

SENATE No. 3133

Senate, October 31, 2022 -- Substituted as a new draft (Senator DiZoglio) for the Senate Bill amending the charter of the city of Amesbury (Senate, No. 2448).

The Commonwealth of Massachusetts

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

An Act amending the charter of the city of Amesbury.

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

1 SECTION 1. The title of the charter of the city of Amesbury, which is on file in the office
2 of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General
3 Laws, is hereby amended by inserting after the word “Amesbury” the following words:- Home
4 Rule.

5 SECTION 2. Said charter is hereby further amended by striking out Parts I to X,
6 inclusive, and inserting in place thereof the following 10 articles:-

7 ARTICLE I Incorporation, Short Title, Powers

8 Section 1-1 Incorporation Continued

9 The inhabitants of the city of Amesbury, within its territorial limits as now or may
10 hereafter be established by law, shall continue to be a body politic and corporate, known as the
11 “City of Amesbury”.

12 Section 1-2 Short Title

13 This instrument shall be cited and known as the City of Amesbury Home Rule Charter.

14 Section 1-3 Division of Powers

15 All legislative powers of the city shall be exercised by a city council. The administration
16 of all fiscal, business and city affairs shall be vested in the executive branch headed by the
17 mayor.

18 Section 1-4 Powers of the City

19 The intent and purpose of this charter is to secure for the voters of the City of Amesbury,
20 through the adoption of this charter, all the powers possible to secure for their government under
21 Article LXXXIX of the Amendments to the Constitution of the Commonwealth and the laws of
22 the commonwealth, as fully and as though each such power were specifically and individually
23 enumerated herein.

24 Section 1-5 Interpretation of Powers

25 The powers of the city under the charter shall be construed and interpreted liberally in
26 favor of the city and the specific mention of any particular power shall not limit in any way the
27 general powers of the city as stated in section 1-4.

28 Section 1-6 Intergovernmental Relations

29 Notwithstanding any general or special law to the contrary, the city may, to the maximum
30 extent lawfully possible, participate by contract or otherwise with the commonwealth or any
31 governmental entity or political subdivision thereof and, to the extent feasible, any other state or

32 the United States in the performance of any activity that 1 or more of such entities has the
33 authority to undertake.

34 ARTICLE II Chief Executive Officer; Mayor

35 Section 2-1 Office of the Mayor

36 (a) Mayor; Qualifications; Election

37 The chief executive officer of the city shall be a mayor, elected by and from the voters.
38 Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the
39 office and shall not hold any other elective public office.

40 A mayor who shall cease to be a resident of the city during the term for which the mayor
41 was elected shall be deemed to have vacated the office of mayor and the office shall be
42 considered vacant. Any vacancy in the office of mayor shall be filled in accordance with section
43 2-10.

44 (b) Term of Office

45 The mayor shall be elected for a term of 4 years beginning on the first city business day
46 in January following the biennial city election and until a successor is qualified.

47 (c) Compensation

48 The city council shall by ordinance establish an annual salary and expense schedule for
49 the mayor; provided, however, that no ordinance increasing or decreasing such salary and
50 expense schedule shall be effective unless it shall have been adopted during the first 18 months
51 of the term for which councilors are elected and the revised salary and expense schedule is to be

52 effective upon the commencement of the next term of office of the mayor. The mayor shall
53 receive no additional compensation from serving as the chairperson of the school committee as
54 provided by section 4-3.

55 Section 2-2 Executive Powers of the Mayor

56 The mayor shall cause the laws, ordinances and orders for the city government to be
57 enforced and shall cause a record of all official acts to be kept. The mayor shall execute all
58 lawful contracts on behalf of the city. The mayor may appoint 1 or more qualified assistants to
59 aid in the performance of the official duties, fix their salaries and define their duties.

60 Section 2-3 Appointments by the Mayor

61 The mayor shall appoint all city officers, department heads and members of boards,
62 commissions and committees for whom no other method of appointment or selection is provided
63 by the charter, excepting only officials serving under the city council and school committee and
64 persons appointed by state officials. The mayor shall appoint the library director, but only from
65 the candidates recommended by the board of library trustees. Unless otherwise provided by this
66 charter, appointments of all city officers, department heads and members of boards, commissions
67 and committees shall become effective 21 days after submission of a written notice of any
68 appointment to the city clerk, unless the city council, during such period, by a two-thirds vote of
69 the full city council, rejects any such appointment, or has sooner voted to affirm it.

70 Section 2-4 Certificate of Appointment

71 In making appointments, the mayor shall sign and file with the city clerk a certificate in
72 substantially the following form:

73 “I appoint (name of appointee) to the position of (name of office) and I certify that the
74 person is qualified to perform the duties of the office. I make this appointment solely in the
75 interest of the city of Amesbury. This appointment shall not become effective until 21 days
76 following its filing with the city clerk, in accordance with the City of Amesbury Home Rule
77 Charter. (signed Mayor)”

78 Section 2-5 Removal of Officials

79 The mayor may remove any person appointed by the mayor by filing a written statement
80 with the city clerk setting forth in detail the specific reason therefor. A copy of the written
81 statement shall be delivered or mailed to the person thus removed, who may make a written
82 reply, which, if the person thus removed desires, may be filed with the city clerk. Such reply
83 shall not affect the action taken unless the mayor so determines. This section shall not apply to
84 the school committee, persons appointed by state officials or offices subject to chapter 31 of the
85 General Laws.

86 Any removal by the mayor shall become effective 21 days after submission of the written
87 statement of removal to the city clerk; provided, however, that the city council may, during such
88 period, by a two-thirds vote of the full city council, reject any such removal and reinstate the
89 person.

90 Section 2-6 Temporary Appointments

91 If a vacancy in an office appointed by the mayor occurs whether by reason of disability,
92 death, resignation or removal from office for any reason, the mayor may appoint some other
93 person to perform the duties of the office for a period not to exceed 4 months. If a vacancy

94 continues beyond the 4 months, the mayor may make a second 4-month appointment, but no
95 temporary appointment shall be continued beyond 8 months.

96 Section 2-7 Communications to the City Council; Special meetings of the City Council

97 (a) Communications to the City Council

98 Not later than 12 weeks following the start of each fiscal year, the mayor shall submit to
99 the city council and make available to the public a complete report on the financial and
100 administrative activities of the city for the preceding fiscal year. On a quarterly basis, the mayor
101 shall provide written communications to the city council in order to keep the council fully
102 informed as to the financial condition and future needs of the city and shall recommend such
103 measures to it, as in the judgment of the mayor, the needs of the city require.

104 (b) Call for Special Meetings of the City Council

105 The mayor may at any time call a special meeting of the city council by causing a notice
106 of such meeting specifying the matters that the mayor desires to be considered to be left at the
107 usual place of residence or business of each councilor or given to such councilors in hand. The
108 notice shall, except in an emergency as determined by the mayor, be delivered not less than 48
109 hours in advance of the time set for such meeting and shall specify the purpose for which the
110 meeting is to be held.

111 Section 2-8 Approval or Veto by the Mayor

112 Every measure relative to the affairs of the city adopted by the city council shall be
113 presented to the mayor for approval except:

114 (i) measures relating to the internal affairs of the city council;

- 115 (ii) memorial or other resolutions;
- 116 (iii) emergency measures passed in accordance with this charter; and
- 117 (iv) the budget for the operation of city government.

118 If the mayor approves the measure as demonstrated by their signature, the measure shall
119 be approved. If the mayor does not return any measure not later than 10 days following the day it
120 is presented to the mayor, the measure shall be approved.

121 The mayor shall signify disapproval of a measure by returning it to the city council with a
122 written statement of the objection. The city council shall enter the objection of the mayor in its
123 records and shall immediately reconsider its vote. Any measure shall be considered returned
124 upon a filing by the mayor with the clerk of the council. If, on such reconsideration, two-thirds of
125 the full city council membership votes to pass the measure, it shall be approved. Any vote taken
126 by the city council following the return of a measure by the mayor shall be taken by a call of the
127 roll.

128 If, upon the return of the mayor's disapproval of a measure, the city council does not vote
129 on such measure not later than 21 days following the date of the return of the measure to the
130 council, the measure shall be rejected.

