school
504 committee, regulate its proceedings and decide all questions of order and, in the absence of the
505 mayor, the school committee vice chair shall preside and, in the absence of the school committee
506 vice chair, the school committee member most senior in years of service shall preside and if
507 multiple members are equally senior in years of service, the member most senior in both years of
508 service and age shall preside. The school committee vice chair shall have the same powers to
509 vote upon all measures coming before the school committee as any other member of the school
510 committee. The school committee vice chair shall perform such other duties consistent with the
511 office as may be provided by this charter.

512 Section 4-3 PROHIBITIONS.

513 No member of the school committee may concurrently receive both compensation for
514 service as a school committee member and city employment for which a salary or other
515 emolument is payable from the city treasury. No current or former member of the school
516 committee shall hold any compensated appointed city office or city employment until at least 1
517 year after the date on which the member's service on the school committee ended unless the
518 school committee member held the same position prior to the school committee member's
519 service as a member of the school committee; provided, however, that no such person shall be
520 eligible for any other municipal position until at least 1 year after that member's termination of
521 service as a member of the school committee.

522 Section 4-4 SCHOOL COMMITTEE POWERS AND DUTIES.

523 (a) The school committee shall have all of the powers conferred on school committees by
524 the General Laws and such additional powers and duties as may be provided by this charter, by
525 ordinance or otherwise and not inconsistent with the grant of powers conferred by the General
526 Laws. The powers and duties of the school committee shall include, but not be limited to:

527 (i) employing a superintendent of the schools who shall be charged with the
528 administration of the school system, subject only to policy guidelines and directives adopted by
529 the school committee;

530 (ii) upon the recommendation of the superintendent, establishing and appointing assistant
531 or associate superintendents as provided in section 59 of chapter 71 of the General Laws;

532 (iii) making all reasonable rules and regulations for the management of the public school
533 system and for conducting the business of the school committee as may be deemed necessary or
534 desirable; and

535 (iv) adopting and overseeing the administration of an annual operating budget for the
536 school department, subject to appropriation by the municipal council; provided, however, that
537 the school committee shall have general charge and superintendence of all school buildings and
538 grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; and

539 (v) determining its committees, whether special or standing and from time to time
540 adopting by-laws and policies.

541 (b) The school committee shall provide ordinary maintenance of all school buildings and
542 grounds. If the school committee shall determine that additional classrooms are necessary to
543 meet the educational needs of the community, at least 1 member of the school committee, or a

544 designee of the school committee, shall serve on the agency, board or committee to which the
545 planning or construction of the new, remodeled or renovated school building is delegated.

546 Section 4-5 FILLING OF VACANCIES.

547 If a vacancy shall occur in the office of school committee member, the vacancy shall be
548 filled within 14 days, in descending order of votes received by the candidate for the office of
549 school committee member at the preceding city election who received the highest number of
550 votes without being elected, if that person remains eligible and willing to serve as a school
551 committee member. If such person is unwilling or ineligible to serve, the person who received
552 the next highest votes shall fill the position and so on. If there are no such candidates receiving
553 any votes that are eligible and willing to serve, the school committee shall elect, by a majority
554 vote, of the entire committee, any registered voter in the city. A person elected under this section
555 by the school committee to fill a vacancy shall serve until the next regular election, at which time
556 the vacancy shall be filled by the voters and the person elected to fill the vacancy shall
557 immediately be sworn and shall serve for the remainder of the unexpired term in addition to the
558 term for which the person is elected, if any. A person elected by the school committee to serve as
559 school committee member under this section shall not be entitled to have the words "candidate
560 for re-election" printed with the person's name on the election ballot if such person is seeking the
561 office of school committee member. The city clerk shall certify this candidate to the office of
562 school committee member to serve for the balance of the unexpired term.

563 Article 5

564 ELECTIONS.

565 Section 5-1 CITY ELECTIONS: GENERAL, PRELIMINARY.

566 The regular general city election shall be held annually on the first Tuesday following the
567 first Monday in November in each year. A preliminary election, if necessary, for the purpose of
568 nominating candidates shall be held on the first Tuesday in September; provided, however, that
569 the city clerk may, with the approval of the municipal council, reschedule the preliminary
570 election to the second Tuesday in September to avoid a conflict with a civil or religious holiday.
571 If a special election to fill a vacancy in the office of mayor is to be held, a preliminary election
572 shall be conducted, if necessary, not more than 28 days before the date established for the special
573 election.

574 Section 5-2 NONPARTISAN ELECTIONS.

575 All elections for city offices shall be nonpartisan and election ballots shall be printed
576 without any party mark, emblem or other designation.

577 Section 5-3 PRELIMINARY ELECTION, WHEN NECESSARY.

578 (a) Ballot position. The order in which names of candidates appear on the ballot shall be
579 determined by a drawing by lot conducted by the board of election commissioners at a properly
580 posted meeting for which the matter appears on the meeting notice and shall be open to the
581 public not less than 30 days before the date of the preliminary election.

