HOUSE DOCKET, NO. 4714 FILED ON: 5/15/2025

HOUSE . . . . . No. 4149

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

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

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

An Act relative to the charter in the city of Lynn.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Daniel Cahill	*10th Essex*	*5/15/2025*

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HOUSE . . . . . No. 4149

By Representative Cahill of Lynn, a petition (accompanied by bill, House, No. 4149) of Daniel Cahill (with the approval of the mayor and city council) relative to the charter in the city of Lynn. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the charter in the city of Lynn.

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

SECTION 1. The following shall be the charter for the city of Lynn:

AN ACT REVISING THE CHARTER OF THE CITY OF LYNN

PREAMBLE

We, the people of the city of Lynn, under the constitution and laws of the Commonwealth of Massachusetts, in order to secure the benefits of local self-government and to provide for an honest and accountable local government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, encourage the passage of knowledge between administrations which will aid in strong political leadership, public engagement, diversity, inclusiveness, and regional cooperation.

12 ARTICLE 1

13 INCORPORATION, FORM OF GOVERNMENT AND POWERS OF THE CITY

14 Section 1-1 Incorporation

15 The inhabitants of the city of Lynn within the territorial limits established by law, shall
16 continue to be a body corporate and politic under the name "City of Lynn. "

17 Section 1-2 Short Title

18 This instrument shall be known and may be cited as the Lynn Special Act Charter.

19 Section 1-3 Division of Powers

20 The administration of the fiscal, prudential, and municipal affairs of the city, with the
21 government thereof, shall be vested in an executive branch, to consist of the mayor, and a
22 legislative branch, to consist of the city council. The executive branch shall never exercise any
23 legislative power, and the legislative branch shall never exercise any executive power.

24 Section 1-4 Powers of the City

25 Subject only to express limitations on the exercise of any power or function by a city in
26 the constitution or statutes of the commonwealth, it is the intent and the purpose of the voters of
27 Lynn, through the adoption of the charter to secure for the city all powers it is possible to secure
28 under the constitution and statutes of the commonwealth, as fully and as completely as though
29 each such power were specifically and individually enumerated herein.

30 Section 1-5 Construction

The powers of the city under the charter are to be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in Section 1-4.

Section 1-6 Intergovernmental Relations

Subject only to express limitations in the constitution or statutes of the commonwealth, the city may exercise any of its powers or perform any function, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any political subdivision, or agency thereof or the United States government or agency thereof.

Section 1-7 Definitions

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

(a) Charter — The word "charter" shall mean this charter and any amendment to it hereafter adopted.

(b) City — the word "city" shall mean the city of Lynn.

(c) City agency — The words "city agency" shall mean any board, commission, committee or other multiple member body, department, division of office of the city.

(d) City officer — The words "city officer" when used without further qualification or description, shall mean a person in charge of a department of the city who in the exercise of the duties of his office exercises some portion of the sovereign power, whether great or small.

50 (e) City website — The words "city website" shall mean a set of related web pages
51 located under a single domain name, produced by the body corporate and politic of the city of
52 Lynn.

53 (f) Emergency — The word "emergency" shall mean a sudden, unexpected,
54 unforeseen happening, occurrence, condition which necessitates immediate action.

55 (g) Full council — The words "full council" shall mean the entire authorized
56 complement of the city council notwithstanding any vacancies which might exist.

57 (h) general laws — The words "general laws" (all lower case letters) shall mean laws
58 enacted by the state legislature which apply alike to all cities and towns, to all cities or to a class
59 of cities and towns of which the city of Lynn is a member.

60 (i) General Laws — The words "General Laws" (initial letter of each word in capital
61 letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and
62 revision of statutes enacted on December 22, 1920, and including all amendments thereto
63 subsequently adopted.

64 (j) Initiative measure — The words "initiative measure" shall mean a measure
65 proposed by initiative procedures under this charter.

66 (k) Local newspaper — The words "local newspaper" shall mean a newspaper of
67 general circulation within the city of Lynn.

68 (l) Majority vote — The words "majority vote" shall mean a majority of the full
69 complement of the city council, school committee or other multiple member body.

(m) Measure — The word "measure" shall mean an ordinance adopted or which could be adopted by the city council, or an order, resolution, vote or other proceeding adopted or which could be adopted by the city council or the school committee.

(n) Multiple member body — The words "multiple member body" shall mean any body consisting of 2 or more members, whether elected, appointed or otherwise constituted, but not including the city council or school committee.

(o) Referendum measure — The words "referendum measure" shall mean a measure protested by the referendum procedures under this charter.