131 Section 2-9 Temporary Absence of the Mayor

132 If by reason of sickness, absence from the city or other cause, the mayor shall be unable
133 to attend to the duties of the office of mayor for any period of 7 successive days, the president of
134 the city council, or, if the council president is unwilling or unable to serve, then the vice-
135 president of the city council, shall act as mayor, possessing the powers of the mayor but only on

136 those matters not admitting to delay. During any period in which the president or vice-president
137 of the city council is serving as acting mayor, such person shall not serve as the presiding officer
138 of the city council.

139 Section 2-10 Vacancy in the Office of Mayor

140 If a vacancy occurs in the office of mayor by death, resignation or removal from office
141 prior to the last 12 months of the term to which the mayor was elected, the city council shall
142 schedule a special election pursuant to this charter. The city council president shall serve as
143 acting mayor until such election. Should the council president be unwilling or unable to serve,
144 the council shall elect from among its members 1 member to serve as mayor until the next
145 scheduled city election.

146 If a vacancy occurs in the office of mayor during the last 12 months of the term, the city
147 council president shall assume the office of mayor until the next scheduled city election. Should
148 the council president be unwilling or unable to serve, the council shall elect by majority vote
149 from among its members 1 member to serve as mayor until the next scheduled municipal
150 election. Upon qualification of the president or the election and qualification of any member of
151 the city council as acting mayor under this section, a vacancy shall exist in the seat of the
152 councilor selected as acting mayor.

153 ARTICLE III Legislative Branch

154 Section 3-1 Composition; Eligibility; Election and Term

155 (a) Composition

156 There shall be a city council composed of 9 members that shall exercise the legislative
157 powers of the city. Three members, to be known as councilors-at-large, shall be nominated and
158 elected by and from the voters at large. Six members, to be known as district councilors, shall be
159 nominated and elected by and from the voters of each district, 1 such district councilor to be
160 elected from each of the 6 council districts into which the city is divided in accordance with
161 section 7-4.

162 (b) Eligibility

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

166 A councilor-at-large who shall cease to be a resident of the city during the term for which
167 such councilor was elected shall be deemed to have vacated the office of councilor-at-large and
168 the office shall be considered vacant. If a district councilor moves from 1 district to another
169 within the first 12 months of the term of office for which such councilor was elected, the office
170 shall be considered vacant. Any district councilor who continues to reside in the city but who
171 moves from the district they represent during the last 12 months of their term of office shall
172 continue to serve for the balance of the term for which the district councilor was elected. Any
173 vacancy in the office of councilor-at-large or district councilor shall be filled in accordance with
174 section 3-4.

175 (c) Election and Term

176 The term of office of city council members shall be for 2 years beginning on the first
177 business day of January following the regular city election and continuing until their successors
178 are qualified.

179 Section 3-2 Council Organization

180 After the councilors-elect have taken the oath of office, the city council shall be called
181 together by the city clerk for the purpose of conducting an election among council members for
182 the office of city council president and vice-president to serve at the discretion of the city
183 council. The president shall preside at all meetings of the city council, perform ceremonial
184 functions and perform such other functions as may be assigned by this charter, by ordinance or
185 by vote of the city council. The vice-president shall perform all duties of the council president
186 during the council president's absence or disability.

187 Section 3-3 General Powers and Duties

188 Except as otherwise provided by general law or by this charter, all powers of the city
189 shall be vested in the city council, which shall provide for their exercise and for the performance
190 of all duties and obligations imposed upon the city by law.

191 Section 3-4 Filling of Vacancies

192 If a vacancy occurs in the office of city councilor, whether by failure to elect or
193 otherwise, the vacancy shall be filled by the unelected candidate receiving the highest votes in
194 the same election, if any; provided, however, that such candidate received not less than 30 per
195 cent of the vote for that office. The candidate shall be notified by the city clerk of the vacancy
196 and if the candidate declines to be sworn into office within 10 days, has moved from the city or

197 is otherwise unable to serve, the council shall choose a successor to fill the vacancy from among
198 the voters entitled to vote for such office. Any person so chosen shall take the oath of office and
199 commence to serve forthwith. No vacancy shall be filled in the manner herein provided if a
200 regular city election is to be held not later than 120 days following the date the vacancy is
201 declared to exist. The city council shall be the sole judge of whether a vacancy shall exist in the
202 office of city councilor and may declare an office vacant by a majority vote of the council.

203 Section 3-5 Exercise of Powers; Quorum; Rules of Procedure

204 (a) Exercise of Powers

205 Except as otherwise provided by the laws of the commonwealth or this charter, the
206 legislative powers of the city council may be exercised in a manner determined by the city
207 council.

208 (b) Quorum

209 A quorum shall be a majority of the full membership of the city council. The affirmative
210 vote of a majority of the full membership of the city council shall be necessary to adopt any
211 appropriation order. Except as otherwise provided by the laws of the commonwealth or this
212 charter, any other motion or measure may be adopted by a majority vote of those city councilors
213 present.

214 (c) Rules of Procedure

215 Within the first 4 months of taking office and from time to time thereafter, the city
216 council shall establish and adopt written rules for its procedures and make public those proposed
217 rules not later than 30 days before final adoption. Prior to adoption of proposed rules, the city

218 council shall operate under the previously adopted rules. Regular meetings of the city council
219 shall be held at a time and place fixed by ordinance but shall be not less frequent than once
220 monthly; provided, however, that the council president may suspend meetings during the month
221 of July or August. Except as otherwise authorized by the laws of the commonwealth, all regular
222 and special sessions of the city council shall be open to the public and an agenda of any regular
223 or special city council meeting shall be posted in the office of the city clerk and on the city
224 bulletin board not less than 48 weekday hours prior to any such meeting, excluding legal
225 holidays, Saturdays and Sundays; special meetings of the city council may be held on the call of
226 the mayor, the council president, or any 3 members. Such required postings shall not preclude
227 the city council from the introduction of additional agenda items as allowed by law and the city
228 council's rules of procedure. Every matter coming before the city council for action shall be put
229 to a vote, the result of which shall be duly recorded. All city council votes on ordinances,
230 appropriation orders or loan authorizations shall be taken by roll call vote and shall be duly
231 recorded. A full, accurate and up-to-date record of the proceedings of the city council shall be
232 kept by the clerk of the city council and shall be open to inspection by the public as required by
233 law. The rules of procedure of the city council shall provide for a period of public comment at
234 regularly scheduled meetings of the city council. Any members of the city council or the mayor
235 may submit an item or measure to the city council for consideration.

236 Section 3-6 City Clerk and Council Staff

237 The city council shall appoint a city clerk who shall also be the clerk to the city council
238 and may employ such staff and retain such assistance as is necessary to conduct the business of
239 the city council. The city council shall set the compensation of such staff.

240 Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures

241 (a) In General

242 No measure shall be passed finally on the date on which it is introduced, except in cases
243 of special emergency involving the health or safety of the people or their property or other
244 matters not admitting of delay. Except as otherwise provided by this charter, every adopted
245 measure shall become effective at the expiration of 15 days after the date of adoption or at any
246 later date specified therein. Measures not subject to referendum shall become effective upon
247 adoption or at such later time as may be specified in such measure. No ordinance shall be
248 amended or repealed except by another ordinance adopted in accordance with this charter or as
249 provided in the initiative and referendum procedures.

250 (b) Emergency Measures

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

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

263 (c) Objection

264 On the first occasion that the question on adoption of a measure is put to the city council,
265 if a single member objects to the taking of the vote, the vote shall be postponed until the next
266 meeting of the city council whether regular or special. If more than 1 member shall object, such
267 postponement shall be until the next regular meeting. For an emergency measure to be
268 postponed, not less than 3 members must object, in which case such postponement shall be until
269 the next regular meeting. This procedure shall not be used more than once for any measure
270 notwithstanding any amendment to the original measure.

271 (d) Publication of Measures

272 Upon final passage, notice of the subject matter of every ordinance, appropriation order
273 or loan authorization shall be published in at least 1 newspaper of general circulation within the
274 city and posted on the city bulletin board. Any such publication notice required shall state the
275 title of the finally enacted ordinance or ordinances, appropriation order or loan authorizations
276 and the times and places at which copies of such measures may be obtained or reviewed by the
277 public. Copies shall be permanently filed at the public library and with the city clerk. The city
278 council shall annually prepare a document describing the action of the council in the preceding
279 fiscal year, which shall include the text of every ordinance, appropriation order or loan
280 authorization, which will also be filed at the public library and with the city clerk.