582 (b) Determination of candidates. If the number of candidates certified by the elections'
583 office for any elected office to be voted upon is more than double the available positions, then a
584 preliminary election shall be held. The preliminary election shall determine the remaining
585 candidates, which amount shall not be greater than double the available positions and the
586 remaining candidates shall be the sole candidates for that office whose names shall be printed on
587 the official ballots to be used at the regular general city election at which the office is to be voted

588 upon and no acceptance of a nomination shall be necessary to its validity. If the preliminary
589 election results in a tie vote among candidates for nomination receiving the lowest number of
590 votes which, but for the tie vote, would entitle a person receiving the same to have the person's
591 name printed on the official ballots for the election, all candidates participating in the tie vote
592 shall have their names printed on the official ballots even though the ballots will have a number
593 of candidates exceeding twice the number to be elected.

594 (c) Condition making preliminary election unnecessary. If at the expiration of time for
595 filing statements the number of candidates for any elected office to be voted upon at a
596 preliminary election is not more than double the available positions, then no preliminary election
597 shall be held. The candidates whose statements have been filed with the city clerk shall have
598 been nominated to the office, their names shall be voted upon for the office at the succeeding
599 general election and the board of election commissioners shall not print their names on the
600 ballots to be used at the preliminary election.

601 Section 5-4 BALLOT POSITION, REGULAR CITY ELECTION.

602 The order in which names of candidates appear on the ballot for each office shall be
603 determined by a drawing by lot conducted by the board of election commissioners at a properly
604 posted meeting for which the matter appears on the meeting notice and shall be open to the
605 public and conducted not less than 30 days before the date of the election.

606 Section 5-5 APPLICATION OF THE GENERAL LAWS.

607 Except as otherwise expressly provided in this charter and authorized by law, all city
608 elections shall be governed by the laws of the commonwealth relating to the right to vote, the
609 registration of voters, the nomination of candidates, the conduct of preliminary, general and

610 special elections, the submission of charters, charter amendments and other propositions to the
611 voters, the counting of votes, the recounting of votes and the determination of results.

612 Section 5-6 RECALL

613 (a) Application. Any person who holds an elected office in the city with more than 6
614 months remaining in the term of such office on the date of filing of the affidavit as described in
615 this section may be recalled therefrom by the registered voters of the city in the manner provided
616 in this section. No recall petition shall be filed against an officer within 6 months after taking
617 office.

618 (b) Recall Affidavit. A recall petition may be initiated by the filing of an affidavit with
619 the board of election commissioners containing the name of the officer sought to be recalled, the
620 office held and a statement of the grounds for the recall; provided, however, that the affidavit
621 shall be signed by at least 500 registered voters. At least 50 names of registered voters shall be
622 from each of the wards into which the city is divided. The board of election commissioners shall,
623 within 3 business days after receipt of the affidavit, certify thereon the number of signatures
624 which are names of registered voters. The form, available from the office of the board of election
625 commissioners, shall include a blank for 1 signer to be identified as the lead petitioner. The
626 board of election commissioners shall thereupon deliver to the registered voters making the
627 affidavit copies of petition blanks demanding such recall, copies of which printed forms the
628 board of election commissioners shall keep available. The recall petitions shall be returned to the
629 office of the board of election commissioners within 45 days after the date they are issued,
630 signed by not less than 15 per cent of registered voters; provided, however, that not more than 25
631 per cent of the signatures shall come from any 1 ward; and provided further, that at least 1 per

632 cent of the registered voters shall be from each of the wards into which the city is divided. The
633 board of election commissioners shall, within 10 business days, certify thereon the number of
634 signatures which are names of registered voters.

635 (c) Recall election. If the petition shall be found and certified by the board of election
636 commissioners to be sufficient, the board of election commissioners shall submit the same with
637 such certificate to the municipal council within 10 business days and the municipal council shall
638 forthwith give written notice of the receipt of the certificate to the officer sought to be recalled.
639 If the officer sought to be recalled does not resign within 5 days thereafter, the municipal
640 council shall order a recall election to be held on a date fixed by the council which shall be not
641 less than 60 days and not more than 90 days after the date of the board of election
642 commissioners' certificate that a sufficient petition has been filed; provided, however, that if any
643 other city election is to occur within 150 days after the date of the certificate, the municipal
644 council shall postpone the holding of the recall election to the date of such other election.

645 (d) Ballot question. Ballots used at the recall election shall state the proposition in
646 substantially the following form:

647 Shall (insert name of officer) be recalled from the office of (insert name of office held)?

648 YES _____

649 NO _____

650 (e) Officeholder. If the officer whose recall is sought has not resigned the office, the
651 officer shall continue to hold and perform the duties of the office until the recall election. If a
652 majority of the votes cast on the question as stated above is in the affirmative, the officer shall be

653 deemed recalled and the office shall be vacant upon the certification of the election results. If a
654 majority of the votes cast on the question is in the negative, the person whose recall was sought
655 shall continue in the office until the expiration of the term for which such person was elected and
656 no other recall affidavit may be filed until at least 270 days after such recall election date.

657 (f) Filling of vacancy. If the office of mayor is declared vacant as the result of a recall
658 election, the council shall immediately call a special election to be held on a date fixed by it
659 which shall be not less than 90 nor more than 120 days after the date of the recall election. The
660 nomination of candidates shall all be in accordance with laws regulating elections. The person
661 elected at the special election shall serve as mayor for the balance of the unexpired term
662 remaining at the time of such election. Vacancies in any other elected office shall be filled under
663 sections 3-9, 4-5, 6-4, 6-5, as applicable, and in any other elected office in descending order of
664 votes received by the candidate for the office at the preceding city election who received the
665 highest number of votes without being elected if that person remains eligible and willing to serve
666 and, if unwilling or ineligible, to the person who received the next highest votes and so on. If
667 there are no candidates receiving any votes that are eligible and willing to serve, the office shall
668 be appointed by the mayor.

