

# SENATE . . . . . No. 3017

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Senate, December 30, 2024 - Text of the Senate amendment (Senator DiDomenico) to the House Bill amending the charter of the city of Chelsea (House, No. 4184).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
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1 SECTION 1. The charter of the city of Chelsea, which is on file in the office of the  
2 archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is  
3 hereby repealed.

4 SECTION 2. The following shall be the charter for the city of Chelsea.

5 Preamble.

6 The city of Chelsea is a 1.8 square-mile, gateway city, located directly north of Boston  
7 and bordering the Mystic river. The city of Chelsea proudly stands as 1 of only a few sanctuary  
8 cities in the commonwealth. For almost 200 years, our collective identity and character as the  
9 community of the city of Chelsea has been to welcome and educate all, thereby helping families  
10 build a foundation upon which generations begin their personal journey toward the American  
11 dream. Our city's identity and collective character is to accept, respect and be there for our  
12 neighbor no matter the turbulent times, the obstacles or the global crisis.

13 We the people of the city of Chelsea, desiring to manage our own affairs and conduct our  
14 local government, therefore, in a manner consistent with the city's history of fostering a diverse  
15 community so that it is accountable, stable, fiscally responsible and efficient, honest, fair,

16 representative and operating according to a code of ethics and wishing to participate fully in  
17 exercising the rights and responsibilities of local government, do adhere to this charter.

18 We assert our willingness to assume all responsibility for the conduct of matters  
19 pertaining to the city and do by this document earnestly affirm our right as inhabitants of the city  
20 of Chelsea, to live and grow in freedom, dignity, tranquility and prosperity. Under God with  
21 religious freedom, we secure these qualities to ourselves, realizing them in the community of the  
22 city of Chelsea and its government, which provides for a system of law, education, public safety  
23 and public health.

## 24 PART I. INCORPORATION, SHORT TITLE, POWERS

### 25 Section 1-1. Incorporation continued.

26 The inhabitants of the city of Chelsea, within its territorial limits as now or may hereafter  
27 be established by law, shall continue to be a body politic and corporate, under the name of the  
28 city of Chelsea and as such shall have, exercise and enjoy all the rights, immunities, powers and  
29 privileges and shall be subject to all the duties and obligations now incumbent upon and  
30 pertaining to the said city as a municipal corporation.

### 31 Section 1-2. Short title.

32 This act shall be cited and known as the city of Chelsea Charter.

### 33 Section 1-3. Division of powers.

34 All legislative powers of the city shall be exercised by a city council. The administration  
35 of all fiscal, business and municipal affairs shall be vested in the executive branch under the  
36 supervision of the city manager.

37 Section 1-4. Powers of the city.

38 The intent and purpose of this charter is to secure for the voters of the city of Chelsea,  
39 through the adoption of this charter, all the powers possible to secure for their government under  
40 article LXXXIX of the amendments to the constitution of the commonwealth and the laws of the  
41 commonwealth as fully and as though each such power were specifically and individually  
42 enumerated herein.

43 Section 1-5. Interpretation of powers.

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

47 Section 1-6. Intergovernmental cooperation.

48 The city may enter agreements with any other unit of government to perform jointly or in  
49 cooperation, by contract or otherwise, any of its powers or functions, as authorized by the laws  
50 of the commonwealth.

51 PART II. LEGISLATIVE

52 Section 2-1. Composition; eligibility; election and term.

53 (a) Composition. There shall be a city council composed of 11 members which shall  
54 exercise the legislative powers of the city. Three members shall be known as councilors-at-large  
55 and shall be nominated and elected by and from the voters at large. 8 members shall be known as  
56 district councilors and shall be nominated and elected by and from the voters of each district, 1

57 such district councilor to be elected from each of the 8 council districts into which the city is  
58 divided in accordance with section 7-4.

59 (b) Eligibility. Except as otherwise provided in this charter, any voter shall be eligible  
60 to hold the office of councilor-at-large. A district councilor shall be a voter and resident of the  
61 district from which that district councilor is elected.

62 A councilor-at-large who relocates from the city during the term for which such  
63 councilor-at-large was elected shall be deemed to have vacated the office of councilor-at-large  
64 and the office shall be considered vacant. A district councilor who relocates from 1 district to  
65 another during the term of office for which that district councilor was elected shall be deemed to  
66 have vacated the office of district councilor and the office shall be considered vacant. Any  
67 vacancy in the office of councilor-at-large or district councilor shall be filled in accordance with  
68 section 2-4.

69 (c) Election and term. The term of office of city council members shall be for 2 years  
70 beginning on the first city business day of January in the year following election and continue  
71 until their successors are qualified.

72 Section 2-2. City council organization.

73 After the councilors-elect have taken the oath of office, the city council shall be called  
74 together by the council clerk for the purpose of conducting an election among city council  
75 members for the office of city council president and vice-president who shall serve at the  
76 pleasure of the city council. The president shall preside at all meetings of the city council,  
77 perform ceremonial functions and perform such other functions as may be assigned by this  
78 charter, by ordinance or by vote of the city council. The vice-president shall perform all duties of

79 the president during the president's absence or disability. The city council shall elect from among  
80 its members 1 councilor to sit as a nonvoting member of the school committee and such member  
81 shall serve at the pleasure of the city council.

82 Section 2-3. General powers and duties.

83 Except as otherwise provided by law or this charter, all powers of the city shall be vested  
84 in the city council and the city council shall provide for their exercise and for the performance of  
85 all duties and obligations imposed on the city by law.

86 Section 2-4. Filling of vacancies.

87 If a vacancy occurs in the office of a city councilor, whether by failure to elect or  
88 otherwise, the remaining councilors shall, not more than 30 days after the date on which that  
89 vacancy is declared to exist, act to fill the vacancy. The city council shall fill the vacancy for the  
90 remainder of the unexpired term by choosing the defeated candidate for that seat from the last  
91 regular city election; provided, however, that the defeated candidate shall have received at least  
92 30 per cent of the total ballots cast for the seat being vacated. For the purposes of this section, the  
93 30 per cent minimum threshold shall be calculated as a ratio of ballots cast for the office being  
94 vacated to votes obtained by the defeated candidate. If there was no other candidate for the office  
95 or if the defeated candidate did not receive more than 30 per cent of the total ballots cast, the city  
96 council shall, at its discretion, choose an individual, who may be the defeated candidate, from  
97 among the voters entitled to vote for that office to serve for the remainder of the unexpired term.  
98 A person so chosen shall take the oath of office and commence to serve forthwith. No vacancy  
99 shall be filled in the manner provided in this section if a regular city election is to be held within  
100 180 days after the date the vacancy is declared to exist. In an election held to elect a candidate to

101 a seat that is vacant at the time of the election, the candidate deemed the winner of that election  
102 shall be sworn in to serve the remainder of the term previously vacated at the first regularly-  
103 scheduled city council meeting after the date on which the election results are officially certified.

104 Section 2-5. Exercise of powers; quorum; rules of procedure.

105 (a) Exercise of powers. Except as otherwise provided by the laws of the  
106 commonwealth or this charter, the legislative powers of the city council shall be exercised in a  
107 manner to be determined by the city council.

108 (b) Quorum. A quorum shall be a majority of the full city council. The affirmative  
109 vote of a majority of the full city council shall be necessary to adopt any appropriation order. An  
110 affirmative vote of 2/3 of the full city council shall be necessary to adopt any loan authorization.  
111 Except as otherwise provided by the laws of the commonwealth or this charter, any other motion  
112 or measure shall be adopted by a majority vote of those present.