281 Section 3-8 Inquiries and Investigations

282 The city council may require the mayor, any city officer or employee or member of an
283 appointed board, commission or committee to appear before it or a subcommittee of the city
284 council and give such information as the city council may require in relation to the office or
285 position held by or administered by such person, its function and performance. The city council
286 shall give to any person required to appear before it, or any subcommittee of the council, not less
287 than 5 days written notice of the scope of the inquiry under this section.

288 The city council may make investigations into the affairs of the city and into the conduct
289 of any city agency. For this purpose, the city council may subpoena witnesses, administer oaths
290 and require the mayor, any city officer or employee or a member of an appointed board,
291 commission or committee to appear before the city council or its subcommittee and produce such
292 evidence as requested by the city council.

293 Section 3-9 Delegation of Licensing Powers

294 The city council may delegate to 1 or more city boards, committees, commissions or
295 departments, the powers vested in the city council by the laws of the commonwealth to grant and
296 issue licenses and permits and may regulate the granting and issuing of licenses and permits by
297 any such city board, committee, commission or department and may at its discretion rescind any
298 such delegation without prejudice to any prior action which has been taken.

299 Section 3-10 Prohibitions

300 No councilor shall, while a member of the city council, hold any other office, including
301 membership on a board, commission or committee, or position under the city. No former
302 councilor shall hold any compensated appointive office or employment under the city until 1
303 year after the expiration of their service on the city council. This provision shall not prevent a

304 city officer or employee who has taken a leave of absence from such duties in order to serve as a
305 member of the city council from returning to such office or employment following service as a
306 member of the city council.

307 Section 3-11 Compensation; Expenses

308 The city council shall, by ordinance, establish an annual expense allowance and salary for
309 its members. Except as provided by this section, members of the city council shall receive no
310 other compensation or benefits from the city.

311 No ordinance increasing such salary or expense allowance shall be effective unless it
312 shall have been adopted by a two-thirds vote of the full city council membership during the first
313 18 months of the term for which councilors are elected and the revised salary and expense
314 schedule is to be effective upon the commencement of the terms of office of the next city council
315 to be elected.

316 Section 3-12 Involvement in Administrative Affairs

317 Except as may be otherwise authorized by this charter, no member of the city council nor
318 any committee of the city council shall directly take part in the conduct of the administrative
319 business of the city.

320 ARTICLE IV Other Elected Officials

321 Section 4-1 Elected Officers in General

322 In addition to the mayor and city council, the offices to be filled by the voters shall be a
323 school committee, a planning board, a board of library trustees and such other regional
324 authorities, districts or committees as may be established by law or inter-local agreement. The

325 members of the school committee, planning board and board of library trustees shall be
326 nominated and elected by and from the voters at large and their terms of office shall begin on the
327 first business day of January following their election and continuing until their successors are
328 qualified.

329 Section 4-2 Eligibility

330 Any voter shall be eligible to hold elective city office; provided, however, that no person
331 shall simultaneously hold more than 1 elective city office and no elected officer shall hold an
332 appointed city position or office or be otherwise employed by the city unless otherwise provided
333 for by this charter.

334 Section 4-3 School Committee

335 (a) Composition; Term of Office

336 There shall be a school committee composed of 7 members, 6 members of whom shall be
337 nominated and elected by and from the voters at large and 1 of whom shall be the mayor. The
338 term of office of the 6 elected school committee members shall be for 4 years so arranged that
339 the terms of nearly an equal number of members as possible expire at each regular city election.
340 Following each biennial city election, the school committee shall reorganize and choose from
341 amongst its membership a chair, vice chair and clerk.

342 (b) Powers and Duties

343 The school committee shall have general charge of the public schools of the city. The
344 school committee shall have the power to select and to terminate a superintendent of schools and
345 establish educational goals and policies for the schools consistent with the requirements of the

346 laws of the commonwealth and standards established by the commonwealth. The school
347 committee shall have all the powers and duties given to school committees by the laws of the
348 commonwealth.

349 Section 4-4 Planning Board

350 (a) Composition; Term of Office

351 There shall be a planning board consisting of 7 members elected for terms of 4 years.
352 Terms of office shall be so arranged that the terms of as nearly an equal number of members as is
353 possible expire at each regular election.

354 (b) Powers and Duties

355 The planning board shall make studies and prepare plans concerning the resources,
356 possibilities and needs of the city. The planning board shall have the power to regulate the
357 subdivision of land within the city by the adoption of rules and regulations governing such
358 development. The planning board shall annually report to the city giving information regarding
359 the condition of the city and any plans or proposals known to it affecting the resources,
360 possibilities and needs of the city. The planning board shall have all of the powers and duties
361 given to planning boards under the constitution and laws of the commonwealth and such
362 additional powers and duties as may be authorized by the charter, ordinance or other city council
363 vote.

364 Section 4-5 Board of Library Trustees

365 (a) Composition; Term of Office

366 There shall be a board of library trustees consisting of 9 members elected for terms of 4
367 years. Terms of office shall be so arranged that the terms of as nearly an equal number of
368 members as is possible expire at each regular election.

369 (b) Power and Duties

370 The board of library trustees shall recommend candidates for the position of library
371 director. The board of library trustees shall have all of the powers and duties given to boards of
372 library trustees under the constitution and laws of the commonwealth and such additional
373 powers and duties as may be authorized by the charter, ordinance or other city council vote.

374 Section 4-6 Vacancies in Elected Offices Other Than Mayor and City Council

375 If a vacancy occurs in the membership of the school committee, planning board or board
376 of library trustees, whether by failure to elect or otherwise, the remaining members of the board
377 or committee shall notify the president of the city council who shall declare such vacancy to
378 exist. The council president shall, not later than 30 days following the date such vacancy is
379 declared to exist, call a joint meeting of the city council and the remaining members of the board
380 or committee on which such vacancy exists for the purpose of filling the vacancy. At any such
381 joint meeting, a majority of those present and voting shall choose the unelected candidate who
382 received the highest number of votes, if any, at the last regular city election immediately
383 preceding the date of the vacancy for the seat declared vacant if the unelected candidate shall
384 have received not less than 30 per cent of the total votes cast for that office. Should more than 1
385 unelected candidate meet the criterion as described above, the vote of the affected board or
386 committee and the council shall include all such candidates.

387 If there is no eligible candidate for the vacant office, or the eligible candidate declines to
388 be sworn into office within 10 days, has removed from the city or is otherwise unable to serve,
389 the city council and the remaining members of the board or committee on which the vacancy
390 exists will choose from among the voters entitled to vote for such office. The vacancy shall be
391 posted for not less than 30 days and the council and the affected board or committee shall meet at
392 a special council meeting called to fill the vacancy or at a regularly scheduled council meeting
393 where such eligible candidates will be granted equal time to speak. At the same meeting, or the
394 next following meeting, the council and the remaining members of the affected board or
395 committee shall vote to fill the vacancy from among the announced candidates. The council and
396 the affected board or committee shall act in this matter as a committee of the whole, requiring a
397 majority vote of the full council membership and remaining members of the affected board or
398 committee, to choose a candidate to fill the vacancy.

399 Any person so chosen shall take the oath of office and commence to serve forthwith. No
400 vacancy shall be filled, in the manner herein provided, if a regular city election is to be held not
401 later than 120 days following the date the vacancy is declared to exist. If a vacancy is filled
402 under this section and that term of office continues beyond the next regular city election, the
403 person chosen to fill the vacancy shall serve only until the next regular city election. At such
404 regular city election, the voters shall fill the unexpired balance of the term of office.

405 Should the remaining members of the school committee, planning board or board of
406 library trustees fail to notify the city council president of a vacancy, the city council shall be the
407 sole judge of whether a vacancy exists in any elected office under this section and may declare
408 any such elected office vacant by a majority vote of the council.