669 (g) Prohibition on officeholder recalled. No person recalled from an office under this
670 section shall be eligible to be a candidate to fill any vacancy created by that recall. No person
671 who has been recalled from an office or who has resigned from office while recall proceedings
672 were pending against such person shall be appointed to any municipal office within 2 years after
673 such recall or resignation.

674 Article 6

675 ADMINISTRATIVE ORGANIZATION

676 Section 6-1 DEPARTMENTS, BOARDS, COMMITTEES, AND POSITIONS

677 There shall be in the city of Taunton the departments, multiple-member bodies and
678 positions set forth herein, in addition to any other departments, boards, committees and positions
679 as may presently exist or be established by law, ordinance or executive directive law.

680 Section 6-2 PUBLIC WORKS

681 (a) Jurisdiction. There shall be a department of public works which shall be responsible
682 for the performance of all public works-related functions and activities of the city. The
683 department of public works shall perform all of the public works-related functions which are
684 associated with the following boards, departments and offices or which are now or may from
685 time to time by general or special law be vested in such boards, departments and offices: (i)
686 street department; (ii) water department; (iii) sewer department; (iv) traffic department; (v)
687 public buildings department; (vi) sealer of weights and measures; (vii) engineering department;
688 and (viii) any other departments concerned with public works. The department of public works
689 shall also have jurisdiction and control over maintenance and repair of all equipment, material
690 and motor vehicles which are associated with public works. The department of public works may
691 have such additional powers, duties and responsibilities with respect to public works-related
692 functions and activities as may from time to time be provided by ordinance or executive
693 directive. Notwithstanding any provision of this section to the contrary, the powers and duties of
694 the department of public works may be divided into 2 or more departments. All departments and
695 agencies existing at the time of adoption of this charter or established pursuant to this charter that

696 are under the jurisdiction of the department of public works shall be referred to as divisions of
697 the department of public works.

698 (b) Commissioner. The department of public works shall be under the direction of a
699 commissioner. The mayor shall appoint the commissioner of public works as provided in section
700 2-3 subject to confirmation of the municipal council under section 3-8. The commissioner shall
701 have all of the necessary powers to supervise the supervisors of the water division, the sewer
702 division and every other division within the jurisdiction of the department of public works
703 including ,where applicable, to exercise the powers of water and sewer department directors
704 under the General Laws.

705 (c) Divisions. Each division shall have a supervisor who shall be the administrative and
706 operational director of the division. The supervisor of the engineering division shall be referred
707 to as the city engineer. All other administrative and operational directors shall be referred to as
708 the supervisor of each respective division. All supervisors shall be under the direct control of the
709 commissioner of public works and shall be directly responsible to the commissioner of public
710 works in addition to the mayor. Appointment to supervisor shall be made by the commissioner
711 subject to approval of the mayor as provided in section 2-3.

712 Section 6-3 BOARD OF HEALTH

713 There shall be a board of health whose administration, composition and selection of
714 members shall be as established by section 26 of chapter 111 of the General Laws.

715 Section 6-4 PLANNING BOARD

716 There shall be a planning board consisting of 7 members with staggered terms of 3 years.
717 All planning board members shall be elected. Members shall be registered voters of the city. If a
718 planning board member is no longer domiciled within the city, the office shall immediately be
719 deemed vacant and filled in the manner provided for in this section. Initially, in order to facilitate
720 staggered terms of 3 years, there shall be 3 members elected to serve 3-year terms, 2 members
721 elected to serve 2-year terms and 2 members to serve 1-year terms; provided, however, that each
722 year thereafter the expiring terms shall be filled by election for 3-year terms. Initially, the
723 candidates who receive the most votes shall serve the initial 3-year terms, the candidates
724 receiving the next highest amount of votes shall serve the 2-year terms and the candidates
725 receiving the next highest number of votes shall serve the 1-year terms. If multiple candidates
726 receive the same number of votes, the candidate senior in years of service on the planning board
727 shall serve the term. If 2 or more candidates are equally senior in years of service on the planning
728 board, the candidate senior in both years of service on the planning board and age shall serve the
729 term. No person shall be elected to the planning board for more than 4 consecutive 3-year terms.
730 The planning board shall elect by majority vote from among its members a chairperson and a
731 clerk. Vacancies shall be filled in descending order of votes received by the candidate for the
732 office of planning board member at the preceding city election who received the highest number
733 of votes without being elected if that person remains eligible and willing to serve as planning
734 board member. If such person is unwilling or ineligible to serve, the person who received the
735 next highest votes, and so on, shall serve. If there are no such candidates receiving any votes
736 that are eligible and willing to serve, the mayor shall appoint a person to fill the vacancy as
737 provided in section 2-3, subject to the confirmation of the municipal council as provided in
738 section 3-8. A person so appointed under this section to fill a vacancy shall serve for the

739 remainder of the unexpired term and shall not be entitled to have the words "candidate for re-
740 election" printed with the person's name on the election ballot if such person is seeking the office
741 of planning board member. The city clerk shall certify this candidate to the office of planning
742 board member to serve for the remainder of the unexpired term.