113 (c) Rules of procedure. The city council shall from time to time adopt rules for its  
114 proceedings. Regular meetings of the city council shall be held at a time and place fixed by  
115 ordinance, but shall be not less frequent than once monthly; provided, however, that the city  
116 council president may suspend meetings during the months of July and August. Special meetings  
117 of the city council may be held on the call of the president of the city council or on the call of at  
118 least 5 members, by written notice, delivered to the city clerk not less than 48 hours in advance  
119 of the time set. Except as otherwise authorized by the laws of the commonwealth, all sessions of  
120 the city council shall be open to the public and the agenda of any regular or special city council  
121 meeting shall be available to the public in the office of the city clerk and posted on the city  
122 bulletin board not less than 48 hours prior to any such meeting. Such posting shall not preclude

123 the city council from the introduction of additional agenda items as allowed by the city council's  
124 rules of procedure. Every matter coming before the city council for action shall be put to a vote,  
125 the result of which shall be duly recorded. All city council votes on ordinances, appropriation  
126 orders or loan authorizations shall be taken by roll call vote and shall be duly recorded. A full,  
127 accurate and up-to-date record of the proceedings of the city council shall be kept by the clerk of  
128 the city council and shall be open for inspection by the public.

129 (d) Public comment. Regular meetings of the city council shall provide for a period of  
130 public comment; provided, however, that the city council may regulate such period of public  
131 comment and method of city council response as deemed appropriate.

132 Section 2-6. City council staff.

133 The city council shall appoint a clerk to the city council and may employ such staff and  
134 retain such assistance as is necessary to conduct the business of the city council. The city council  
135 shall establish the compensation of such staff.

136 Section 2-7. Measures; emergency measures; objection; publication of measures.

137 (a) In general. No ordinance, appropriation or loan authorization shall be passed  
138 finally on the date on which it is introduced, except in cases of emergency measures involving  
139 the health or safety of the people or their property. Except as otherwise provided by this charter,  
140 every adopted measure shall become effective at the expiration of 14 days after its adoption or at  
141 any later date specified therein; provided, however, that measures not subject to referendum shall  
142 become effective upon adoption. No ordinance shall be amended or repealed except by another  
143 ordinance adopted in accordance with this charter or as provided in the initiative and referendum  
144 procedures.

145           (b)     Emergency measures. An emergency measure shall be introduced in the form and  
146 manner prescribed for measures generally except that it shall be plainly designated as an  
147 emergency measure and shall contain statements after the enacting clause declaring that an  
148 emergency exists and describing its scope and nature in clear and specific terms. A preamble that  
149 declares and defines the emergency shall be separately voted on and shall require the affirmative  
150 vote of 2/3 of the city council. An emergency measure may be passed with or without  
151 amendment or rejected at the meeting at which it is introduced. No measure making a grant,  
152 renewal or extension of any kind or nature and no franchise or special privilege shall be passed  
153 as an emergency measure and, except as provided by the laws of the commonwealth, no such  
154 grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an  
155 emergency measure shall be published as prescribed for other adopted measures. An emergency  
156 measure shall become effective upon adoption or at such later time as specified therein.

157           (c)     Objection. If, on the first occasion that the question on adoption of a measure is  
158 put to the city council, a single member objects to the taking of the vote, the vote shall be  
159 postponed until the next meeting of the city council, whether regular or special; provided,  
160 however, that if 3 members shall object, or 4 in the case of an emergency measure, such  
161 postponement shall be until the next regular meeting of the city council. This procedure shall not  
162 be used more than once for any measure, notwithstanding any amendment to the original  
163 measure.

164           (d)     Publication of measures. Upon final passage, notice of every ordinance,  
165 appropriation order or loan authorization shall be published by the city clerk in at least 1  
166 newspaper of general circulation within the city within 14 days and posted on the city bulletin  
167 board. Any such publication notice shall state the summary of any finally enacted ordinance



168 appropriation order, or loan authorization and the times and places at which copies of such  
169 measures may be obtained or reviewed by the public.

170 Section 2-8. Inquiries and investigations.

171 The city council may require any officer, employee or member of a multiple-member  
172 body to appear and give such information as the council may require in relation to the function  
173 and performance of the office or position held by such person. The city council shall give not  
174 less than 48 hours written to such person of the general scope of the inquiry which is to be made  
175 under this section.

176 The city council may make investigations into the affairs of the city and into the conduct  
177 of any city agency and, for such purpose, may subpoena witnesses, administer oaths and require  
178 the production of evidence.

179 Section 2-9. Prohibitions.

180 No councilor shall, while a member of the city council, hold any other office, including  
181 membership on a multiple-member body, or position under the city. No former councilor shall  
182 hold any compensated appointed office or employment under the city until 1 year after the  
183 expiration of the councilor's service on the city council. This provision shall not prevent a city  
184 officer or employee who has been granted a leave of absence from such duties in order to serve  
185 as a member of the city council from returning to such office or employment following service as  
186 a member of the city council.

187 No person who has been finally convicted of a felony under any state or federal law shall  
188 be eligible to petition for or serve in any elected or appointed office or position under the city. A

189 councilor who has been finally convicted of a felony under any state or federal law shall be  
190 deemed to have vacated the council office and shall be disqualified from serving in any other  
191 elected or appointed office or position under the city.

192 Section 2-10. Compensation.

193 The city council shall, by ordinance, establish an annual salary for its members. Except as  
194 provided in this section, members of the city council shall receive no other compensation or  
195 benefits from the city. Members of the city council shall be eligible for membership in the  
196 retirement system.

197 No ordinance increasing the salary of city councilors shall be effective unless it shall  
198 have been adopted by a 2/3 vote of the full city council during the first 18 months of the term for  
199 which councilors are elected. The revised salary schedule shall then be effective upon the  
200 commencement of the terms of office of the next city council to be elected.

201 Section 2-11. Relationship of the city manager and the city council.

202 The city manager shall be the primary officer responsible for the implementation of city  
203 council policy as reflected by the city council's votes and resolutions, enactment of ordinances  
204 and the issuance of appropriation orders and loan authorizations.

205 Except as may otherwise be authorized by this charter, no member of the city council and  
206 no member of a committee of the city council shall directly involve themselves in the conduct of  
207 the administrative business of the city.

208 PART III. SCHOOL COMMITTEE

209 Section 3-1. Composition; eligibility: election and term; powers and duties.

210           (a)     Composition. There shall be a school committee composed of 9 members. One  
211 member shall be the at-large school committee member and shall be nominated and elected by  
212 and from the voters at large. Eight members shall be district school committee members and  
213 shall be nominated and elected by and from the voters of each district, 1 such member to be  
214 elected from each of the 8 districts into which the city is divided in accordance with section 7-4.  
215 The school committee shall elect from among its members 1 member to sit as a nonvoting  
216 member of the city council; provided, however, that such member shall serve at the pleasure of  
217 the school committee.

218           (b)     Eligibility. Except as otherwise provided by this charter, any voter shall be  
219 eligible to hold the office of at-large school committee member. A district school committee  
220 member shall be a voter and resident of the district from which that school committee member is  
221 elected.

