

HOUSE No. 4868

Substituted by the House, on motion of Mr. Walsh of Peabody, for a bill with the same title (House, No. 4285) [Local Approval Received]. July 15, 2024.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act amending the charter of the city of Gardner.

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. Section 4 of chapter 119 of the acts of 1921 is hereby amended by striking
2 out the second sentence and inserting in place thereof the following sentence:- The mayor shall
3 hold office for the term of 2 years from the first Monday in January following the election and
4 until a successor is elected and qualified.

5 SECTION 2. Section 6 of said chapter 119 is hereby amended by striking out the words
6 "but the city solicitor" and inserting in place thereof the following words:- all members of the
7 law department.

8 SECTION 3. Said chapter 119 is hereby further amended by striking out section 7 and
9 inserting in place thereof the following section:-

10 Section 7. In making appointments, the mayor shall sign and file with the city clerk a
11 certificate in the following form:

12 CERTIFICATE OF APPOINTMENT

13 I appoint (name of appointee) to the position of (name of office), and I certify that in my
14 opinion (name of appointee) is a recognized expert in the work which will devolve in the course
15 of official duties, and that I make the appointment solely in the interest of the city.

16 Mayor.

17 Or the following form, as the case may be:

18 I appoint (name of appointee) to the position of (name of office), and I certify that in my
19 opinion (name of appointee) is a person specially fitted by education, training or experience to
20 perform the duties of said office, and that I make the appointment solely in the interest of the
21 city.

22 Mayor.

23 SECTION 4. Said chapter 119 is hereby further amended by striking out section 8 and
24 inserting in place thereof the following section:-

25 Section 8. The mayor may, with the approval of a majority of the members of the city
26 council, remove any head of a department or member of a board before the expiration of the
27 appointee's term of office, except members of the school committee, officers elected by the city
28 council, officers whose election is provided for by this act and officials appointed by the
29 governor. The person removed shall receive a copy of the reasons for such removal in writing
30 and may contest the same at a hearing to be given by the city council, at which the person
31 removed shall have the right to be represented by counsel.

32 SECTION 5. Section 11 of said chapter 119, as amended by section 1 of chapter 184 of
33 the acts of 1939, is hereby further amended by striking out the first paragraph and inserting in
34 place thereof the following paragraph:-

35 The mayor shall receive for services such salary as the city council, by ordinance, shall
36 determine and shall receive no other compensation from the city. The mayor's salary shall not be
37 increased or diminished during the term to which the mayor was elected.

38 SECTION 6. The first sentence of section 12 of said chapter 119 is hereby amended by
39 striking out the word "third" and inserting in place thereof the following word:- seventh.

40 SECTION 7. The first paragraph of section 13 of said chapter 119 is hereby amended by
41 striking out the first sentence and inserting in place thereof the following 2 sentences:- Any
42 person who is qualified to vote for a candidate for any office mentioned in this act, and who is a
43 candidate for nomination for that office, may have the name as such candidate printed on the
44 official ballot to be used at a preliminary election; provided that, at least 28 days prior to the
45 preliminary election pursuant to section 10 of chapter 53 of the General Laws, the person shall
46 file with the city clerk a statement in writing of such candidacy, and with it the petition of at least
47 50 voters of the city, qualified to vote for a candidate for the said office. Said statement and
48 petition shall be in substantially the following form:

49 SECTION 8. The second paragraph of said section 13 of said chapter 119 is hereby
50 amended by striking out the second sentence and inserting in place thereof the following
51 sentence:- We further state that we believe this person to be of good moral character and qualified
52 to perform the duties of the office.

53 SECTION 9. Section 15 of said chapter 119 is hereby amended by striking out the first
54 paragraph and inserting in place thereof the following paragraph:-

55 The name of each person, and of none other, who has filed a statement and
56 accompanying petition as aforesaid with the official residence and the title and term of the office
57 for which the individual is a candidate for nomination, shall be printed on said ballots under the
58 designation of office in the order in which they may be drawn by the city clerk, whose duty it
59 shall be to make such drawing and to give each candidate an opportunity to be present in person
60 or by 1 representative. Blank space shall be left at the end of each list of candidates for
61 nomination for the different offices equal to the number to be nominated therefore, in which the
62 voter may insert the name of any person not printed on the ballot for whom the voter desires to
63 vote for nomination for such office. There shall be printed on said ballots such directions as will
64 aid the voter, as to wit: "vote for 1", "vote for not more than 2", and the like pursuant to section
65 42 of chapter 54 of the General Laws.

66 SECTION 10. Said chapter 119 is hereby further amended by striking out section 16 and
67 inserting in place thereof the following section:-

68 Section 16. No ballot used at any preliminary, special or regular city election shall have
69 printed thereon any party or other political designation or mark, and there shall not be appended
70 to the name of any candidate any such party or other political designation or mark, or anything
71 showing the method of nomination, or indicating the candidate's views or opinions pursuant to
72 section 34 of chapter 53 of the General Laws.

73 SECTION 11. Said chapter 119 is hereby further amended by striking out section 18 and
74 inserting in place thereof the following section:-

75 Section 18. The city clerk shall canvas returns from election officers and post them in a
76 conspicuous place in city hall and in other manners consistent with city practices.

