

SENATE No. 41

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the city of Everett home rule charter.

PETITION OF:

NAME:

Sal N. DiDomenico

DISTRICT/ADDRESS:

Middlesex and Suffolk

SENATE No. 41

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 41) of Sal N. DiDomenico (with approval of the mayor and city council) for legislation relative to the city of Everett home rule charter. Municipalities and Regional Government. [Local approval received]

The Commonwealth of Massachusetts

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

An Act relative to the city of Everett home rule charter.

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

1 SECTION 1. The charter of the city of Everett as on file with the archivist of the
2 Commonwealth in accordance with 43B Section 12 shall be revised by deleting section 2-1 in its
3 entirety and inserting in place thereof a new section 2-1 through 2-3, as follows:-

4 Section 2-1: COMPOSITION, TERM OF OFFICE

5 Composition - There shall be a city council of eleven (11) members which shall exercise
6 the legislative powers of the city, five (5) members of which shall be known as councilors-at-
7 large and be nominated and elected by and from the voters of the City at large, and six (6)
8 members of which shall be known as ward councilors. All ward councilors shall be domiciled in
9 the ward from which they seek to be nominated and elected and shall be elected by and from the
10 voters of that ward only, with one (1) such ward councilor to be elected from each of the six (6)
11 wards into which the City is divided.

12 (b) Term of Office- The term of office for all councilors shall be for two (2) years each.
13 The term shall run from the first business day of January succeeding their election and until their
14 successors have been qualified. Such councilors shall be sworn into office no later than January
15 7 at eight o'clock in the evening (8:00 p.m.), at a time and place as shall be designated by the
16 city clerk.

17 (c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward
18 councilor shall be a voter domiciled in the ward from which election is sought no later than 64
19 days prior to the date of the preliminary election. If a ward councilor or a councilor-at-large
20 removes from the city during the term for which elected, such office shall immediately be
21 deemed vacant by the City Clerk and shall be filled in the manner provided in Section 2-11. If a
22 ward councilor removes from the ward from which elected during the first 18 months of their
23 term, such office shall immediately be deemed vacant and filled in the manner provided in
24 section 2-11; provided, however, that a ward councilor who removes from the ward from which
25 elected during the last six (6) months of their elected term, and who remains a resident of the
26 city, may serve out the remainder of such term.

27 Section 2-2: PRESIDENT

28 (a) Election and Term - As soon as practicable after the councilors-elect have been
29 qualified following each biennial election, as provided in section 9-11, the members of the city
30 council shall elect from among its members a president who shall serve for 1 year. The method
31 of election of the president shall be prescribed within the rules of the city council.

32 (b) Powers and Duties - The president shall preside at all meetings of the city council,
33 regulate its proceedings and shall decide all questions of order. The president shall appoint all

34 members of all committees of the city council, whether special or standing. The president shall
35 have the same powers to vote upon all measures coming before the city council as any other
36 member of the city council. The president shall perform any other duties consistent with the
37 office that may be provided by charter, by ordinance or by other vote of the city council.

38 Section 2-3: PROHIBITIONS

39 (a) Holding Other City Office or Position- No member of the city council shall hold any
40 other city office or city employment unless allowed by section 268A of Massachusetts General
41 Laws or the Massachusetts Ethics Commission. No former member of the city council shall hold
42 any compensated appointed city office or appointed city employment until thirty (30) days
43 following the date on which the former member's service on the city council has terminated.
44 This provision shall not prevent a city officer or other city employee who has vacated a position
45 in order to serve as a member of the city council from returning to the same office or other
46 position of city employment held at the time the position was vacated, but no such person shall
47 be eligible for any other municipal position until thirty (30) days following the termination of
48 service as a member of the city council.

49 (b) Interference with Administration - No city council or any member of the city council
50 shall give orders or directions to any officer or employee of the city appointed by the mayor,
51 either publicly or privately.

52 (c) Felony Conviction – Any person who has been finally convicted of a state or federal
53 felony shall not be eligible to petition for, or serve in, any elective or appointive office or
54 position under the city. Any councilor who has been finally convicted of a state or federal felony

55 shall be deemed to have vacated said office and shall be disqualified from serving in any other
56 elective or appointive office or position under the city.