409 Section 4-7 Prohibitions

410 No elected member of the school committee, board of library trustees or planning board
411 shall hold any compensated appointive office or employment under the city until 1 year after the
412 expiration of the term of office of such elected member. This provision shall not prevent a city
413 officer or employee, who has been granted a leave of absence by their appointing authority, from
414 such duties in order to serve as a member of such elected office from returning to such
415 employment or office following service as an elected member of the school committee, board of
416 library trustees or planning board.

417 Section 4-8 Eligibility for Health Insurance

418 Notwithstanding chapter 32B of the General Laws and excluding the mayor and city
419 councilors, officials of the city of Amesbury elected under section 4-1 who receive a salary or a
420 stipend shall not be eligible for participation in the city's contributory health and life insurance
421 plan. Officials elected under section 4-1 who receive a salary or a stipend and who elect to pay
422 100 per cent of the cost of the official's participation in the city's health and life insurance benefit
423 plan, plus any administrative costs that may be assessed by the city council, may be considered
424 eligible to participate.

425 ARTICLE V Financial Procedures

426 Section 5-1 Budget Policy

427 The mayor, after consultation with the members of the city council, school committee
428 and others deemed appropriate by the mayor, shall call a meeting of the city council prior to the
429 commencement of the budget process to review the financial condition of the city, revenue and

430 expenditure forecasts and other relevant information. The purpose of the meeting is to provide
431 information on the financial condition of the city. The mayor shall be assisted by the chief
432 financial officer established under section 6-3 in performing this responsibility.

433 Section 5-2 Submission of Operating Budget; Budget Message

434 In accordance with the laws of the commonwealth before the commencement of the
435 ensuing fiscal year, the mayor shall submit to the city council a proposed operating budget for all
436 city agencies with an accompanying budget message and supporting documents. The mayor shall
437 outline the proposed fiscal policies of the city, describe important features of the proposed
438 operating budget and indicate any major variations from the current budget, fiscal policies,
439 expenditures and revenues together with reasons for the changes. The proposed operating budget
440 shall provide a complete fiscal plan of all city funds and activities and shall be submitted in the
441 form the mayor deems desirable.

442 The operating budget as adopted by the school committee shall be submitted to the mayor
443 not less than 30 days prior to the submission of the proposed operating budget to the city council.
444 The mayor shall notify the school committee of the date by which the operating budget of the
445 school committee shall be submitted to the mayor. The chief financial officer shall coordinate
446 the preparation of the budget with the superintendent of schools and the school committee's
447 budget process in accordance with the laws of the commonwealth.

448 Section 5-3 Action on the Budget

449 (a) Public Hearing

450 The city council shall publish, in not less than 1 newspaper of general circulation in the
451 city, a notice of the recommended operating budget as submitted by the mayor. The notice shall
452 state: (i) the times and places where copies of the recommended operating budget are available
453 for inspection by the public and (ii) the date, time and place not less than 15 days after such
454 publication when a public hearing on the proposed operating budget will be held by the city
455 council.

456 (b) Adoption of the Budget

457 The city council shall adopt the operating budget, with or without amendments, not later
458 than 45 days following the date the budget is filed with the clerk of the city council. In
459 amending the operating budget, the city council may delete or decrease any amounts except
460 expenditures required by law. Except upon the recommendation of the mayor, the city council
461 shall not increase any item in or the total amount of the proposed operating budget, unless
462 otherwise allowed by the laws of the commonwealth.

463 If the city council fails to take action with respect to any item in the operating budget not
464 later than 45 days after its receipt, the item shall, without any action by the city council, become
465 a part of the appropriations for the next fiscal year and be available for the purposes specified.

466 Section 5-4 Financial Planning

467 (a) Financial Planning Practices

468 The chief financial officer established in accordance with section 6-3 shall assist the
469 mayor in financial planning and shall annually prepare a capital improvements program and a
470 financial forecast. The capital improvements program and financial forecast shall be prepared

471 under the direction of the mayor, submitted to the city council and available to the public for
472 inspection.

473 (b) Capital Improvements Program

474 The chief financial officer shall annually prepare and submit a capital improvement
475 program to the city council not less than 90 days prior to the date for submission of the operating
476 budget, unless some other time is provided by ordinance. The capital improvement program
477 shall include: (i) an itemization of all capital improvements proposed to be undertaken for not
478 less than 5 fiscal years; (ii) supporting data; (iii) cost estimates; (iv) method of financing; (v)
479 estimated effect of the program on the tax rate; and (vi) other features as deemed necessary by
480 the mayor or requested by the city council.

481 (c) Financial Forecast

482 The chief financial officer shall annually prepare a long-term financial forecast of city
483 revenue, expenditures and the general financial condition of the city, which shall include, but not
484 be limited to, an identification of factors that will impact the financial condition of the city,
485 revenue and expenditure trends, potential sources of new or expanded revenues and any long- or
486 short-term actions that may be taken to enhance the financial conditions of the city.

487 Section 5-5 Annual Audit

488 The city council shall provide for an annual audit of the books and accounts of the city
489 and the school department to be made by a certified public accountant or firm of certified public
490 accountants who shall have no personal interest, direct or indirect, in the fiscal affairs of the city

491 government. The city council shall publish in at least 1 newspaper of general circulation in the
492 city a notice stating the availability of the final audit report for public inspection.

493 Section 5-6 Public Access to Financial Documents

494 Copies of the annual budget, capital improvements program, financial forecast and
495 annual audit shall be available for public inspection and copies of such documents shall be filed
496 in the office of the city clerk and the library.

497 ARTICLE VI ADMINISTRATION OF TOWN GOVERNMENT

498 Section 6-1 Administrative Organization

499 (a) Organization of City Agencies

500 The organization of city government into operating agencies for the provision of services
501 and the administration of government may be accomplished under either section 6-1 (a) (1) or
502 (2). Subject only to the express prohibitions of the laws of the commonwealth or the provisions
503 of this charter, the city may organize operating agencies as deemed in the best interest of the city.

504 (1) Organization by Ordinance

505 The city council may, by ordinance passed by two-thirds of the full city council
506 membership, reorganize, consolidate, create, merge, divide or abolish any city division,
507 department or agency, in whole or in part, establish such new city agencies as deemed necessary
508 or advisable and prescribe the functions and the administrative procedures to be followed by all
509 such agencies.

510 (2) Executive Reorganization Plans

511 The mayor may, by administrative order, reorganize, consolidate, create, merge, divide or
512 abolish any city division, department or agency, in whole or in part, establish such new city
513 agencies as the mayor deems necessary or advisable and prescribe the functions and the
514 administrative procedures to be followed by all such divisions, departments or agencies.

515 Administrative orders made by the mayor shall become effective on the thirtieth day
516 following the day on which notice of the proposed administrative order is filed with the city
517 council, unless the city council, within such period, by two-thirds vote of the full city council
518 membership rejects such administrative order or sooner votes to affirm it.

519 (b) Publication of Administrative Orders

520 For the convenience of the public, copies of reorganization plans adopted under this
521 section shall be filed in the office of city clerk and shall be printed as an appendix to the
522 ordinances of the city. However, failure to print and publish such reorganization plans shall not
523 invalidate the same.

524 Section 6-2 Management of Human Resources

525 The mayor shall adopt rules and regulations establishing a human resources system. The
526 human resources system shall make use of current concepts of human resources management and
527 may include, but not be limited to, the following: (i) a method of administration; (ii) human
528 resources policies indicating the rights, obligations and benefits of employees; (iii) a
529 classification plan; (iv) a compensation schedule; (v) a method of recruiting and selecting
530 employees based upon merit principles; (vi) a centralized record keeping system; (vii) a
531 performance appraisal system; (viii) disciplinary procedures; and (ix) other elements that are
532 determined necessary.

533 Unless otherwise provided by this charter, all city agencies and positions shall be subject
534 to the rules and regulations adopted under this section excluding those of the school department.
535 Rules and regulations adopted by the mayor shall become effective on the twenty-first day
536 following the day on which notice of the rules and regulations are filed with the city council,
537 unless the city council, within such period, by a two-thirds vote of the full city council rejects
538 such rules and regulations.

539 Section 6-3 Department of Administration and Finance

540 (a) Department Established

541 There shall be a department of administration and finance under the direction of a chief
542 financial officer. The chief financial officer shall be appointed by and responsible to the mayor.
543 The chief financial officer shall be a person especially qualified by education, experience and
544 training to perform the duties of the office. The mayor may from time to time establish such
545 additional qualifications for the role of chief financial officer as deemed necessary and
546 appropriate.