222           An at-large school committee member who relocates from the city during the term for  
223 which such school committee member was elected shall be deemed to have vacated the office of  
224 at-large school committee member and the office shall be considered vacant. A district school  
225 committee member who relocates remove from the district during the term of office for which  
226 such district school committee member was elected shall be deemed to have vacated the office of  
227 district school committee member and the office shall be considered vacant. Any vacancy in the  
228 office of at-large school committee member or district school committee member shall be filled  
229 in accordance with section 3-2.

230 (c) Election and term. The term of office of school committee members shall be for 2  
231 years beginning on the first city business day of January in the year following election and shall  
232 continue until their successors are qualified.

233 (d) Powers and duties. The school committee shall have all the powers and duties  
234 given to school committees by the laws of the commonwealth. The school committee shall have  
235 general charge of the public schools of the city. The school committee shall have the power to  
236 select and terminate a superintendent of schools and the school committee shall have the power  
237 to establish educational goals and policies for the schools consistent with the requirements of the  
238 laws of the commonwealth and standards established by the commonwealth.

239 Section 3-2. Filling of vacancies.

240 If a vacancy occurs in the membership of the school committee whether by failure to  
241 elect or otherwise, the president of the city council shall, not more than 30 days after the date on  
242 which that vacancy is declared to exist, call a joint meeting of the city council and the school  
243 committee to act to fill the vacancy. At the joint meeting, a majority of those present and voting  
244 shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate  
245 for that seat from the last regular city election; provided, however, that the defeated candidate  
246 shall have received at least 20 per cent of the ballots cast for the seat being vacated. For the  
247 purposes of this section, the 20 per cent minimum threshold shall be calculated as a ratio of  
248 ballots cast for the office being vacated to votes obtained by the defeated candidate. If there was  
249 no other candidate for the office or the defeated candidate did not receive more than 20 per cent  
250 of the total ballots cast, the city council and the school committee shall, at their discretion,  
251 choose an individual, who may be the defeated candidate, from among the voters entitled to vote

252 for that office for the remainder of the unexpired term. A person so chosen shall take the oath of  
253 office and commence to serve forthwith. No vacancy shall be filled in the manner provided in  
254 this section if a regular city election is to be held within 180 days after the date the vacancy is  
255 declared to exist. In an election being held to elect a candidate to a seat that is vacant at the time  
256 of the election, the candidate deemed the winner of the election to that seat shall be sworn in to  
257 serve the remainder of the term previously vacated at the first regularly-scheduled school  
258 committee meeting after the date on which the election results are officially certified.

259           Section 3-3. Prohibitions.

260           No school committee member shall, while a member of the school committee, hold any  
261 other office, including membership on a multiple-member body, or position under the city. No  
262 former school committee member shall hold any compensated appointed office or employment  
263 under the city until 1 year after the expiration of school committee member's service on the  
264 school committee. This provision shall not prevent a city officer or employee who has taken a  
265 leave of absence from such duties in order to serve as a member of the school committee from  
266 returning to such office or employment following service as a member of the school committee.

267           No person who has been finally convicted of a felony under a state or federal law shall be  
268 eligible to petition for or serve in any elected or appointed office or position under the city. A  
269 school committee member who has been finally convicted of a felony under a state or federal law  
270 shall be deemed to have vacated the school committee office and shall be disqualified from  
271 serving in any other elected or appointed office or position under the city.

272           Section 3-4. Compensation.

273           The school committee shall, by vote, establish an annual salary for its members. Except  
274 as provided in this section, members of the school committee shall receive no other  
275 compensation or benefits from the city. Members of the school committee members shall be  
276 eligible for membership in the retirement system.

277           No vote increasing the salary of a school committee member shall be effective unless it  
278 shall have been adopted by a 2/3 vote of the full school committee during the first 18 months of  
279 the term for which school committee members are elected. The revised salary schedule, as  
280 approved by the city council during budget hearing, is to be effective upon the commencement of  
281 the terms of office of the next school committee to be elected.

#### 282           PART IV. CITY MANAGER

##### 283           Section 4-1. Appointment; qualifications.

284           The city council shall appoint and may remove by an affirmative vote of 7 members the  
285 city manager. The city manager shall be a person of proven administrative ability, especially  
286 qualified by education and training, with not less than 5 years prior experience as a city or town  
287 manager or as an assistant city or town manager or the equivalent public or private sector level  
288 experience and shall hold at least a bachelor's degree or similar degree from a recognized,  
289 accredited college or university. The city council may from time to time establish such additional  
290 qualifications as deemed necessary and appropriate.

291           The city council shall enter into an employment agreement with the city manager. The  
292 employment agreement and any renewals thereof shall be for a period of at least 2 years.

293           The city manager shall devote full time to the duties of the office and shall not hold any  
294 other elected or appointed office. The city manager shall not engage in any other business unless  
295 such action is approved in advance and in writing by the city council.

296           The city manager need not be a resident of the city or of the commonwealth at the time of  
297 appointment.

298           Section 4-2. Powers of appointment.

299           Except as otherwise provided by this charter, the city manager shall appoint, based upon  
300 merit and fitness alone, all officers and employees for whom no other method of selection is  
301 provided in this charter, except for employees of the school department.

302           The city manager shall appoint all members of multiple-member bodies. Appointments  
303 made by the city manager shall become effective on the thirtieth day after the day on which  
304 notice of the proposed appointment has been filed with the city council unless the city council  
305 votes, within that 30-day period and by a majority of the full city council, to reject the  
306 appointment or unless the city council has sooner voted to affirm it. If the notice of appointment  
307 is filed after the city council has recessed for longer than 30 days, the appointment, if not acted  
308 upon, shall become effective the day after the next scheduled city council meeting; provided,  
309 however, that the city manager may make a temporary appointment if the city manager  
310 determines that the position shall be filled to assure continuity of services or effective and  
311 prompt response to the city's emergency needs.

312           Section 4-3. Administrative powers and duties.

313           The city manager shall be the chief administrative officer of the city and shall be  
314 responsible to the city council for the proper operation of city affairs for which the city manager  
315 has responsibility under this charter. The powers, duties and responsibilities of the city manager  
316 shall include, but not be limited to, the following:

317           (a)     to supervise, direct and be responsible for the efficient administration of all  
318 officers and employees appointed by the city manager and their respective departments and of all  
319 functions for which the city manager has responsibility, authority or control by this charter, by  
320 ordinance or by vote of the city council;

321           (b)     to administer either directly or through any person supervised by the city  
322 manager, in accordance with this charter, all provisions of general or special laws applicable to  
323 the city, all ordinances and all regulations established by the city council;

324           (c)     to coordinate all activities of city departments and agencies;

325           (d)     to attend all regular and special meetings of the city council, unless excused, and  
326 to answer all questions addressed to the city manager which are related to matters under the  
327 general supervision of the city manager;

328           (e)     to keep the city council fully informed as to the needs of the city and to  
329 recommend to the city council for adoption such measures requiring action by it as the city  
330 manager deems necessary or expedient;

331           (f)     to ensure that complete and full records of the financial and administrative  
332 activities of the city are maintained and to render reports to the city council as may be required or  
333 requested;



334 (g) to be responsible for the rental, use, maintenance and repair of all city facilities,  
335 except those under the jurisdiction of the school committee; provided, however, that rental  
336 agreements of more than 5 years in duration shall be subject to the approval of the city council;

337 (h) to act as the chief procurement officer and be responsible for the purchase of all  
338 supplies, materials and equipment; provided, however that the city manager may delegate this  
339 function to another officer or employee as deemed necessary;