57 SECTION 2. The charter of the city of Everett as on file with the archivist of the
58 Commonwealth in accordance with 43B Section 12 shall be revised by deleting sections 4-1
59 through 4-3 in their entirety and inserting in place thereof new sections 4-1 through 4-3, as
60 follows:

61 SECTION 4-1: COMPOSITION, TERM OF OFFICE

62 (a) Composition - There shall be a school committee which shall consist of eleven (10)
63 members, * The following section is not part of this Charter amendment as it is before the
64 legislature and was to be voted on separately. I have placed it here just a reference so the
65 Legislature would understand why the previous sentence states 10 members and not 9 as there
66 are 9 elected members and the Mayor in an ex-officio capacity (including the Mayor in an ex
67 officio capacity, with a voice and a vote). Three (3) of these members, to be known as school
68 committee members-at-large shall be nominated and elected by and from the voters at large. Six
69 of these members, to be known as ward school committee members, shall be domiciled in the
70 ward from which elected and shall be nominated and elected by and from the voters of that ward
71 only, with one (1) such ward school committee member to be elected from each of the six (6)
72 wards into which the City is divided.

73 (b) Term of Office - The term of office for school committee members shall be for 2
74 years each. The term shall run from the first business day of January succeeding their election,
75 and until their successors have been qualified. Such school committee members shall be sworn

76 into office no later than January 7 at 8:00 in the evening (8:00 p.m.), at a time and place as shall
77 be designated by the City Clerk.

78 (c) Eligibility – Any voter shall be eligible to hold the office of school committee
79 member-at-large. A ward school committee member shall be a voter domiciled in the ward from
80 which election is sought no later than 64 days prior to the date of the preliminary election. If a
81 ward school committee member or a school committee member-at-large removes from the city
82 during the term for which elected, such office shall immediately be deemed vacant by the City
83 Clerk and shall be filled in the manner provided in Section 4-6. If a ward school committee
84 member removes from the ward from which elected during the first 18 months of their term,
85 such office shall immediately be deemed vacant and filled in the manner provided in section 4-6;
86 provided, however, that a ward school committee member who removes from the ward from
87 which elected during the last six (6) months of their elected term, and who remains a resident of
88 the city, may serve out the remainder of such term.

89 SECTION 4-2: SCHOOL COMMITTEE COMPOSITION AND ORGANIZATION

90 (a) Powers and Duties, Chair - As soon as practicable after the school committee
91 members-elect have been qualified following each biennial city election, as provided in section
92 9-11, the school committee shall organize by electing 1 of the school committee members to
93 serve as school committee chair. The school committee chair shall preside at all meetings of the
94 school committee, regulate its proceedings and decide all questions of order. The school
95 committee chair shall appoint all members of all sub-committees of the school committee,
96 whether special or standing. The school committee chair shall have the same powers to vote
97 upon all measures coming before the school committee as any other member of the school

98 committee. The school committee chair shall perform such other duties consistent with the office
99 as may be provided by this charter or by vote of the school committee.

100 (b) Powers and Duties, Vice Chair - As soon as practicable after the school committee
101 members-elect have been qualified following each biennial city election, as provided in section
102 9-11, the school committee shall organize by electing 1 of the school committee members to
103 serve as school committee vice chair. In the absence, of the chair, the vice chair shall exercise
104 all of the duties and authority of the chair, other than appointing members of subcommittees,
105 whether special or standing.

106 (c) School Committee meetings – Except in the case of an emergency or in the event of a
107 joint meeting, the school committee shall not meet on the same date as a regular city council
108 meeting.

109 SECTION 4-3 SCHOOL COMMITTEE PROHIBITIONS

110 (a) Holding Other City Office or Position- No member of the school committee shall hold
111 any other city office or city employment unless allowed by section 268A of Massachusetts
112 General Laws or the Massachusetts Ethics Commission. No former member of the school
113 committee shall hold any compensated appointed city office or appointed city employment until
114 thirty (30) days following the date on which the former member's service on the school
115 committee has terminated. This provision shall not prevent a city officer or other city employee
116 who has vacated a position in order to serve as a member of the school committee from returning
117 to the same office or other position of city employment held at the time the position was vacated,
118 but no such person shall be eligible for any other municipal position until thirty (30) days
119 following the termination of service as a member of the school committee.