743 Section 6-5 ZONING BOARD OF APPEALS

744 There shall be a zoning board of appeals consisting of 5 members and 2 alternate
745 members, all of whom shall be elected by the registered voters of the city and serve for 3-year
746 terms. Zoning board members shall be registered voters of the city. If a zoning board member is
747 no longer domiciled within the city, the office shall immediately be deemed vacant and filled in
748 the manner provided for in this section. Initially, in order to facilitate staggered 3-year terms,
749 there shall be 2 members elected to serve 3-year terms, 1 alternate member elected to serve a 3-
750 year term, 1 member elected to serve a 2-year term, 1 alternate member elected to serve a 2-year
751 term and 2 members elected to serve 1-year terms; provided, however, that each year thereafter,
752 the expiring terms shall be filled by election for 3-year terms. Initially, the candidates who
753 receive the most votes shall serve the initial 3-year terms, the candidate receiving the next
754 highest amounts of votes shall serve the initial 2-year term, the candidates receiving the next
755 highest number of votes shall serve the 1-year terms, the alternate member receiving the highest
756 number of votes shall serve the 3-year term and the alternate member who received the next
757 highest number of votes shall serve the 2-year term. If multiple candidates receive the same
758 number of votes, the candidate senior in years of service on the zoning board shall serve the
759 term. If 2 or more candidates are equally senior in years of service on the zoning board, the
760 candidate senior in both years of service on the zoning board and age shall serve the term. No
761 person shall be elected to the office of the zoning board for more than 4 consecutive 3-year

762 terms. The zoning board of appeals shall elect by majority vote from among its members a
763 chairperson and a clerk. Vacancies shall be filled in descending order of votes received by the
764 candidate for the office of zoning board member at the preceding city election who received the
765 highest number of votes without being elected if that person remains eligible and willing to serve
766 as zoning board member. If that person is unwilling or ineligible to serve, the person who
767 received the next highest number of votes shall serve, and so on. If there are no candidates
768 receiving any votes that are eligible and willing to serve, the mayor shall appoint a person to fill
769 the vacancy as provided in section 2-3, subject to the confirmation of the municipal council as
770 provided in section 3-8. A person so appointed under this section to fill a vacancy shall serve for
771 the remainder of the unexpired term and shall not be entitled to have the words "candidate for re-
772 election" printed with the person's name on the election ballot if such person is seeking the office
773 of zoning board member. The city clerk shall certify this candidate to the office of zoning board
774 member to serve for the remainder of the unexpired term.

775 Article 7

776 FISCAL AND FINANCE PROCEDURES.

777 Section 7-1 FISCAL YEAR.

778 The fiscal year of the city shall begin on the first day of July and shall end on the last day
779 of June unless another period is required by the General Laws.

780 Section 7-2 SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

781 At least 45 days before the beginning of the fiscal year, the mayor shall submit to the
782 municipal council a proposed operating budget for all city agencies, which shall include the

783 school department, for the ensuing fiscal year. The school budget, as adopted by the school
784 committee shall be submitted to the mayor at least 30 days before the submission of the proposed
785 operating budget to the municipal council. The mayor shall notify the school committee of the
786 date by which the proposed budget of the school committee shall be submitted to the mayor. The
787 mayor and the superintendent of schools shall coordinate the dates and times of the school
788 committee's budget process under the General Laws.

789 Section 7-3 ACTION ON THE OPERATING BUDGET

790 (a) Public hearing. The city clerk, at the direction of the municipal council, shall publish a
791 notice of the proposed operating budget as submitted by the mayor in at least 1 newspaper of
792 general circulation in the city with either a weekly or daily circulation; provided, however, that if
793 no general circulation publication exists within the city, newspaper shall also include online
794 publications to the extent allowed by law. The notice shall state: (i) the times and places where
795 copies of the entire proposed operating budget are available for inspection by the public; and (ii)
796 the date, time and place, which shall be not less than 14 days after its publication, when a public
797 hearing on the proposed operating budget will be held by the municipal council.

798 (b) Adoption of the Budget - The municipal council shall adopt the proposed operating
799 budget, with or without amendments, within 45 days following the date the proposed budget is
800 filed with the city clerk. In amending the proposed operating budget, the municipal council may
801 delete or decrease any amounts except expenditures required by law, but except on the
802 recommendation of the mayor, the municipal council shall not increase any item in or the total of
803 the proposed operating budget, unless otherwise authorized by the General Laws. If the
804 municipal council fails to take action on any item in the proposed operating budget within 45

805 days after its receipt, that amount shall, without any action by the municipal council, become a
806 part of the appropriations for the year, and be available for the purposes specified.

807 Section 7-4 CAPITAL IMPROVEMENT PROGRAM.

808 The mayor shall submit a capital improvement program to the municipal council every 2
809 years and not less than 120 days before the start of the fiscal year in which the program report is
810 due. The capital improvement program shall appear on the first municipal council agenda of
811 March in the relevant year. The capital improvement program shall include: (i) a clear and
812 concise general summary of its contents; (ii) a list of all capital improvements proposed to be
813 undertaken during the ensuing 5 fiscal years, with supporting information as to the need for each
814 capital improvement; (iii) cost estimates, methods of financing and recommended time schedules
815 for each improvement; and (iv) the estimated annual cost of operating and maintaining each
816 facility and piece of major equipment involved. The mayor may annually revise this information
817 with regard to the capital improvements still pending or in the process of being acquired,
818 improved or constructed.