340 (i) to prepare and maintain a full and complete inventory of all city-owned real and  
341 personal property;

342 (j) to administer personnel policies, practices, rules and regulations and any  
343 compensation plan and related matters for all city officers and employees and to administer all  
344 collective bargaining agreements, except for school department agreements, entered into by the  
345 city;

346 (k) to fix the compensation of all city officers and employees appointed by the city  
347 manager within the limits established by appropriation and by any applicable compensation plan  
348 or collective bargaining agreement;

349 (l) to negotiate all collective bargaining agreements with city employees over wages  
350 and other terms and conditions of employment; provided, however, that the city manager may  
351 employ special counsel to assist in the performance of these duties; and provided further, that  
352 cost items of collective bargaining agreements shall be subject to the approval of the city  
353 council;

354 (m) to prepare and submit an annual operating budget, capital improvement program  
355 and a long-term financial forecast;

356 (n) to keep the city council fully informed as to the financial condition of the city and  
357 to make recommendations to the city council as the city manager determines necessary or  
358 expedient;

359 (o) to inquire into the affairs of all city departments, agencies and offices;

360 (p) to delegate, authorize or direct any subordinate officer or employee to exercise  
361 any power, duty or responsibility which the office of city manager is authorized to exercise;  
362 provided, however, that all acts that are performed under such delegation shall be considered to  
363 be the acts of the city manager; and

364 (q) to perform such other duties as necessary or as may be assigned by this charter, by  
365 ordinance or by vote of the city council.

366 Section 4-4. Compensation.

367 The city manager shall receive such compensation for services as the city council shall  
368 determine but such compensation shall be within the limits of available appropriations.

369 Section 4-5. Vacancy in office.

370 Any vacancy in the office of city manager shall be filled as soon as possible by the city  
371 council. Pending appointment of the city manager or the filling of a vacancy, the city council  
372 shall forthwith appoint some other person to perform the duties of the city manager. The  
373 appointment of the acting city manager shall be for a term not to exceed 3 months; provided,  
374 however, that a renewal not to exceed an additional 3-month term may be provided.

375 Section 4-6. Temporary absence.

376 The city manager shall designate by letter filed with the city council and city clerk a  
377 qualified officer or employee of the city to perform the duties of the city manager during a  
378 temporary absence or disability and such officer or employee shall be approved by a vote of the  
379 city council. If the city manager fails to make such designation or if the officer or employee so  
380 designated is unable to serve, the city council may designate another qualified officer or  
381 employee to perform the duties of the city manager until the city manager shall return.

382 Section 4-7. Powers of the acting or temporary city manager.

383 The powers of the acting city manager under section 4-5 and the temporary city manager  
384 under section 4-6 shall be limited to matters not admitting of delay. No temporary city manager  
385 under section 4-6 shall have the power to make any permanent appointment to, or removal from,  
386 any office or position under the city.

387 Section 4-8. Annual review of the city manager.

388 Annually, the city council shall prepare and deliver to the city manager a written  
389 evaluation of the city manager's performance. The president of the city council shall annually  
390 appoint a committee to perform the city manager's evaluation.

391 The city council shall publish on the city's website and in at least 1 newspaper of general  
392 circulation in the city a notice stating the date and time of the city council meeting at which the  
393 city manager's annual review shall be scheduled. Such notice shall appear not less than 14 days  
394 before the meeting.

395 PART V. FINANCIAL PROCEDURES

396 Section 5-1. Annual budget policy.

397 The president of the city council shall call a joint meeting of the city council and school  
398 committee prior to the commencement of the budget process to review the financial condition of  
399 the city, revenue and expenditure forecasts and other relevant information prepared by the city  
400 manager in order to develop a coordinated budget. The superintendent of schools and the city  
401 manager shall be present at any such meeting.

402 Section 5-2. Submission of operating budget; budget message.

403 Not less than 60 days before the commencement of the ensuing fiscal year, the city  
404 manager shall submit to the city council a proposed operating budget for all city agencies, which  
405 shall include the school department, for the ensuing fiscal year with an accompanying budget  
406 message and supporting documents. The budget message submitted by the city manager shall  
407 explain the operating budget in fiscal terms and in terms of work programs for all city agencies.  
408 The budget message shall outline the proposed fiscal policies of the city for the ensuing fiscal  
409 year, describe important features of the proposed operating budget and indicate any major  
410 variations from the current operating budget, fiscal policies, revenues and expenditures, together  
411 with reasons for such change. The proposed operating budget shall provide a complete fiscal  
412 plan of all city funds and activities and shall be in the form the city manager deems desirable.

413 The school budget as adopted by the school committee shall be submitted to the city  
414 manager at least 30 days prior to the submission of the proposed operating budget to the city  
415 council. The city manager shall notify the school committee of the date on which the budget of  
416 the school committee shall be submitted to the city manager. The city manager and the

417 superintendent of schools shall coordinate the dates and times of the school committee's budget  
418 process in accordance with the laws of the commonwealth.

419 Section 5-3. Action on the operating budget.

420 (a) Public hearing. The city council shall publish on the city's website and in at least  
421 1 newspaper of general circulation in the city a summary of the proposed operating budget as  
422 submitted by the city manager by a notice stating:

423 (i) the times and places where copies of the entire proposed operating budget shall be  
424 available for public inspection; and

425 (ii) not less than 14 days after such publication, the date, time and place when a  
426 public hearing on the proposed operating budget will be held by the city council; provided,  
427 however, that for the purposes of this section, the summary of the proposed operating budget that  
428 is required to be published shall contain proposed appropriations, funding sources and any  
429 narrative summary deemed necessary by the city council.

430 (b) Adoption of the budget. The city council shall adopt the operating budget, with or  
431 without amendments, within 45 days following the date on which the budget is filed with the  
432 clerk of the city council. In amending the operating budget, the city council may delete or  
433 decrease any amounts except expenditures required by law; provided, however, that except on  
434 the recommendation of the city manager, the city council shall not increase any item in, or the  
435 total of, the proposed operating budget unless otherwise authorized by the laws of the  
436 commonwealth.

437           If the city council fails to take action with respect to any item in the operating budget  
438 within 45 days after receipt of the budget, such amount shall, without any action by the city  
439 council, become a part of the appropriations for the year and shall be available for the purposes  
440 specified therein.

441           Section 5-4. Capital improvements program.

442           (a)     Preparation. The city manager shall annually submit a capital improvements  
443 program to the city council not less than 90 days prior to the date for submission of the operating  
444 budget unless some other time is provided by ordinance.

445           (b)     Contents. The capital improvements program shall include:

446           (i)     a clear summary of its contents;

447           (ii)    an itemization of all capital improvements, including those of the school  
448 department, proposed to be undertaken during at least the next 5 fiscal years with supporting  
449 data;

450           (iii)  cost estimates, methods of financing and recommended time schedules; and

451           (iv)  the estimated annual cost of operating and maintaining the facilities included.

452           (c)     Public hearing. The city council shall publish on the city's website and in at least  
453 1 newspaper of general circulation in the city a summary of the capital improvements program  
454 and a notice stating:

455           (i)     the times and places where entire copies of the capital improvements program shall  
456 be available for public inspection; and

457 (ii) not less than 14 days after such publication, the date, time and place when a public  
458 hearing on the plan will be held by the city council.