120 (b) Interference with Administration - No school committee or any member of the school
121 committee shall give orders or directions to any officer or employee of the city appointed by the
122 mayor, either publicly or privately.

123 (c) Felony Conviction – Any person who has been finally convicted of a state or federal
124 felony shall not be eligible to petition for, or serve in, any elective or appointive office or
125 position under the city. Any school committee member who has been finally convicted of a state
126 or federal felony shall be deemed to have vacated said office and shall be disqualified from
127 serving in any other elective or appointive office or position under the city.

128 SECTION 3. Notwithstanding section 44C of chapter 43 or section 41 of chapter 53 of
129 the General Laws, or of any other general or special law to the contrary, all elected incumbent
130 members of the City Council and School Committee holding office on the effective date of this
131 act, and continuously until the 2021 City Election, shall be entitled to have the words “Candidate
132 for Re-nomination” or “Candidate for Re-Election” printed next to their name regardless of
133 whether they are seeking election as an at-large or ward councilor or school committee member.
134 In future elections, the words “Candidate for Re-nomination” or “Candidate for Re-Election” can
135 only be used when a candidate seeks re-election to the same position from which they were
136 elected, except as otherwise provided by law.

137 SECTION 4. The charter of the city of Everett is further amended by deleting section 7-
138 3(a) and inserting in place thereof the following:

139 Ballot Preparation and Signature Requirements. The Everett Board of Election
140 Commissioners and City Clerk shall prepare separate nomination papers for nomination to at-
141 large and ward positions, and make the same available no earlier than April 2 in each preliminary

142 election year. Said papers shall be submitted to the city clerk on or before 4 o'clock in the
143 afternoon on the 45th day prior to the declared date of such preliminary election. An individual
144 may appear on the ballot for only one office at any preliminary, regular or special election.
145 Nomination papers shall be signed by the following number of voters for each office: mayor, no
146 fewer than 500, with at least 25 signatures certified from each ward; councilor at large or school
147 committee member at large, no fewer than 250; ward councilor or ward school committee
148 member, no fewer than 100 from the ward in which election is sought. The number of signatures
149 for nomination may be changed from time to time by an affirmative vote of no less than seven
150 (7) councilors. Any candidate taking out papers shall be advised of the number of signatures
151 required for nomination to the office sought.

152 SECTION 5. Said charter shall be further amended by deleting Section the text of 8-5(b)
153 in its entirety, and inserting in place thereof the following:

154 Recall Petition - A recall petition may be initiated by the filing of an affidavit containing
155 the name of the officer sought to be recalled and a statement of the grounds for recall, provided
156 that the affidavit is signed by at least 500 voters for any officer elected city-wide and 300 voters
157 for any officer elected by ward. The city clerk shall thereupon deliver to said voters making the
158 affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city
159 clerk shall keep available. Such blanks shall be issued by the city clerk, with signature and
160 official seal attached thereto. They shall be dated, shall be addressed to the city council and shall
161 contain the names of all the persons to whom they are issued, the number of blanks so issued, the
162 name of the person whose recall is sought, the office from which removal is sought and the
163 grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record
164 book to be kept in the office of the city clerk. Said recall petition shall be returned and filed with

165 the city clerk within 28 days after the filing of the affidavit, and shall have been signed by at
166 least 20 percent of the voters of the city for offices elected city-wide and at least 20 percent of
167 the voters of the ward for offices elected by ward. The city clerk shall forthwith submit the
168 petition to the Election Commissioners, and the board shall, within 5 working days, certify
169 thereon the number of signatures which are names of voters.

170 SECTION 6. The Everett city charter shall be further amended by deleting the text of
171 Section 8-6 in its entirety and inserting in place thereof the following:-

172 For any measure to be effective under any initiative procedure and for any measure to be
173 declared null and void under any referendum procedure, at least 20 percent of the voters as of the
174 most recent regular city election must vote at an election that includes on the ballot submission
175 of one or more initiative or referendum questions to the voters. For any recall election to be
176 effective, at least 20 percent of the voters as of the most recent regular city election for those
177 offices elected city-wide, and at least 20 percent of the voters as of the most recent regular city
178 election in the ward for those offices elected by ward, must vote in such recall election.

179 SECTION 7. This act shall take effect upon its passage.