547 (b) Responsibilities of the Chief Financial Officer

548 The chief financial officer shall be responsible for: (i) coordinating all financial services
549 and activities; (ii) maintaining all accounting records and other financial statements; (iii) paying
550 all obligations; (iv) receiving all funds due; (v) assisting all other city agencies in any matter
551 related to financial affairs; (vi) monitoring expenditures of all funds, including periodic reporting
552 to appropriate agencies on the status of accounts; (vii) maintaining a full and complete inventory
553 of city real and personal property; (viii) acting as the chief procurement officer; (ix) supervising
554 all data processing or information management functions, unless otherwise provided; and (x) any

555 other matter relating to city finances as may be determined necessary or desirable. The chief
556 financial officer shall assist the mayor with the preparation of an annual operating budget,
557 financial forecasts, capital improvement program and other financial documents. The chief
558 financial officer shall also keep the mayor fully informed as to the financial condition of the city
559 and make recommendations as deemed necessary and perform such other duties as necessary or
560 as may be assigned.

561 The chief financial officer shall supervise the offices and functions of auditing, treasury
562 and collecting. The chief financial officer shall also direct and supervise the daily operations of
563 the assessing department; provided, however, that the board of assessors shall continue to have
564 the other powers, duties and responsibilities given to boards of assessors under the laws of the
565 commonwealth. The chief financial officer may serve as the auditor or the treasurer-collector
566 but may not serve as both.

567 The department of administration and finance may be subject to reorganization in
568 accordance with section 6-1.

569 Section 6-4 Liquor Licensing Commission

570 There shall be a liquor licensing commission established in accordance with the laws of
571 the commonwealth.

572 ARTICLE VII Nominations and Elections

573 Section 7-1 City Elections; General and Preliminary

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

576 On the seventh Tuesday preceding every regular city election, there shall be held a
577 preliminary election for the purpose of nominating candidates, if necessary, to assure that not
578 more than twice the number of candidates for the available offices appear on the regular city
579 election ballot.

580 Section 7-2 Preliminary Elections

581 (a) Signature Requirements

582 The number of signatures of voters required to place the name of a candidate on the
583 official ballot to be used at a preliminary election shall be as follows: (i) for the office of mayor,
584 the signature requirement shall be not less than 50 signatures; (ii) for the office of councilor-at-
585 large, the signature requirement shall be not less than 50 signatures; (iii) for the office of district
586 councilor, the signature requirement shall be not less than 25 signatures from the district; and (iv)
587 for the offices of school committee member, planning board member and member of the board of
588 library trustees, the signature requirement shall be not less than 50 signatures.

589 (b) Ballot Position

590 The order in which names of candidates appear on the ballot for each office shall be
591 determined by a drawing by lot conducted by the city clerk in the presence of such candidates or
592 their representatives as they may choose to attend such drawings. The city clerk shall provide
593 notice to candidates of their ballot position.

594 (c) Determination of Candidates for Election

595 The 2 persons receiving the highest number of votes at a preliminary election for
596 nomination for an office shall be the sole candidates for that office whose names are printed on

597 the official ballot to be used at the regular city election at which such office is to be filled. No
598 acceptance of a nomination at a preliminary election shall be necessary to assure its validity.

599 If 2 or more persons are to be elected to the same office at such regular city election, the
600 several persons in number equal to twice the number to be so elected receiving at such
601 preliminary election the highest number of votes for nomination for that office shall be the sole
602 candidates for that office whose names are printed on the official ballot.

603 If the preliminary election results in a tie vote among candidates for nomination receiving
604 the lowest number of votes, which but for said tie vote would entitle a candidate receiving the
605 same number of votes to have such candidate's name printed upon the official ballot for the
606 regular city election, all candidates participating in said tie vote shall have their names printed
607 upon the official ballot; provided, however, that in consequence thereof, there shall be printed on
608 such ballots the names of the candidates exceeding twice the number to be elected.

609 (d) Nomination of Candidates

610 If at the expiration of the time for filing petitions of candidates to be voted for at any
611 preliminary election, not more than twice as many such petitions have been filed with the city
612 clerk for an office as are to be elected to such office, the candidates whose petitions have thus
613 been filed shall be deemed to have been nominated to said office, their names shall be voted on
614 for such office at the succeeding regular election, the city clerk shall not print said names upon
615 the ballot to be used at said preliminary election and no other nomination to said office shall be
616 made.

617 Section 7-3 Regular Election

618 (a) Information to Voters

619 For any candidate in a regular city election who is an elected incumbent of the office that
620 is sought, next to the candidate’s name shall appear the phrase “candidate for re-election”.

621 (b) Ballot Position

622 The order in which names of candidates appear on the ballot for each office in a regular
623 city election shall be determined by a drawing by lot conducted by the city clerk in the presence
624 of such candidates or their representatives as they may choose to attend.

625 Section 7-4 Districts

626 The territory of the city shall be divided into 6 districts so established as to consist of as
627 nearly equal a number of inhabitants as it is possible in compact and contiguous territory and
628 bounded insofar as possible by the center line of known streets or ways or by other well-defined
629 limits. Each district shall be composed of voting precincts established in accordance with the
630 laws of the commonwealth. Every 10 years in years ending in 1, the city council shall review
631 these districts to ensure their uniformity in number of inhabitants.

632 Section 7-5 Applications of State Laws

633 Except as expressly provided in this charter and authorized by laws of the
634 commonwealth, all city elections shall be governed by the laws of the commonwealth relating to
635 the right to vote, the registration of voters, the nomination of candidates, the conduct of
636 preliminary, regular and special elections, the submission of charter amendments and other
637 propositions, the counting of votes and the declaration of results.

638 ARTICLE VIII Citizen Participation Mechanisms

639 Section 8-1 Free Petition

640 The city council or the school committee shall hold a public hearing and act with respect
641 to every petition that is addressed to it, signed by not less than 150 voters and seeks the passage
642 of a measure. The hearing shall be held by the city council or the school committee or, in either
643 case, by a committee or subcommittee thereof, and the action by the city council or the school
644 committee shall be taken not later than 6 weeks after the petition is filed with the clerk of the
645 council or the secretary of the school committee, as may be appropriate. Hearings on 2 or more
646 petitions filed under this section may be held at the same time and place. The clerk of the
647 council or the secretary of the school committee shall mail notice of the hearing to the 10 persons
648 whose names appear first on the petition not less than 7 days prior to the hearing. Notice, by
649 publication, of all such hearings shall be at public expense.

650 Section 8-2 Citizen Initiative Measures

651 (a) Commencement of Proceedings. Initiative procedures shall be started by the
652 filing of an originating petition with the city clerk. The originating petition shall: (i) be
653 addressed to the city council or to the school committee; (ii) contain a request for the passage of
654 a particular measure, which shall be set forth in full in the petition; and (iii) be signed by not less
655 than 250 voters with their addresses. The originating petition shall be accompanied by an
656 affidavit signed by 10 voters and containing their residential address stating that those voters
657 shall constitute the petitioners' committee and be responsible for circulating and filing the
658 initiative petition. The city clerk shall, forthwith following receipt of the originating petition,
659 provide for the certification of signatures thereon. The city clerk shall notify the city council

660 and, as appropriate, the school committee, not later than 5 days thereafter of the number of
661 signatures so certified.

662 (b) Referral to City Attorney. If the originating petition is certified by the city clerk as
663 containing the requisite number of certified signatures, the city clerk shall forthwith deliver a
664 copy of the petition to the city attorney. The city attorney shall, not later than 15 days following
665 receipt of a copy of the petition, in writing, advise the city council, or the school committee, and
666 the city clerk whether the measure may lawfully be proposed by the initiative process and
667 whether, in its present form, the measure may lawfully be adopted by the city council or the
668 school committee. If the opinion of the city attorney is that the measure is not in proper form,
669 the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city
670 attorney shall be mailed to the members of the petitioners' committee.