459 (d) Adoption. At any time after the public hearing but before the first day of the last  
460 month of the current fiscal year, the city council shall, by resolution, adopt the capital  
461 improvements program with or without amendment; provided, however, that each amendment  
462 shall be voted separately and any increase in the capital improvements program as submitted  
463 shall clearly identify the method of financing proposed to accomplish such increase.

464 Section 5-5. Long-term financial forecast.

465 The city manager shall annually prepare a long-term financial forecast of city revenue  
466 and expenditures and the general financial condition of the city. The forecast shall include, but  
467 not be limited to, an identification of factors which will impact the financial condition of the city,  
468 revenue and expenditure trends, potential sources of new or expanded revenues and any long-  
469 term or short-term actions that may be taken to enhance the financial condition of the city. The  
470 forecast shall be submitted to the city council and shall be available for public inspection.

471 Section 5-6. Annual audit.

472 The city council shall provide for an annual audit of the books and accounts of the city to  
473 be made by a certified public accountant or firm of certified public accountants who have no  
474 personal interest, direct or indirect, in the fiscal affairs of the city government or any of its  
475 departments or agencies.

476           The city council shall publish on the internet and in at least 1 newspaper of general  
477 circulation in the city a notice stating the availability of the final audit report for public  
478 inspection.

479           PART VI. ADMINISTRATIVE ORGANIZATION

480           Section 6-1. Organization of city agencies.

481           (a)     Methods of organization. The organization of city government into operating  
482 agencies for the provision of services and the administration of government shall be the  
483 responsibility of the city manager. Subject only to the express prohibitions by law or this charter,  
484 the city manager may, by administrative order, reorganize, consolidate, create, merge, divide or  
485 abolish a city department or agency, in whole or in part, establish a new city agency or  
486 department as the city manager deems necessary or advisable and prescribe the functions and the  
487 administrative procedures to be followed by all such departments or agencies.

488           Administrative orders made by the city manager shall become effective on the thirtieth  
489 day after the day on which notice of the proposed administrative order has been filed with the  
490 city council unless the city council votes, within that 30-day period by a majority of the full city  
491 council, to reject the administrative order or unless the city council has sooner voted to affirm it.  
492 If the notice of proposed administrative order is filed after the city council has recessed for  
493 longer than 30 days, the order, if not acted upon, shall become effective on the day after the next  
494 scheduled city council meeting.

495           (b)     Publication of administrative code. For the convenience of the public, the  
496 administrative orders establishing the nature of the city organization and any amendments thereto



497 shall be printed as an appendix to, but not be an integral part of, the ordinances of the city of  
498 Chelsea.

499 Section 6-2. Licensing commission.

500 (a) Establishment; composition of commission. Until such time as provided by  
501 subsection (a) of section 6-1, there shall be a licensing commission which shall consist of 4  
502 residents of the city and the director of inspectional services. One resident member shall serve as  
503 chair. The 4 resident members shall be appointed in accordance with section 4-2.

504 (b) Powers and duties. Except as otherwise provided by this charter, the licensing  
505 commission shall act as the licensing authority for the city with the power to grant, suspend or  
506 revoke licenses and permits for the sale of alcoholic beverages and all licenses and permits now  
507 or hereafter vested by law in the mayors and city councils of the cities in the commonwealth.

508 Section 6-3. Traffic and parking commission.

509 (a) Establishment and composition of commission. Until such time as provided  
510 otherwise pursuant to subsection (a) of section 6-1, there shall be a traffic and parking  
511 commission which shall consist of the police chief, who shall serve as chair, the fire chief or the  
512 fire chief's designee, the director of public works or the director's designee, the director of  
513 housing and community development or the director's designee and 3 resident of the city who  
514 shall be appointed in accordance with section 4-2. The officer or employee appointed as parking  
515 clerk shall serve as clerk to the traffic and parking commission.

516 (b) Powers and duties. Except as otherwise provided in this charter, the traffic and  
517 parking commission shall have exclusive authority to adopt, amend, alter and repeal rules and

518 regulations, consistent with the General Laws, relative to vehicular traffic in the city and relative  
519 to the movement, stopping or standing of vehicles on streets, ways, highways, roads and  
520 parkways under the control of the city and relative to the exclusion of such vehicles from such  
521 streets, ways, highways, roads and parkways. The commission's authority shall extend to rules  
522 and regulations designating a way or part thereof under the city's control as a through way  
523 pursuant to section 9 of chapter 89 of the General Laws and to prescribing penalties for a  
524 violation of a rule or regulation adopted pursuant to this section.

525 All rules and regulations promulgated by a vote of the traffic and parking commission,  
526 except temporary or emergency rules and regulations promulgated for less than 30 days, shall  
527 become effective on the thirtieth day after the day on which notice of the proposed rule or  
528 regulation has been filed with the city council unless the city council votes, within that 30-day  
529 period by a majority of the full city council, to reject the rule or regulation or unless the city  
530 council sooner votes to affirm it. If the notice of the, proposed rule or regulation is filed after the  
531 city council has recessed for longer than 30 days, the rule or regulation, if not acted upon, shall  
532 become effective the day after the next scheduled city council meeting; provided, however, that  
533 the traffic and parking commission may make a temporary rule or regulation if the commission  
534 determines that effective and prompt response to the city's emergency needs is required.

535 Ten residents of the city who are at least 18 years of age may petition the traffic and  
536 parking commission relating to a rule or regulation adopted and in effect for not more than 90  
537 days or relating to a proposed rule or regulation. The traffic and parking commission shall hold a  
538 public hearing on the petition not more than 30 days after receipt thereof.

539 If a public hearing shall be held on a proposed rule or regulation, the proposed rule or  
540 regulation shall not be adopted until the public hearing has been concluded. After the public  
541 hearing has been held, any vote on the subject matter shall be passed by a majority of the full  
542 membership of the traffic and parking commission.

543 All rules and regulations adopted after a public hearing shall be published on the city's  
544 website and in at least 1 newspaper of general circulation in the city.

545 Section 6-4. Personnel administration.

546 The city manager shall adopt rules and regulations establishing a personnel system. The  
547 personnel system shall make use of current concepts of personnel management and may include,  
548 but shall not be limited to including: (i) a method of administration; (ii) personnel policies setting  
549 out the rights, obligations and benefits of employees; (iii) a classification plan; (iv) a  
550 compensation plan; (v) a method of recruiting and selecting employees based upon merit  
551 principles; (vi) a centralized record keeping system; (vi) a performance evaluation system; (vii)  
552 disciplinary procedures; and (viii) other elements as the city manager deems necessary.

553 The city manager may establish procedures for the selection of department heads,  
554 including, but not limited to, the establishment of selection or screening committees; provided,  
555 however, that section 4-2 shall be followed when establishing such procedures.

556 Unless otherwise provided by this charter, all city departments, agencies and positions  
557 shall be subject to the rules and regulations adopted under this section excluding those of the  
558 school department. Personnel rules and regulations shall be made available to the city council.

559 PART VII. NOMINATIONS AND ELECTIONS

560 Section 7-1. City elections; preliminary and general.

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

563 On the sixth Tuesday preceding every regular city election, there shall be a preliminary  
564 election for the purpose of nominating candidates.

565 The city shall make available to the registered voters of the city the opportunity to vote  
566 early, in person, on weekdays during the week preceding the regular city election and on the  
567 Saturday preceding the regular city election.