819 Section 7-5 EXPENDITURES IN EXCESS OF APPROPRIATIONS.

820 Except as otherwise provided by law, no official of the city of Taunton shall knowingly
821 and intentionally expend in any fiscal year any sums in excess of the appropriations, awards,
822 grants or gifts duly made in accordance with law and no such official shall involve the city in any
823 contract for the future payment of money in excess of such appropriations, awards, grants or gifts
824 and any such expenditure or involvement shall be in strict compliance with section 31 of chapter
825 44 of the General Laws.

826 Section 7-6 AUDIT COMMITTEE.

827 There shall be established an audit committee which shall consist of 5 members.
828 Members shall serve 3-year terms. The committee shall be comprised of 2 persons to be
829 appointed the mayor, 1 of whom may be the mayor, and 3 members of the municipal council
830 who shall be members of the committee on finance and salaries. The audit committee shall
831 annually provide for an outside audit of the books and accounts of the city to be made by a
832 certified public accountant or a firm of certified public accountants that has no personal interest,
833 direct or indirect, in the fiscal affairs of the city or any of its officers. The audit committee shall
834 not select the same auditor or auditing firm for more than 5 consecutive years. The mayor shall
835 annually provide, and the municipal council annually appropriate, sufficient funds to satisfy the
836 estimated cost of conducting the audit. The award of a contract to audit shall be made by the
837 audit committee annually, not later than September 15. The report of the audit shall be filed in
838 final form with the municipal council and city clerk not later than March 1 in the year following
839 the award of the contract. The audit committee shall annually: (i) develop a scope of audit
840 services; (ii) oversee the selection of an auditor or auditing firm; (iii) review the audit report; (iv)
841 form an opinion on the performance of the auditor or auditing firm; and (v) report back to the
842 municipal council and the mayor. The audit committee shall, as necessary, monitor the progress
843 of corrective action plans developed by finance officials to address audit findings and
844 management letter comments.

845 Article 8

846 GENERAL PROVISIONS.

847 Section 8-1 CHARTER CHANGES.

848 The charter may be replaced, revised or amended in accordance with any procedure made
849 available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and
850 any general or special law enacted to implement said Article LXXXIX.

851 Section 8-2 SEVERABILITY.

852 The provisions of this charter shall be severable. If a provision of this charter is held to be
853 invalid, the other provisions shall not be affected by such invalidity. If the application of this
854 charter to a person or circumstance is held to be invalid, the application of this charter and its
855 provisions to other persons and circumstances shall not be affected by such invalidity.

856 Section 8-3 SPECIFIC PROVISION TO PREVAIL.

857 To the extent that a specific provision of this charter shall conflict with a provision
858 expressed in general terms, the specific provision shall prevail.

859 Section 8-4 UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
860 BODIES.

861 (a) Meetings. All appointed multiple-member bodies of the city shall meet regularly.
862 Special meetings of any multiple-member body shall be held on the call of the chair or by 1/3 of
863 the members of the body by written notice delivered in hand or electronic mail or by first class
864 mail to the place of residence of each member not less than 48 hours in advance of the time set
865 for the meeting, excluding Saturdays, Sundays and legal holidays; provided, however, that the
866 written notice shall contain notice of the subjects to be acted upon. A copy of the notice shall be
867 posted as required by any applicable open meeting law. Except as otherwise be authorized by
868 law, all meetings of all multiple-member bodies shall be open to the public.

869 (b) Rules and minutes. Each appointed multiple-member body shall determine its own
870 rules and order of business and shall provide for the keeping of minutes of its proceedings. The
871 rules and minutes shall be a public record in accordance with public records laws.

872 (c) Voting. If requested by a member, a vote of an appointed multiple-member body shall
873 be taken by a call of the roll and the vote of each member shall be recorded in the minutes. If the
874 vote is unanimous, only that fact shall be recorded.

875 (d) Quorum. A majority of the members of an appointed multiple-member body shall
876 constitute a quorum but a smaller number may meet and adjourn from time to time. Unless some
877 other provision is made by the multiple-member body's own rules while a quorum is present,
878 except on procedural matters, a majority of the full membership of the body shall be required to
879 adopt a vote representing an exercise of the powers of the multiple-member body.

880 Section 8-5 NUMBER AND GENDER.

881 Words importing the singular number may extend and be applied to several persons or
882 things, words importing the plural number may include the singular and words importing the
883 masculine gender shall include the feminine gender and words importing the feminine gender
884 shall include the masculine gender.

885 Section 8-6 REFERENCES TO GENERAL LAWS.

886 References to General Laws. All references to the general or special laws contained in the
887 charter refer to the General Laws of the Commonwealth and are intended to include any
888 amendments or revisions to the chapters and sections or to the corresponding chapters and

889 sections of any rearrangement of the General Laws enacted subsequent to the adoption of the
890 charter.