671 (c) Submission to City Clerk. If the city attorney determines that the originating
672 petition is in proper form, the city clerk shall provide blank initiative petition forms for the use of
673 subsequent signers and shall print at the top of each blank form a fair, concise summary of the
674 proposed measure, as determined by the city attorney, together with the names and addresses of
675 the petitioners' committee who signed the originating petition. The city clerk shall notify the
676 petitioners' committee that the blank petition forms are issued. Not later than 30 days following
677 the date of the notice, the petition shall be returned and filed with the city clerk signed by not less
678 than 10 per cent of the total number of registered voters as of the date of the most recent regular
679 city election. Signatures to an initiative petition need not all be on 1 sheet of paper, but all
680 papers pertaining to any single measure shall be fastened together and shall be filed as a single
681 instrument with the endorsement on it of the name and address of the person designated as filing
682 the papers. With each signature on the petition there shall also appear the street and number of

683 the residence of each signer. Not more than 10 days following the filing of the petition, the city
684 clerk shall provide for the board of registrars to certify the names of registered voters on the
685 petition and ascertain the number of voters that signed the petition and the percentage that
686 number is of the total number of voters as of the date of the most recent regular city election. The
687 city clerk shall cause a certificate of the board of registrars to be attached to the petition showing
688 the results of the board's examination. A copy of the registrars of voters' certificate shall also be
689 provided to the members of the petitioners' committee.

690 (d) Action on Petitions. Not later than 60 days following the date an initiative
691 petition has been returned to the city clerk, the city council or the school committee shall act with
692 respect to each initiative petition by passing it without change, passing a measure which is stated
693 to be in lieu of the initiative measure or rejecting it. The passage of a measure which is in lieu of
694 an initiative measure shall be deemed to be a rejection of the initiative measure. If the city
695 council or the school committee fails to act not later than 60 days following the date the measure
696 is returned to the city clerk, the measure shall be deemed to have been rejected. If an initiative
697 measure is rejected, the city clerk shall promptly give notice of that fact to the petitioners'
698 committee by certified mail.

699 (e) Supplementary Petitions. Not later than 60 days following the date an
700 initiative petition has been rejected, a supplemental initiative petition may be filed with the city
701 clerk, but only by persons constituting the original petitioners' committee. The supplemental
702 initiative petition shall be signed by a number of additional voters equal to not less than 5 per
703 cent of the total number of registered voters as of the date of the most recent regular city
704 election. The signatures on the initial petition filed under subsection (c) and the signatures on the
705 supplemental petition filed under this subsection, taken together, shall contain the signatures of

706 not less than 15 per cent of the total number of registered voters as of the date of the most recent
707 regular city election. The city clerk shall forthwith provide to the board of registrars for
708 certification the signatures to this supplemental petition. If sufficient, the clerk shall attach the
709 certificate of the board of registrars to the petition and forward the same to the city council,
710 which council shall call a special election to act on the measure, without alteration, on a date
711 fixed by the council not less than 35 days nor more than 90 days following the date of the board
712 of registrars certification, but in no event earlier than 35 days from the date the city council votes
713 and provides notice to the city clerk of the election; provided, however, that if any other city
714 election is to be held not later than 120 days following the date of the certificate that a sufficient
715 number of voters have signed the supplemental initiative petition, the city council may omit
716 calling the special election and cause the question to appear on the election ballot at the
717 approaching election for determination by the voters.

718 (f) Publication. The full text of an initiative measure to be submitted to the voters
719 shall be published in at least 1 local newspaper for not less than 7 nor more than 14 days
720 preceding the date of the election at which the question is to be voted. Additional copies of the
721 full text shall be available for distribution to the public in the office of the city clerk and posted
722 on the city bulletin board.

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

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

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

729 YES NO

730 (h) Time of Taking Effect

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

734 Section 8-3 Citizen Referendum Procedures

735 (a) Petition, Effect on Final Vote. If, not later than 21 days following the date on
736 which the city council or the school committee has voted finally to approve any measure, a
737 petition signed by a number of voters equal to not less than 12 per cent of the total number of
738 voters as of the date of the most recent regular city election and addressed to the city council or
739 to the school committee, protesting against the measure or any part of it is filed with the city
740 clerk, the effective date of that measure shall be temporarily suspended. The school committee or
741 the city council shall immediately reconsider its vote on the measure or part of it and, if the
742 measure is not rescinded, the city council shall provide for the submission of the question to the
743 voters at a regular city or special election occurring not less than 35 days following the vote to
744 place the question on the ballot and provision of written notice to the city clerk; provided,
745 however, that pending submission to the voters, the effect of the measure shall continue to be
746 suspended.

747 (b) Certain Initiative Provisions to Apply. The petition described in this section
748 shall be termed a referendum petition and subsection (c) of section 8-2, as the section relates to
749 the filing and certification of signatures, shall apply to such referendum petitions, except that the
750 words "measure or part thereof protested against" shall be deemed to replace the word "measure"
751 and the word "referendum" shall be deemed to replace the word "initiative". Subject to section
752 8-6, the measure or part thereof protested against shall be null and void unless a majority of those
753 voting on the question shall vote in favor of the measure or part thereof protested against at the
754 election.

755 Section 8-4 Ineligible Measures

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

758 (i) proceedings relating to the internal organization or operation of the city council
759 or of the school committee;

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

761 (iii) the city budget or any appropriation contained therein or the school
762 committee budget or any appropriation contained therein;

763 (iv) any appropriation for the payment of the city's debt or debt service;

764 (v) any appropriation of funds to implement a collective bargaining agreement;

765 (vi) proceedings relating to the appointment, removal, discharge, employment,
766 promotion, transfer, demotion or other personnel action;

767 (vii) any proceedings repealing or rescinding a measure or part of it which is protested by
768 referendum procedures;

769 (viii) any proceedings providing for the submission or referral to the voters at an
770 election; and

771 (ix) resolutions and other votes constituting ordinary, routine matters not suitable
772 as the subject of a referendum petition.

773 Section 8-5 Recall

774 (a) Application

775 Any holder of an elected office in the city, with more than 6 months remaining in
776 the term of office to which the officer was elected, may be recalled therefrom by the voters of the
777 city in the manner provided in this section. No recall petition shall be filed against an officer not
778 more than 6 months after taking office.

779 (b) Recall Petition

780 A recall petition may be initiated by the filing of an affidavit containing the name
781 of the officer sought to be recalled and a statement of the grounds for recall; provided, however,
782 that the affidavit shall be signed by not less than 300 registered voters for the office of mayor,
783 not less than 200 registered voters for any office elected at large and not less than 75 voters
784 registered in the appropriate district for a district councilor. Each such affidavit shall be
785 accompanied by a letter identifying the 10 lead petitioners who will be the petitioner's committee
786 responsible for circulating and filing the petition. The city clerk shall forthwith, and not later
787 than 5 business days following submittal, provide for the certification by the board of registrars

788 of the signatures of such persons who are registered voters of the city and provide notice to the
789 city council of the number of signatures so certified. The city clerk shall, not later than 5
790 business days following certification by the registrars of voters, issue to those voters constituting
791 the petitioner's committee, copies of petition blanks demanding such recall, copies of which
792 printed forms the city clerk shall keep available. The blanks shall be issued by the city clerk,
793 with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to
794 the city council and shall contain the names of the petitioner's committee, the number of blanks
795 so issued, the name of the person whose recall is sought, the office from which removal is sought
796 and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a
797 record book to be kept in the office of the city clerk. Said recall petition shall be returned and
798 filed with the city clerk not later than 28 days after the filing of the affidavit and shall be signed
799 by not less than 20 per cent of the voters of the city for any officer elected at large and by not
800 less than 20 per cent of the voters of the district for an officer elected by district. The city clerk
801 shall submit the petition to the registrars of voters and the registrars shall, within 5 days, certify
802 thereon the number of signatures which are names of voters.

803 (c) Recall Election

804 If the petition shall be found and certified by the registrars of voters to be
805 sufficient, the city clerk shall submit such certificate to the city council within 5 days and the city
806 council shall give written notice of the receipt of the certificate to the officer sought to be
807 recalled. If that officer does not resign within 5 days thereafter, the city council shall order an
808 election to be held on a date fixed by it not less than 35 days from the date the council votes to
809 place the question on the ballot and provides written notice thereof to the city clerk, nor more
810 than 90 days after the date of the city clerk's certificate that a sufficient petition has been filed;

811 provided, however, that if any other city election is to occur not later than 120 days after the date
812 of the certificate, the city council shall postpone the holding of the recall election to the date of
813 such other election. If a vacancy occurs in said office after a recall election has been ordered, the
814 election shall not proceed as provided in this section.