568 Section 7-2. Preliminary election.

569 (a) Signature requirements. The number of signatures of voters required to place the  
570 name of a candidate on the official ballot to be used at a preliminary election shall be not less  
571 than 50 for the offices of: (i) councilor-at-large; (ii) at-large school committee member; (iii)  
572 district councilor; and (iv) district school committee member.

573 (b) Ballot position. The order in which names of candidates appear on the ballot for  
574 each office shall be determined by a drawing by lot which shall be conducted by the city clerk in  
575 the presence of the candidates or their representatives who choose to attend such drawings. The  
576 city clerk shall provide notice to the candidates of their ballot position.

577 (c) Determination of candidates for election. At a preliminary election, the 2 persons  
578 receiving the highest number of votes for nomination for an office shall be the sole candidates  
579 for that office whose names shall be printed in the official ballot to be used at the regular election

580 at which such office is to be filled and no acceptance of a nomination at a preliminary election  
581 shall be necessary to assure its validity.

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

586 If the preliminary election results in a tie vote among candidates for nomination receiving  
587 the lowest number of votes which but, for such tie vote. would entitle a candidate receiving the  
588 same to have such candidate's name printed upon the official ballot for the election, all  
589 candidates participating in such tie vote shall have their names printed upon the official ballot  
590 notwithstanding that there will be printed on such ballots the names of candidates exceeding  
591 twice the number to be elected.

592 (d) Nomination of candidates. If at the expiration of the time for filing petitions of  
593 candidates to be voted for at any preliminary election, not more than twice as many such  
594 petitions have been filed with the city clerk for an office as are to be elected to such office, the  
595 candidates whose petitions have thus been filed shall be deemed to have been nominated to that  
596 office and their names shall be voted on for such office at the succeeding regular election and the  
597 city clerk shall not print those names on the ballot to be used at the preliminary election and no  
598 other nomination to that office shall be made.

599 Section 7-3. General elections.

600 (a) Information to voters. If a candidate in a regular city election is an incumbent of  
601 the office to which the candidate seeks election, there shall appear next to the candidate's name  
602 the words "candidate for re-election."

603 (b) Ballot position. The order in which names of candidates appear on the ballot for  
604 each office in a regular city election shall be determined by a drawing by lot conducted by the  
605 city clerk in the presence of the candidates or their representatives as may choose to attend. The  
606 city clerk shall provide notice to the candidates of their ballot position.

607 Section 7-4. Districts.

608 The territory of the city shall be divided into districts so established as to consist of as  
609 nearly an equal a number of inhabitants as is possible in compact and contiguous territory;  
610 bounded insofar as possible by the center line of known streets or ways or by other well-defined  
611 limits.

612 Section 7-5. Application of state law.

613 Except as expressly provided in this charter and as authorized by the laws of the  
614 commonwealth, all city elections shall be governed by the laws of the commonwealth relating to  
615 the right to vote, the registration of voters, the nomination of candidates, the conduct of  
616 preliminary and regular elections, the submission of charter amendments and other propositions,  
617 the counting of votes and the declaration of results.

618 PART VIII. CITIZEN PARTICIPATION MECHANISMS

619 Section 8-1. Free petition.

620           The city council or the school committee, as the case may be, shall hold a public hearing  
621 and act with respect to every petition which is addressed to it, which is signed by at least 150  
622 voters and which seeks the passage of a measure. The hearing shall be held by the city council or  
623 the school committee or, in either case, by a committee or subcommittee thereof and the action  
624 by the city council or the school committee shall be taken not later than 6 weeks after the petition  
625 is filed with the clerk of the city council or the secretary of the school committee, as appropriate.  
626 Hearings on multiple petitions filed under this section may be held at the same time and place.  
627 The clerk of the city council or the secretary of the school committee shall mail notice of the  
628 hearing to the 10 persons whose names appear first on the petition not less than 7 days prior to  
629 the hearing. Notice by publication of all such hearings shall be at public expense.

630           Section 8-2. Citizen initiative measures.

631           (a)     Commencement of proceedings. Initiative procedures shall be commenced by the  
632 filing of an initiative petition with the city clerk. The petition shall be addressed to the city  
633 council or the school committee, shall contain a request for passage of a particular measure set  
634 forth in the petition and shall be signed by not less than 20 percent of the total number of voters.

635           Signatures to initiative petitions need not be all on a single paper. All such papers  
636 pertaining to any 1 measure shall be fastened together and shall be filed in the office of the city  
637 clerk as 1 instrument, with the endorsement thereon of the names and addresses of the persons  
638 designated as filing the same. With each signature to the petition, there shall be stated the place  
639 of residence of the signer, including the street and number, if any.

640           Within 10 days of the filing of a petition, the registrars of voters shall ascertain by what  
641 number of voters the petition is signed and shall attach thereto their certificate showing the result  
642 of such examination.

643           The city clerk shall forthwith transmit the certificate with petition to the city council or to  
644 the school committee, as appropriate, and at the same time shall send a copy of the certificate to  
645 the persons designated on the petition as filing the same.

646           When such certificate has been so transmitted, the petition shall be deemed to be valid  
647 unless written objections are made with regard to the signatures thereon by a voter within 48  
648 hours after such certification by filing such objections with the city council or the school  
649 committee and delivering a copy thereof to the registrars of voters. Any such objection shall be  
650 determined forthwith.

651           (b)     Referral to city solicitor. If the city clerk determines that a sufficient number of  
652 signers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.

653           Within 15 days after receipt by the city solicitor of the petition, the city solicitor shall  
654 advise the city clerk in writing whether the measure may be proposed by initiative petition and  
655 whether it may be lawfully passed by the city council or the school committee, as the case may  
656 be. If in the opinion of the city solicitor the measure may not lawfully be passed, the city solicitor  
657 shall state any reasons therefor in the reply. The city clerk shall forthwith furnish a copy of the  
658 city solicitor's opinion to the persons designated on the petition as filing the same.

659           (c)     Initiative petition; requirements for passage and submission to electorate. If an  
660 initiative petition is signed by voters equal in number to not less than 20 percent of the total  
661 number of voters and in the opinion of the city solicitor the measure may be lawfully passed by



662 the city council or school committee, then, within 30 days after the date of a certificate certifying  
663 such information to the registrars:

664 (i) the city council or school committee, as appropriate, may pass the measure  
665 without alteration, subject to the referendum vote as provided in this charter; or

666 (ii) the city council shall call a special election to be held at a date fixed by it not less  
667 than 60 days after the date of the certificate referenced herein and shall submit the proposed  
668 measure without alteration to the voters at that election; provided, however, that if a city election  
669 is otherwise to occur within 120 days after the date of the certificate, the city council may, at its  
670 discretion, omit the calling of a special election and submit the proposed measure to the voters at  
671 the upcoming election.

672 The ballots used when voting upon a proposed measure under this section shall state the  
673 nature of the measure in terms sufficient to show the substance thereof.

674 (d) Ballot question. The ballots used when voting upon a proposed measure under  
675 this section shall state the nature of the measure in terms sufficient to show the substance thereof  
676 by preparation of a fair, concise summary by the city solicitor and approved by the registrars of  
677 voters.

678 The full text of the measure shall be published in a least 1 newspaper of general  
679 circulation in the city at least 7 days before the election at which the question shall appear on the  
680 ballot.