891 Section 8-7 COMPUTATION OF TIME.

892 In computing time under this charter, the day of the act or event after which the
893 designated period of time begins to run shall not be included. The last day of the period shall be
894 included unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
895 extended to the next day that is not a Saturday, Sunday or legal holiday. When the period of time
896 designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be
897 included.

898 Section 8-8 CERTIFICATE OF ELECTION OR APPOINTMENT.

899 Every person who is elected, including those elected by the municipal council, or
900 appointed to an office of the city, including members of a multiple-member body, shall receive a
901 certificate of such election or appointment from the city clerk. Except as otherwise provided by
902 law, every person who is elected, including those elected by the municipal council, or appointed
903 to an office of the city, before performing any act under such appointment or election, shall take
904 and subscribe to an oath to qualify to enter upon the duties. The oath may be administered by the
905 mayor or city clerk or by a judge of a court of record or by a justice of the peace. A record of
906 such oath shall be kept by the city clerk.

907 Section 8-9 LIMITATION ON OFFICE HOLDING.

908 No person shall simultaneously hold more than 1 full-time city office or position of
909 employment. Any hours worked in a part-time position shall not be the same or otherwise
910 conflict with the hours worked in a full-time position.

911 Section 8-10 CITY GROUP INSURANCE PROGRAMS.

912 Notwithstanding any general or special law to the contrary, elected part-time officials,
913 stipend recipients, multiple-member body members, municipal council members and school
914 committee members shall not be eligible to participate in the city's group insurance programs;
915 provided, however, that notwithstanding the foregoing, a municipal council or a school
916 committee member who was enrolled in the city's insurance as of July 1, 2021 may continue to
917 participate in the same manner and at the same contribution rate until such time as the member's
918 current term and any consecutive terms expire.

919 Section 8-11 FELONY CONVICTION DURING TERM OF OFFICE.

920 Felony conviction. Any city official elected under articles 2, 3, 4, 6 of this charter or
921 appointed to a multiple member body under article 6 who is convicted of a state or federal felony
922 offense while holding a city office shall be deemed to have vacated that office.

923 Article 9

924 TRANSITIONAL PROVISIONS.

925 Section 9-1 CONTINUATION OF EXISTING LAWS.

926 All General Laws, special laws, city ordinances and rules and regulations of or pertaining
927 to the city, including special acts creating regional entities and arrangements of which the city is
928 a member, that are in force when this charter takes effect and not specifically or by implication

929 repealed by this charter shall continue in full force and effect until amended or repealed,
930 rescinded by law or expired by their own limitation. If a provision of this charter is found to be
931 inconsistent with any general or special law that would otherwise be applicable, this charter shall
932 prevail. Every inconsistency between a prior law and this charter shall be decided in favor of this
933 charter.

934 Section 9-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

935 All officers and employees of city agencies shall continue to perform their duties until re-
936 elected or reappointed or until successors to their respective positions are duly appointed or
937 elected or until their duties have been transferred and assumed by another city agency.

938 Section 9-3 TRANSFER OF RECORDS AND PROPERTY.

939 All records, property and equipment whatsoever of any city agency, or part thereof, the
940 powers and duties of which are assigned in whole or in part to another city agency shall be
941 transferred immediately to that agency.

942 Section 9-4 EFFECT ON OBLIGATIONS, TAXES, ETC.

943 All official bonds, recognizances, obligations, contracts and other instruments entered
944 into or executed by the city before the adoption of this charter and all taxes, assessments, fines,
945 penalties and forfeitures incurred or imposed, due or owing to the city shall be enforced and
946 collected and all writs, prosecutions, actions and causes of action, except as otherwise provided
947 in this charter and except conflicting collective bargaining agreements, shall continue without
948 abatement and remain unaffected by this charter. No legal act done by or in favor of the city shall
949 be rendered invalid by reason of the adoption of this charter.

950 Section 9-5 TIME OF TAKING EFFECT.

951 The charter shall take effect immediately upon approval of the voters and in accordance
952 with the following schedule:

953 (i) the full powers vested in city officers and the several city agencies shall be effective
954 immediately following the election at which the charter is adopted; and

955 (ii) the respective number of years of terms for the offices of mayor, municipal council,
956 school committee, planning board and zoning board of appeals as implemented by this charter
957 shall take effect for the terms immediately following and as a result of the city election
958 immediately following the election at which this charter is approved.

959 Section 9-6 ORDINANCE REVIEW COMMITTEE.

960 (a) Not later than the first day of the February after the city election following the
961 election at which this charter was approved, the mayor and municipal council shall provide for a
962 review to be made of the city ordinances for the purpose of preparing any revisions to conform
963 with the charter.

964 (b) The ordinance review shall be made by a special committee to consist of 7 members,
965 which shall include the mayor or mayor's designee, the city solicitor or city solicitor's designee,
966 2 persons to be appointed by the mayor who shall be voters of the city and 3 persons who shall
967 be councilors serving on the committee on ordinances and enrolled bills.

968 (c) The special committee shall file its report with the mayor and the municipal council
969 not later than the last day of December in the year in which the committee is appointed.

970 (d) The recommendations of the special committee shall appear on the municipal council
971 agenda for action before March 15 of the following year and, if not so scheduled, the matter shall
972 come before the municipal council for action at its next meeting held following said March 15.