815 (d) Office Holder

816 The incumbent shall continue to perform the duties of the office until the recall
817 election. If said incumbent is not recalled, the incumbent shall continue in office for the
818 remainder of the unexpired term subject to recall as before. If recalled, the officer shall be
819 deemed removed and the office vacant. The vacancy created thereby shall be filled under articles
820 II, III and IV for filling vacancies in such office. A person chosen to fill the vacancy caused by a
821 recall shall hold office until the next regular city election. Should the person chosen to fill the
822 vacancy be a candidate in the subsequent election, that person will not be allowed to have
823 “candidate for re-election” appear on the ballot at such election.

824 (e) Ballot Proposition

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

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

828 Yes No

829 If a majority of the votes cast upon the question of recall is in the affirmative,
830 such elected officer shall be recalled. No recall election shall be effective unless not less than 30

831 per cent of the total number of voters of the city at the last regular city election shall have voted
832 in such election.

833 (f) Repeat of Recall

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

837 (g) Office Holder Recalled

838 No person who has been recalled from an office or who has resigned from office
839 while recall proceedings were pending against such person, shall be appointed to any city office
840 not later than 2 years after such recall or such resignation.

841 Section 8-6 Required Voter Participation

842 For any measure to be effective under initiative or referendum procedure, not less
843 than 20 per cent of the total number of voters of the city at the last regular city election shall vote
844 at an election upon which an initiative or referendum question is submitted to the voters.

845 Section 8-7 Submission of Proposed Measure to Voters

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

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

854 Notwithstanding any general or special law to the contrary, the city council may
855 place 1 or more non-binding public opinion advisory questions on the ballot for either a regular
856 or special city election under the procedures established by the laws of the commonwealth.

857 Section 8-8 Conflicting Provisions

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

860 ARTICLE IX General Provisions

861 Section 9-1 Revision or Amendment of Act

862 This charter may be replaced, revised or amended in accordance with any procedure
863 made available by Article LXXXIX of the Amendments to the Constitution of the
864 Commonwealth and any laws of the commonwealth enacted to implement said Article LXXXIX.

865 Section 9-2 Severability

866 The provisions of this charter are severable. If any provision of this charter is held to be
867 unconstitutional or invalid, the remaining provisions of this charter shall not be affected thereby.
868 If the application of this charter, or any of its provisions, to any person or circumstances is held
869 to be invalid, the application of said charter and its provisions to other persons or circumstances
870 shall not be affected thereby.

871 Section 9-3 Rules of Interpretation

872 The following rules shall apply when interpreting the charter:

873 (a) Specific Provisions to Prevail

874 To the extent that any specific provision of the charter shall conflict with any provision
875 expressed in general terms, the specific provision shall prevail.

876 (b) Number and Gender

877 Words imparting the singular number may extend and be applied to several persons or
878 things; words imparting the plural number may include the singular; words imparting the
879 masculine gender shall include the feminine gender.

880 (c) References to General Laws

881 All references to the general laws or the laws of the commonwealth contained in this
882 charter refer to the general laws of the commonwealth and are intended to include any
883 amendments or revisions to such chapters and sections or to the corresponding chapters and
884 sections of any rearrangement of the general laws enacted subsequent to the adoption of this act.

885 (d) Computation of Time

886 Except as pertaining to the computation of time for elections and open meetings of
887 government bodies, in computing time under this charter: (i) if not more than 7 days, only
888 business days, not including Saturdays, Sundays or legal holidays shall be counted; (ii) if more
889 than 7 days, every day shall be counted. All days shall be considered 24 hours long commencing
890 at 12 midnight and ending at 11:59:59 p.m.

891 Section 9-4 Definitions

892 Unless another meaning is clearly apparent from the manner in which the word is used,
893 the following words as used in this charter shall have the following meanings:

894 (a) Charter – The word “charter” shall mean this charter and any amendments to it made
895 through any methods provided under Article LXXXIX of the Amendments to the Constitution of
896 the Commonwealth.

897 (b) Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen
898 happening, occurrence or condition which necessitates immediate action.

899 (c) City – The word “city” shall mean the city of Amesbury.

900 (d) City Bulletin Board – The words “city bulletin board” shall mean the display on the
901 city’s website established and maintained by the city as its online repository of city information
902 or the display at any other locations or in any other manner as may be designated from time to
903 time by the city council.

904 (e) Voters - The word “voters” shall mean registered voters of the city as defined by the
905 laws of the commonwealth.

906 (f) City Agency or Agency – The words “city agency” or the word “agency” shall mean
907 any board, commission, committee, department or office of city government, whether elected,
908 appointed or otherwise constituted.

909 (g) Board, Commission, Committee or Authority – The words “board, commission,
910 committee, or authority” shall mean any board, commission, committee or authority, except
911 advisory boards, committees or commissions appointed by the mayor.

912 (h) Measures – The word “measures” shall mean all matters to come before the council
913 which are inherently legislative in nature, including ordinances, charter amendments, free
914 petitions, appropriations, loan orders, lease approvals, acceptance of statutes, petitions to the
915 general court, tax classification votes, contract approvals or property transactions, real and
916 personal.

917 (i) Full council, full school committee or full multiple-member body - The words “full
918 council”, “full school committee” or “full multiple-member body” shall mean the entire
919 authorized complement of the council, school committee or other multiple-member body
920 notwithstanding any vacancy which might exist.

921 (j) Majority vote – The words “majority vote”, when used in connection with a meeting
922 of the council, school committee or a multiple-member body, shall mean a majority of those
923 present and voting provided a quorum is present, unless another provision is made by general
924 law or ordinance.

925 (k) Multiple-member body – The words “multiple-member body” shall mean any board,
926 commission, committee, subcommittee or other body consisting of not less than 2 persons
927 whether elected, appointed or otherwise constituted, but not including the council, the school
928 committee or executive ad hoc or working groups advisory to the mayor.

929 (l) Ordinance – The word “ordinance” shall mean any rule, law or regulation adopted by
930 the city in accordance with this charter.

931 (m) Referendum – The word “referendum” shall mean a measure adopted by the council
932 or the school committee that is protested under the referendum procedures of this charter.

933 (n) Resolution – The word “resolution” shall mean a formal expression of opinion or a
934 ceremonial declaration voted by the council not requiring the signature of the mayor and having
935 no force of law.

936 Section 9-5 Board, Committees or Commissions:

937 (a) Board, Committees or Commissions; Composition; Term of Office; In General

938 Except subcommittees of the city council and as otherwise provided by law or this
939 charter, all boards, commissions and committees shall consist of not less than 3 members
940 appointed by the mayor for terms of 3 years each, so arranged that the term of one-third of the
941 members, or as nearly that number as may be possible, shall expire each year. Appointments
942 made hereunder shall begin on March 1 and shall expire on the last day of February of the third
943 year following appointment; provided, however, that any person appointed hereunder shall serve
944 until their successor is appointed and qualified, or until they sooner vacate the office. Failure to
945 reappoint at the end of an expired term shall not constitute removal from office. All members of
946 boards, commissions and committees shall serve without compensation or benefits and shall be
947 sworn into office not later than 4 weeks of their appointment; provided, however, that members
948 of the school committee shall receive such compensation as may be included in the budget and
949 appropriated by the city council from time to time. All board, commission or committee
950 members shall take the oath of office prior to entering upon the duties of their office.

951 All appointed multiple-member body members shall be residents of the city. However,
952 the residency requirement established by this subsection may be waived by majority vote of the
953 city council upon recommendation of the mayor. The mayor’s recommendation shall set out the
954 reasons why said waiver is in the best interest of the city.

955 (b) Uniform Procedures Applicable to Boards, Commissions and Committees

956 All boards, commissions and committees shall meet regularly at such times and places as
957 they shall determine, but not less than quarterly. Special meetings of any board, commission or
958 committee shall be held on the call of the chair or by a majority of its members, by written notice
959 delivered in hand or to the place of residence of each member and containing notice of the
960 matters to be acted upon. Except in the case of any emergency, all notices shall be delivered to
961 the members and posted on the city bulletin board not less than 48 hours in advance of the time
962 set forth for such meeting.