681 The ballot used when voting upon a proposed measure under this section shall contain the  
682 question in substantially the following form:

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

684 (Text of measure summary)

685 YES \_\_\_\_\_ NO \_\_\_\_\_

686 If a majority of the votes cast on the question is in the affirmative, the measure shall take  
687 effect forthwith unless a later date is specified in the measure.

688 Section 8-3. Citizen referendum procedures.

689 If, within 10 days after the final passage of a measure, a petition, signed by the voters  
690 equal in number to at least 5 per cent of the total number of voters in the city and addressed to the  
691 city council or to the school committee, as the case may be, protesting against such measure or  
692 any part thereof taking effect, is filed with the city clerk, the same shall be suspended from  
693 taking effect and the city council or the school committee, as the case may be, shall immediately  
694 reconsider such measure or part thereof. If such measure or part thereof is not entirely rescinded,  
695 the city council shall submit the same, by the method herein provided, to the voters either at the  
696 next regular city election or at a special election which may, in its discretion, be called for that  
697 purpose and such measure or part thereof shall forthwith become null and void unless a majority  
698 of the voters voting on the same at such election vote in favor thereof. The referendum petition,  
699 as described in this section and subsection (a) of section 8-2 shall apply to the procedure in  
700 respect thereto, except that the words "measure or part thereof protested against" shall, for this  
701 purpose, mean "measure" in said section whenever it may occur and "referendum" shall mean  
702 "initiative" in said section.

703 Section 8-4. Required voter participation.

704 For any measure to be effective under initiative or referendum procedures, at least 30 per  
705 cent of the voters shall vote at an election upon which an initiative or referendum question is  
706 submitted to the voters.

707 Section 8-5. Measures not subject to initiative and referendum.

708 The following matter shall not be proper subjects of initiative and referendum  
709 procedures:

- 710 (i) revenue loan orders;
- 711 (ii) appropriations for the payment of debt or debt service;
- 712 (iii) internal operational procedures of the city council and the school committee;
- 713 (iv) emergency measures;
- 714 (v) the city budget or any appropriation contained therein;
- 715 (vi) the school committee budget or any appropriation contained therein;
- 716 (vii) the capital improvements program or any items contained therein;
- 717 (viii) appropriation of funds to implement a collective bargaining agreement;
- 718 (ix) procedures relating to elections or to the appointment, removal, discharge or other  
719 personnel action; and
- 720 (x) proceedings providing for the submission or referral of a measure to the voters at  
721 an election.

722 Section 8-6. Submission of proposed measure to voters.

723           The city council may, on its own motion, and shall, upon request of the school committee  
724 if a measure originates with that committee and pertains to the affairs under its administration,  
725 submit to the voters for adoption or rejection at a general or special city election any proposed  
726 measure or a proposition for the repeal or amendment of any measure in the same manner and  
727 with the same force and effect as are hereby provided for submission on petition.

728           Section 8-7. Measures with conflicting provisions.

729           If multiple proposed measures are passed at the same election and contain conflicting  
730 provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.

731           Section 8-8. Recall of elected officials.

732           (a)    Application. Any person who holds an elected city office with more than 6  
733 months remaining in the term of office at the time of the filing of the affidavit may be recalled  
734 from the office by the voters in the manner provided in this section. No recall petition shall be  
735 filed against an elected official within 6 months after taking office.

736           (b)    Recall petitions. A recall affidavit signed by at least 300 voters for any official  
737 elected at large and by at least 100 voters for any officer elected by district may be filed with the  
738 city clerk and shall contain the name of the elected official whose recall is sought and a  
739 statement of the grounds for such recall. The board of registrars of voters shall certify the  
740 petition with regard to the sufficiency and validity of the signatures of voters thereon and, within  
741 5 days following the filing, the city clerk shall deliver to the first 10 persons named on the  
742 petition, petition blanks demanding the recall, printed forms of which the city clerk shall keep  
743 available. The blanks: (i) may be completed by printing or typing; (ii) shall be addressed to the  
744 city council; (iii) shall contain the names of the 10 persons to whom they are issued and the

745 grounds for the recall as stated in the affidavit; and (iv) shall be dated and signed by the city  
746 clerk. A copy of the petition shall be entered into the records kept in the office of the city clerk.

747         The recall petition shall be returned to the office of the city clerk within 20 days  
748 following the date they are issued, signed by at least 20 per cent of the total number of persons  
749 who voted at the most recent municipal election for officials elected at large and, for officials  
750 elected by district, signed by at least 20 per cent of the total number of persons who voted at the  
751 most recent municipal election from the district in which the official sought to be recalled  
752 represents.

753         The city clerk shall forthwith submit the petition to the registrars of voters and the  
754 registrars shall, within 5 days, certify thereon the names of the registered voters of the city or  
755 from the district represented by the official sought to be recalled.

756         (c)     Recall election. If the petition shall be found and certified by the city clerk to be  
757 sufficient, the city clerk shall submit the same with such certificate to the city council within 5  
758 days and the city council shall forthwith give written notice of the receipt of the certificate to the  
759 official sought to be recalled and shall, if the official does not resign within 5 days thereafter,  
760 order an election to be held on a date fixed by the city council not less than 60 days after the date  
761 of the city clerk's certificate; provided, however, that if a city election is otherwise to occur  
762 within 120 days after the date of the certificate, the city council may, at its discretion, omit the  
763 calling of a special election and submit the proposed recall to the voters at such approaching  
764 election. The recall election for any official elected by district shall only be held in the district  
765 that the official represents.

766           If a vacancy occurs in an office after a recall election has been ordered, the election shall  
767 not proceed as provided in this section.

768           (d)     Office holder. The incumbent shall continue to perform the duties of the office  
769 until the recall election. If the incumbent is not recalled, the incumbent shall continue in office  
770 for the remainder of the unexpired term subject to recall as before. If recalled, the official shall  
771 be deemed removed and the office vacant. The vacancy created thereby shall be filled in  
772 accordance with this charter. Any person appointed to fill the vacancy caused by such recall shall  
773 hold office for the remainder of the unexpired term of the official recalled.

774           (e)     Ballot question. The form of the question to be voted upon shall be substantially  
775 as follows:

776           "Shall - here insert the name and title of the elected official whose recall is sought - be  
777 recalled?" If a majority of the votes cast upon the question of recall is in the affirmative, such  
778 elected official shall be recalled.

779           No recall election shall be effective unless at least 40 per cent of those entitled to vote  
780 shall have voted.

781           (f)     Repeat of recall. In the case of an official subjected to a recall election who is not  
782 recalled thereby, no recall petition shall be filed against such official until at least 60 days after  
783 the election at which the official's recall was submitted to the voters of the city.

784           (g)     Office holder recalled. No person recalled from office or who has resigned from  
785 office while recall proceedings were pending against such person shall be appointed to any office  
786 or employment under the city within 2 years after such recall or resignation.

787 PART IX. GENERAL PROVISIONS

788 Section 9-1. Revision or amendment of act.

789 This charter may be replaced, revised or amended in accordance with any procedure  
790 made available under Article LXXXIX of the amendments to the constitution of the  
791 Commonwealth and the laws of the commonwealth enacted to implement said Article LXXXIX  
792 of the Amendments to the Constitution.

793 Section 9-2. Rules of interpretation.

794 The following rules shall apply when interpreting this charter:

795 (i) to the extent that any specific provision of the charter shall conflict with any  
796 provision expressed in general terms, the specific provision of this charter shall prevail.