973 Section 9-7 PERIODIC REVIEW OF CHARTER.

974 In May of every year ending in 5 or 0, the city shall appoint a charter review committee
975 to review the city charter and make a report and recommendations to the mayor and municipal
976 council for changes to it through special legislation passed by the general court but nothing in
977 this section shall prevent the city from enacting or amending a charter under any procedure made
978 available by Article LXXXIX of the Amendments to the Constitution of the commonwealth or
979 any general or special law enacted to implement said Article LXXXIX. The committee shall
980 consist of 7 members, 4 of whom shall be registered voters of the city who shall be appointed by
981 the mayor and 3 of whom shall be registered voters of the city who shall be appointed by the
982 municipal council by a majority vote. The committee shall, after a public hearing, file its report
983 and recommendations with the city clerk and municipal council, not later than May 1 in the year
984 following the year in which the committee was appointed. The recommendations of the
985 committee shall appear on the council agenda before the June 15 of that year and, if not so
986 scheduled by the municipal council, the matter shall come before the municipal council for
987 action at its next meeting held after the said June 15.

988 Section 9-8 FORM OF QUESTION

989 This act shall be submitted for acceptance to the qualified voters of the city of Taunton at
990 the 2022 regular election in the form of the following question which shall be placed on the
991 official ballot to be used at the election:

992 “Shall an act passed by the General Court in the year 2022, entitled ‘An Act Providing
993 for A Revised Charter for the City of Taunton’ be accepted?”.

994 Below the question shall appear a fair and concise summary of the proposed charter
995 amendments (or changes) which shall be prepared by the city solicitor.

996 If a majority of the votes cast in answer to the question is in the affirmative, this act shall
997 thereupon take effect, but not otherwise.

998 Article 10

999 CITIZEN PARTICIPATION MECHANISMS.

1000 Section 10-1. CITIZEN INITIATIVE MEASURES

1001 (a) Commencement - Initiative procedures shall be commenced by the filing of a
1002 proposed initiative petition with the city clerk. The petition shall be addressed to the municipal
1003 council, shall contain a request for the passage of a particular measure which shall be set forth in
1004 full in the petition and shall be signed by at least 250 registered voters. At least 25 signatures
1005 shall be certified from each ward. The petition shall be accompanied by an affidavit signed by 10
1006 registered voters and containing their residential address and stating that those registered voters
1007 will constitute the petitioners committee and shall be responsible for circulating the petition and
1008 filing it in proper form.

1009 (b) Referral to city solicitor - The city clerk shall, immediately following receipt of a
1010 proposed petition, deliver a copy of the petition to the city solicitor. The city solicitor shall,
1011 within 15 days following receipt of a copy of the petition, advise the municipal council and the
1012 city clerk, in writing, whether the measure as proposed may lawfully be proposed by the

1013 initiative process and whether, in its present form, it may lawfully be adopted by the municipal
1014 council. If the opinion of the city solicitor is that the measure is not in proper form, the reply
1015 shall state the reasons for such opinion, in full. A copy of the opinion of the city solicitor shall be
1016 mailed to the members of the petitioners committee.

1017 (c) Submission to city clerk - If the city solicitor determines that the petition is in proper
1018 form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at
1019 the top of each blank form a fair, concise summary of the proposed measure, as determined by
1020 the city solicitor, together with the names and addresses of the first 10 registered voters who
1021 signed the originating petition. The city clerk shall notify the first 10 registered voters that the
1022 blank forms are issued. Within 30 days following the date of the notice, the petition shall be
1023 returned and filed with the city clerk and signed by at least 10 per cent of the total number of
1024 registered voters as of the date of the most recent regular city election. Signatures to an initiative
1025 petition need not all be on 1 paper but all papers pertaining to any 1 measure shall be fastened
1026 together and shall be filed as a single instrument, with the endorsement on it of the name and
1027 address of the person designated as filing the papers. With each signature on the petition there
1028 shall also appear the street and number of the residence of each signer. Within 10 days following
1029 the filing of the petition, the board of election commissioners shall ascertain the number of
1030 registered voters that signed the petition and what percentage of the total number of registered
1031 voters as of the date of the most recent regular city election have signed the petition. The board
1032 of election commissioners shall attach to the petition a certificate showing the results of its
1033 examination and shall return the petition to the city clerk. A copy of the board of election
1034 commissioners' certificate shall also be mailed to the members of the petitioners committee.

1035 (d) Action on petitions - Within 30 days following the date a petition has been returned to
1036 the city clerk and after publication under subsection (f), the municipal council shall act with
1037 respect to each initiative petition by: (i) passing it without change; (ii) passing a measure which
1038 is stated to be in lieu of the initiative measure; or (iii) rejecting it. The passage of a measure
1039 which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative
1040 measure. If the municipal council fails to act within 30 days following the date the measure is
1041 returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an
1042 initiative measure is rejected, the city clerk shall promptly give notice of that fact to the
1043 petitioners committee by certified mail.