963 Upon petition filed with the city clerk and signed by not less than 100 voters requesting a
964 special meeting of any board, commission or committee, said board, commission or committee
965 shall, not more than 15 days after notification from the clerk of the petition, hold a special
966 meeting. Any such petition must state the purpose or purposes for which such meeting is
967 requested.

968 If any member of an appointed board, commission or committee fails to attend one half
969 of the meetings held by such board, commission or committee during a calendar year, upon
970 notice to the mayor from the city council, board, commission or committee affected, the mayor
971 shall not later than 30 days of said notice determine, based on the mayor's own investigation, of
972 which a public record shall be kept, to retain said member or to declare the seat vacant and to fill
973 the vacancy.

974 Each board, commission or committee shall determine its own rules of order of business
975 unless another provision is made by ordinance and shall provide for the keeping of a journal of

976 its proceedings. Such rules and journal shall be available for public inspection and the city clerk
977 and the public library shall maintain copies.

978 If requested by any member, any vote of any board, commission or committee shall be
979 taken by a call of the roll, and the vote shall be recorded in the journal; provided, however, that if
980 the vote is unanimous, only that fact need be recorded.

981 A majority of the members of a board, commission or committee shall constitute a
982 quorum, but a smaller number may meet and adjourn from time to time.

983 (c) Multiple Office Holding

984 No member of a board, committee or commission may serve on another city board,
985 committee or commission; provided, however, that nothing shall prohibit any member of a
986 board, committee or commission to serve on an ad hoc, temporary advisory committee or
987 committee established for the purpose of coordinating the exercise of power, duties and
988 responsibilities of the respective board, committee or commission. No city employee may serve
989 on a board, committee or commission unless required by virtue of the office held by said
990 employee. The provisions of the subsection may be waived by majority vote of the city council
991 upon recommendation of the mayor. The mayor's recommendation shall set out the reasons why
992 said waiver is in the best interests of the city.

993 Section 9-6 Inspection of Documents

994 All documents cited in this act as available for public inspection shall be maintained in
995 the office of the city clerk and in the public library. The city clerk shall provide copies of
996 documents to the public library.

997 Section 9-7 Reenactment and Publication of Ordinances

998 Not later than the first day in July, at intervals of 5 years, in each year ending in a 5 or a
999 0, the city council shall cause to be prepared a proposed revision or re-codification of all city
1000 ordinances that shall be submitted to the city council for re-enactment. A committee established
1001 by the city council shall prepare such revision or re-codification. Such revisions or re-
1002 codification shall be prepared under the supervision of the city attorney or, if the city council so
1003 directs, by special counsel retained for such purposes. Not later than 8 months following its
1004 appointment, the committee shall cause to be published in a local newspaper: (i) the times and
1005 places within the city where complete copies of the report shall be available for inspection by the
1006 public; and (ii) the date, time and place not less than 14 days following such publication when a
1007 public hearing shall be held by the committee. Copies of the revised ordinances shall be made
1008 available for public distribution. In each year between such re-enactment and publication, an
1009 annual supplement shall be published containing all ordinances and amendments to ordinances
1010 that had been adopted in the previous year.

1011 Section 9-8 Code of Ethics

1012 The mayor shall prepare and submit to the city council a code of ethics or revisions to the
1013 code of ethics, which shall be applicable to all elected and appointed officials and employees of
1014 the city. The code or any revisions to it shall become effective upon the approval by a majority
1015 vote of the city council.

1016 Section 9-9 Periodic Review of the Charter

1017 Not later than the first day in April, at intervals of 10 years, in each year ending in an 8,
1018 the mayor, subject to approval of the city council, shall appoint a special committee to review

1019 this charter and to issue a report to the mayor and the city council containing any
1020 recommendations for changes to the charter deemed advisable by said special committee.

1021 Section 9-10 Periodic Review of the Need for Appointed Boards, Commissions and
1022 Committees

1023 At intervals of 10 years, in each year ending in a 3, the mayor, subject to approval of the
1024 city council, shall appoint a special committee to review the purpose and need for each appointed
1025 board, commission and committee of the city and to issue a report to the mayor and the city
1026 council containing any recommendations for changes deemed advisable by said special
1027 committee of the city and shall report any findings and recommendations.

1028 ARTICLE X Transition Provisions

1029 Section 10-1 Continuation of Existing Laws

1030 All ordinances, resolutions, rules, regulations and votes of the city council, which are in
1031 force at the time this charter is adopted and are not inconsistent with the provisions of this
1032 charter, shall continue in full force until amended or repealed.

1033 Where provisions of this charter, as amended, conflict with city ordinances, rules,
1034 regulations, orders, special acts and acceptances of laws of the commonwealth, the provisions of
1035 this charter shall govern. All provisions of city ordinances, rules, regulations, orders and
1036 administrative actions not superseded by this charter shall remain in force.

1037 Section 10-2 Existing Officials and Employees

1038 Any person holding a city office or employment under the city shall retain such office or
1039 employment and shall continue to perform the duties of the office until provision shall have been

1040 made in accordance with this charter for the performance of the said duties by another person or
1041 agency. No person in the permanent full-time service or employment of the city shall forfeit pay
1042 grade or time in service. Each such person shall be retained in a capacity as similar to the
1043 person's former capacity as is practical.

1044 Section 10-3 Continuation of Government

1045 All city officers, boards, commissions or agencies shall continue to perform their duties
1046 until reappointed or until successors to their respective positions are fully appointed or elected or
1047 until their duties have been transferred and assumed by another city office, board, commission or
1048 agency.

1049 Section 10-4 Continuation of Obligations

1050 All official bonds, obligations, contracts and other instruments entered into or executed
1051 by or to the city before the adoption of this charter and all taxes, special assessments, fines,
1052 penalties and forfeitures incurred or imposed, due or owing to the city, shall be enforced and
1053 collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise
1054 provided, shall continue and remain unaffected by this charter. No legal act done by or in favor
1055 of the city shall be rendered invalid by the adoption of this charter.

1056 Section 10-5 Transfer of Records and Property

1057 All records, property and equipment whatsoever of any office, board, commission,
1058 committee or agency or part thereof, the powers and duties of which are assigned in whole or in
1059 part to another city office, board, commission or agency, shall be transferred forthwith to such
1060 office, board, commission or agency.

1061 SECTION 3. Upon the effective date of this act, the changes made in proposed sections
1062 4-1, 4-6, 4-7 and 4-8 of the charter of the city of Amesbury, as set forth in section 2, deleting
1063 references to the elected housing authority, shall thereby abolish said elected housing authority
1064 and create an appointed housing authority consistent with section 5 of chapter 121B of the
1065 General Laws; provided, however, that all persons elected to the housing authority as of the
1066 effective date of this act shall continue to serve for a time equivalent to the remainder of their
1067 respective elected term, unless they sooner vacate the office. As vacancies arise, whether by
1068 expiration of term or otherwise, the mayor shall fill such vacancies consistent with said section 5
1069 of said chapter 121B and this section, so that the term of 1 member expires each year, and
1070 thereafter all members shall be appointed in accordance with proposed section 2-3 of said
1071 charter, as set forth in section 2, and consistent with said section 5 of said chapter 121B, as it
1072 may be amended from time to time.

1073 SECTION 4. To implement proposed section 4-9 of the charter of the city of Amesbury
1074 as set forth in section 2, any incumbent compensated elected official elected under section 4-1 of
1075 said charter then participating in the city participatory health and benefits program shall be
1076 entitled to continue to so participate in the same manner for the remainder of their unexpired
1077 term.

1078 SECTION 5. To implement proposed subsection (a) of section 9-5 of the charter of the
1079 city of Amesbury, as set forth in section 2, the terms of all appointees holding office on the
1080 effective date of this act that would otherwise expire prior to the last day of February in the third
1081 year following appointment shall nevertheless continue until said last day of February that year
1082 and the terms of appointees holding office on the effective date of this act that would otherwise

1083 expire following the last day of February in the third year of appointment shall instead expire on
1084 said last day of February.

1085 SECTION 6. This act shall take effect upon its passage.