797 (ii) in computing time under this charter, if the time period 7 days or less, only  
798 business days, not including Saturdays, Sundays and legal holidays, shall be counted; provided,  
799 however, that if time period is for more than 7 days, every day shall be counted.

800 Section 9-3. Definitions.

801 As used in this charter the following words shall have the following meanings unless the  
802 context clearly requires otherwise:

803 (a) "Charter", this charter and any amendments to it made through any methods  
804 provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

805 (b) "City", the city of Chelsea.

806 (c) "City agency or agency", any board, commission, committee, department or office  
807 of city government, whether elected, appointed or otherwise constituted.

808 (d) "City bulletin board", the bulletin board located outside the office of the city  
809 clerk.

810 (e) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or  
811 condition which necessitates immediate action.

812 (f) "Majority vote", a majority of those present and voting if a quorum is present  
813 when a vote is taken, unless a higher number is required by law, this charter or by the city  
814 council's rules.

815 (g) "Multiple-member body", any board, commission or committee, except advisory  
816 bodies, appointed by the city manager.

817 (i) "Relocate from the district", change a person's place of regular domicile to a  
818 location that is outside the territorial limits of the district.

819 (j) "Relocate from the city", change a person's place of regular domicile to a location  
820 that is outside the territorial limits of the city.

821 (h) "Resident", an inhabitant of the city.

822 (k) "Voters", registered voters of the city as defined by the laws of the  
823 commonwealth including, but not limited to, the residency, age and citizenship requirements of  
824 voters.

825 Section 9-4. Inspection of documents.



826 All documents cited in this charter as available for public inspection shall be maintained  
827 in the office of the city clerk and in the Chelsea public library. The city clerk shall provide copies  
828 of documents to the Chelsea public library.

829 Section 9-5. Multiple-member bodies.

830 (a) Multiple-member bodies; composition; terms of office. Except as otherwise  
831 provided by this charter, all multiple-member bodies shall consist of at least 3 members  
832 appointed for terms of 3 years each, so arranged that the term of 1/3 of the members, or as nearly  
833 that number as may be possible, shall expire each year. All members of multiple-member bodies  
834 shall take the oath of office within 4 weeks after their appointment and shall take the oath of  
835 office prior to entering upon the duties of their office. Unless a member of a multiple-member  
836 body serves by virtue of office or employment, all members thereof shall be residents of the city.  
837 This residency requirement may be waived upon the recommendation of the city manager and  
838 the approval of the city council.

839 (b) Method of appointment. All appointments to multiple-member bodies shall  
840 become effective in accordance with section 4-2.

841 Any official appointed to serve on a multiple-member body may be removed from office  
842 by the city manager for such cause as the city manager deems sufficient and such cause shall be  
843 stated in the order of removal. A member of a multiple-member body shall be deemed to have  
844 vacated office if the member fails to attend regularly-scheduled meetings for 3 consecutive  
845 months without express leave from the chair of such multiple-member body or if such member is  
846 absent from such duties for the period of 1 year notwithstanding the permission from the chair to  
847 be absent. A member of a multiple-member body shall be deemed to have vacated office if the

848 member is finally convicted of a felony and shall not be eligible to serve in any other elected or  
849 appointed office or position under the city.

850 (c) Uniform procedures applicable to multiple-member bodies. In order to acquaint  
851 new members of multiple-member bodies with the affairs under the jurisdiction of that body, the  
852 chair of each such multiple-member body shall make available to each new member the minutes  
853 of the meetings of the 2 prior years and copies of any applicable laws and rules and regulations  
854 governing that multiple-member body.

855 All multiple-member bodies shall meet regularly at such times and places as they shall  
856 determine unless some other provision is made by administrative order. Special meetings of a  
857 multiple-member body shall be held on the call of the chair or by a majority of its members, by  
858 written notice delivered in hand or to the place of residence of each member which specifies the  
859 matters to be acted upon. Except in the case of any emergency, all notices shall be delivered at  
860 least 48 hours in advance of the time set for such meeting. A copy of the notice shall forthwith be  
861 posted upon the city bulletin board.

862 Each multiple-member body shall determine its own rules of order of business unless  
863 another provision is made by administrative order. Each multiple-member body shall provide for  
864 the keeping of a journal of its proceedings. Such rules and journals shall be available for public  
865 inspection.

866 If requested by a member, a vote of a multiple-member body shall be taken by a call of  
867 the roll and the vote shall be recorded in the journal; provided, however, if the vote is  
868 unanimous, only that fact need be recorded.

869 A majority of the members of a multiple-member body shall constitute a quorum but a  
870 smaller number may meet and adjourn from time to time.

871 (d) Notice of vacancies. If a vacancy occurs on a multiple-member body, whether by  
872 death, resignation, relocation from the city, removal by the city manager or the pending  
873 expiration of a term for which a person has been appointed, public notice of the vacancy or  
874 pending expiration of the term shall be given by publication in at least 1 newspaper of general  
875 circulation in the city, by title, length of term, brief description of duties and a general indication  
876 of the qualifications desired of candidates. Such notice shall state the time during which persons  
877 who desire to be considered for appointment to any such office shall file a statement of interest  
878 and to whom such statement of interest shall be filed and shall indicate the form in which such  
879 applications shall be made. A copy of all such notices shall be posted on the city bulletin board  
880 and in 1 or more public places within the city.

881 Section 9-6. Disqualification from office.

882 A person who has been finally convicted of a felony under a state or federal law shall not  
883 be eligible to petition for or serve in any elected or appointed office or position under the city.

884 Section 9-7. Charter review.

885 In every year ending in zero, the city council shall establish a charter review committee  
886 consisting of members of the city council, the school committee and residents of the city to  
887 examine and review the charter and report to the city council its findings, conclusions and  
888 recommendations.

889 Section 9-8. Reenactment and publication of ordinances.

890 In the year following the initial charter review pursuant to section 9-7 and at 5-year  
891 intervals thereafter, the city council shall cause to be prepared a proposed revision or  
892 recodification of all city ordinances which shall be submitted to the city council for reenactment.  
893 The city council shall adopt the proposed revision or recodification with or without amendment  
894 prior to the expiration of the calendar year in which it is submitted to the council. Such revision  
895 or recodification shall be prepared under the supervision of the city solicitor, or, if the city  
896 council so directs, by special counsel retained for such purpose. Copies of the revised or  
897 recodified ordinances shall be made available for distribution; provided, however, that a fee of  
898 not more than the actual cost per copy of reproduction may be charged.

899 In each year between such reenactments, an annual supplement shall be published in at  
900 least 1 newspaper of general circulation in the city which shall contain all ordinances and  
901 amendments to ordinances adopted in the preceding year.

## 902 PART X. TRANSITION PROVISIONS

903 Section 10-1. Continuation of existing laws.

904 All ordinances, resolutions, rules, regulations and votes of the city council and all  
905 administrative orders adopted by the receiver which are in force at the time this charter is  
906 adopted, consistent with this charter, shall continue in full force until amended or repealed.

907 If any provision of this charter conflicts with any city ordinance, rule, regulation, order,  
908 special act or local acceptances of a General Law, the provision of this charter shall govern. All  
909 city ordinances, rules, regulations, orders and administrative orders of the receiver not  
910 superseded by this charter shall remain in force.

911 Section 10-2. Continuation of obligations.

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

918 SECTION 3. This act shall take effect upon its passage.