1044 (e) Supplementary petitions - Within 60 days following the date an initiative petition has
1045 been rejected, a supplemental initiative petition may be filed with the city clerk, but only by the
1046 persons constituting the original petitioners committee. The supplemental initiative petition shall
1047 be signed by a number of additional registered voters equal to at least 5 per cent of the total
1048 number of registered voters as of the date of the most recent regular city election. The signatures
1049 on the initial petition filed under subsection (c) and the signatures on the supplemental petition
1050 filed under this subsection, taken together, shall contain the signatures of at least 15 per cent of
1051 the total number of registered voters as of the date of the most recent regular city election. If the
1052 number of signatures to the supplemental petition is found to be sufficient by the city clerk, the
1053 municipal council shall call a special election to be held not less than 35 days but not more than
1054 90 days following the date of the certificate of the city clerk that a sufficient number of
1055 registered voters have signed the supplemental initiative petition and shall submit the proposed
1056 measure, without alteration, to the registered voters for determination; provided, however, that if
1057 a city election is to be held within 120 days following the date of the certificate, the municipal

1058 council may omit calling the special election and cause the question to appear on the election
1059 ballot at the approaching election for determination by the registered voters.

1060 (f) Publication - The full text of an initiative measure which is submitted to the registered
1061 voters shall be published in at least 1 local newspaper not less than 7 day but not more than 14
1062 days preceding the date of the election at which the question is to be voted upon. Additional
1063 copies of the full text shall be available for distribution to the public in the office of the city
1064 clerk.

1065 (g) Form of question – The ballots used when voting on a measure proposed by the
1066 registered voters under this section shall contain a question in substantially the following form:

1067 Shall the following measure which was proposed by an initiative petition take effect?
1068 (Here insert the fair, concise summary of the proposed measure, as determined by the city
1069 solicitor, as referenced in subsection (c)). Yes or No.

1070 (h) Time of Taking Effect - Subject to section 10-4, if a majority of the votes cast in
1071 answer to the question is in the affirmative, the measure shall be deemed to be effective
1072 immediately unless a later date is specified in the measure.

1073 Section 10-2. CITIZEN REFERENDUM PROCEDURES

1074 (a) Petition, effect on final vote - If, within 30 days following the date on which the
1075 municipal council has voted finally to approve any measure, a petition signed by a number of
1076 registered voters equal to at least 15 per cent of the total number of registered voters as of the
1077 date of the most recent regular city election and addressed to the municipal council protesting
1078 against the measure or any part thereof is filed with the city clerk, the effective date of that

1079 measure shall be temporarily suspended. The municipal council shall immediately reconsider its
1080 vote on the measure or part thereof and, if the measure is not rescinded, the municipal council
1081 shall provide for the submission of the question for a determination by the registered voters
1082 either at a special election, which it may call at its convenience, or at the next regular city
1083 election; provided, however, that pending this submission and determination, the effect of the
1084 measure shall continue to be suspended.

1085 (b) Certain initiative provisions to apply - The petition described in this section shall be
1086 termed a referendum petition and section 10-1, as the section relates to the filing and certification
1087 of signatures, shall apply to such referendum petitions, except that the words "measure or part
1088 thereof protested against" shall be deemed to replace the word "measure" and the word
1089 "referendum" shall be deemed to replace the word "initiative". Subject to section 10-4, the
1090 measure or part thereof protested against shall be null and void unless a majority of those voting
1091 on the question shall vote in favor of the measure or part thereof protested against at the election.

1092 Section 10-3. INELIGIBLE MEASURES

1093 None of the following shall be subject to the initiative or the referendum procedures set
1094 forth herein:

1095 (i) proceedings relating to the internal organization or operation of the municipal council
1096 or the school committee;

1097 (ii) an emergency measure adopted under the charter;

1098 (iii) the city budget;

1099 (iv) an appropriation for the payment of the city's debt or debt service;

- 1100 (v) an appropriation of funds to implement a collective bargaining agreement;
- 1101 (vi) proceedings relating to the election, appointment, removal, discharge, employment,
1102 promotion, transfer, demotion or other personnel action or any other action that is executive
1103 rather than legislative in nature;
- 1104 (vii) any proceedings repealing or rescinding a measure or part thereof which is protested
1105 by referendum procedures;
- 1106 (viii) any proceedings providing for the submission or referral to the registered voters at
1107 an election; and
- 1108 (ix) resolutions, memorial actions, citations, other nonbinding actions and other votes
1109 constituting ordinary, routine matters not suitable as the subject of a referendum petition.

1110 Section 10-4. REQUIRED REGISTERED VOTER PARTICIPATION

1111 For any measure to be effective under the initiative procedure and for any measure to be
1112 declared null and void under the referendum procedure, at least 20 per cent of the registered
1113 voters as of the most recent regular city election shall be required to vote at an election that
1114 includes on the ballot submission of 1 or more initiative or referendum questions to the
1115 registered voters of the city.

1116 Section 10-5. SUBMISSION OF OTHER MATTERS TO REGISTERED VOTERS

1117 The municipal council may on its own motion submit a measure to the registered voters
1118 of the city at any regular city election for adoption or rejection in the same manner and with the
1119 same force and effect as provided for submission by initiative or referendum petitions. The
1120 municipal council may alternatively submit any nonbinding public opinion advisory question.

1121 Section 10-6. CONFLICTING PROVISIONS

1122 If 2 or more measures passed at the same election contain conflicting provisions, only the
1123 1 receiving the greatest number of affirmative votes shall take effect.

1124 SECTION 2. This act shall take effect upon its passage.