77 SECTION 12. The second paragraph of section 19 of said chapter 119 is hereby amended
78 by striking out the second sentence and inserting in place thereof the following sentence:- In case
79 2 or more candidates should receive an equal number of votes for the same office at any
80 preliminary election held under this act and 1 of such candidates would otherwise be entitled to
81 the candidate's name upon the official ballot, then the names of all such persons shall be placed
82 on the ballot.

83 SECTION 13. Paragraph 3 of section 24 of said chapter 119 is hereby amended by
84 striking out the second sentence and inserting in place thereof the following sentence:- The city
85 clerk shall keep the records of the meetings of the council.

86 SECTION 14. Section 25 of said chapter 119 is hereby amended by striking out the first
87 sentence and inserting in place thereof the following sentence:- The city council may at any time
88 request from the mayor specific information upon any municipal matter within its jurisdiction
89 and may request the mayor's presence to answer written questions relating thereto at a meeting to
90 be held not earlier than 1 week after the date of the receipt by the mayor of said questions.

91 SECTION 15. The first paragraph of section 29 of said chapter 119, as amended by
92 section 1 of chapter 65 of the acts of 1935, is hereby further amended by striking out the words
93 "in full in at least one newspaper of the city," and inserting in place thereof the following word:-
94 in summary.

95 SECTION 16. Said first paragraph of said section 29 of said chapter 119, as so amended,
96 is hereby further amended by striking out the word "additional".

97 SECTION 17. The second paragraph of said section 29 of said chapter 119, as so
98 amended, is hereby further amended by inserting after the word "completed" the following
99 words:- in summary.

100 SECTION 18. Said chapter 119 is hereby further amended by striking out sections 30 and
101 31 and inserting in place thereof the following 2 sections:-

102 Section 30. Every order, ordinance, resolution and vote relative to the affairs of the city,
103 adopted or passed by the city council, shall be presented to the mayor for approval. If the mayor
104 approves, then the mayor shall sign it; if the mayor disapproves; it shall be returned to the city
105 council in writing with the mayor's objections, which the city council shall enter at large on its
106 records, and again consider it. If the city council, notwithstanding such disapproval of the mayor,
107 shall again pass such order, ordinance, resolution or vote by a two-thirds vote of all members of
108 the city council, it shall then be in force, but such vote shall not be taken for 7 days after its
109 return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is
110 not returned by the mayor within 10 days after it was presented. This section shall not apply to
111 budgets submitted under section 32 of chapter 44 of the General Laws or to appropriations by the
112 city council under section 33 of said chapter 44.

113 Section 31. The civil service laws shall not apply to the appointment of the mayor's
114 secretaries nor of stenographers, clerks, telephone operators and messengers connected with the
115 mayor's office, and the mayor may remove such appointees without a hearing and without
116 making a statement of the cause for their removal.

117 SECTION 19. The first paragraph of section 32 of said chapter 119, as amended by
118 section 1 of chapter 590 of the acts of 1975, is hereby further amended by striking out the word

119 "six", each time it appears, and inserting in place thereof, in each instance, the following word:-
120 twelve.

121 SECTION 20. Said section 32 of said chapter 119, as so amended, is hereby further
122 amended by adding the following 2 paragraphs:-

123 If the mayor is absent or unable from any cause temporarily to perform the duties of the
124 office, or if the office is vacant during the first 12 months of the term, the mayor's duties shall be
125 performed by the president of the city council. The person upon whom such duties shall devolve
126 shall be called "acting mayor", and shall possess the powers of mayor only in matters not
127 admitting of delay, but shall have no power to make permanent appointments. In the event that
128 the office of mayor shall be vacated due to resignation or death prior to the end of the term, the
129 acting mayor shall be entitled to the compensation as city council president in addition to 75 per
130 cent of the then current rate of compensation of the mayor.

131 Should an appointive officer of the city be temporarily unable for any cause to perform
132 official duties, the mayor or the city council, whichever has the power of original appointment,
133 may make a temporary appointment of some person to act until the official shall resume duties.

134 SECTION 21. The first paragraph of section 33 of said chapter 119 is hereby amended by
135 striking out the words "the nature of his interest in such contract," and inserting in place thereof
136 the following words:- the nature of the interest in such contract.

137 SECTION 22. Sections 34 and 35 of said chapter 119 are hereby repealed.

138 SECTION 23. Section 37 of said chapter 119 is hereby amended by striking out the
139 words "who shall be chairman" and inserting in place thereof the following words:- who shall be
140 chairperson.

141 SECTION 24. The first sentence of section 38 of said chapter 119 is hereby amended by
142 striking out the word "elect" and inserting in place thereof the following word:- appoint.

143 SECTION 25. Said section 38 of said chapter 119 is hereby further amended by striking
144 out the second sentence and inserting in place thereof the following sentence:- No member of the
145 school committee, except the mayor, shall hold any other office or position the salary or
146 compensation for which is payable out of the city treasury during the elected term of office.

147 SECTION 26. The third sentence of said section 38 of said chapter 119 is hereby
148 amended by striking out the word "vice-chairman" and inserting in place thereof the following
149 word:- vice-chairperson.

150 SECTION 27. Section 51 of said chapter 119 is hereby repealed.

151 SECTION 28. This act shall take effect upon its passage.