(p) Voters — The word "voters" shall mean registered voters of the city of Lynn.

ARTICLE 2

LEGISLATIVE BRANCH

Section 2-1 Composition; Eligibility; Election and Term

(a) Composition— There shall be a city council consisting of 11 members which shall exercise the legislative powers of the city. 4 of these members, to be known as councilors at-large, are to be nominated and elected by and from the voters of the entire city. 7 of the members, to be known as ward councilors, are to be nominated and elected by and from the voters of 7 city wards, 1 ward councilor to be elected from each such ward.

(b) Eligibility — Any voter shall be eligible to hold the office of councilor. A ward councilor, notwithstanding their removal from 1 ward in the city to another during the term for which they were elected, may continue to serve and to perform their duties until the expiration of the term for which they were elected.

91 (c) Election and term — The term of office for councilors shall be for 2 years
92 beginning the first business day of January following their election and until their successors are
93 qualified.

94 Section 2-2 Presiding Officer

95 The city council shall, annually on the first business day in January, meet for the purpose
96 of organization. They shall be called together by the city clerk, or in the absence of the city clerk
97 by the member present senior in years of service, who shall preside. The city council shall then
98 elect, from among its members, by separate roll call votes, a president and vice-president. A
99 majority vote of the full council shall be necessary for such election. No other business shall be
100 in order until such officers are elected. The president shall preside at all meetings of the city
101 council, regulate the proceedings, and decide all questions of order. They shall have such other
102 powers and duties as may be provided by the charter, by ordinance or by vote of the city council.
103 They shall have the same right to vote as any other city councilor. In the event of the absence of
104 the president, the vice-president shall act as president.

105 Section 2-3 Compensation

106 The city council shall, by ordinance, establish an annual salary for its members. No
107 ordinance increasing such salary shall be effective, however, unless it shall have been adopted
108 during the first 18 months of the term for which councilors are elected and it provides that such
109 salary is to be effective at the commencement of the term of office of the next city council to be
110 elected.

111 Section 2-4 Prohibitions

112 (a) Appointment after expiration of term — No city councilor shall hold any
113 compensated appointive city office or city employment during their term and until 1 year
114 following the expiration of the term for which they were elected unless waived by a 2/3 vote of
115 the full city council. This provision shall not prohibit a city officer or city employee who has
116 taken a leave of absence from such office or employment from resuming their duties as such
117 following service as a city councilor.

118 (b) Interference in administration — Except as may be otherwise authorized by the
119 charter, no member of the city council, nor any committee of the city council, shall directly take
120 part in the conduct of the administrative business of the city.

121 Section 2-5 Exercise of Powers; Quorum; Rules of Procedure

122 (a) Exercise of powers — Except as otherwise provided by law or the charter, the
123 legislative powers of the city council may be exercised in a manner determined by it.

124 (b) Quorum — A majority of the city council shall constitute a quorum. The
125 affirmative vote of a majority of the full council shall be necessary to adopt any motion,
126 resolution, order or other vote, except as otherwise provided by the charter, or law.

127 (c) Rules of procedure — The city council shall establish rules for its proceedings,
128 including the following:

129 (i) Regular meetings of the council shall be held at a time and place fixed by
130 ordinance.

131 Special meetings of the city council shall be held at the call of the mayor, as
132 provided in section 3-5, on the call of the president of the city council, or on the call of any 3 or

133 more members, by written notice delivered via electronic mail at least 48 hours in advance of the
134 time set, and which includes notice of the subjects to be acted upon.

135 (ii) Except as may be otherwise authorized by law, all sessions of the city council,
136 and any committee thereof, shall be open to the public.

137 (iii) Every issue which comes before the city council requiring planning or the
138 selection of a course of action shall be put to a vote, the result of which shall be recorded.

139 (iv) A full, accurate, up-to-date record of the proceedings of the city council shall be
140 kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

141 Section 2-6 Council Access to Information

142 (a) In general — The city council may make investigations into the affairs of the city
143 and into the conduct and performance of any city agency.

144 (b) City officers, members of city agencies, employees — The city council may
145 require any city officer, member of a city agency or city employee to appear before it to give any
146 information that the city council may require in relation to the municipal services, functions,
147 powers, or duties which are within the scope of responsibility of that person. This section shall
148 not apply to school officials or employees.

149 (c) Mayor — The city council may require the mayor to provide specific information
150 to it on any matter within the jurisdiction of the city council. The city council may require the
151 mayor to appear before it, in person, to provide specific information on the conduct of any aspect
152 of the business of the city. The mayor may bring to such a meeting any city officer or employee
153 the mayor may deem necessary to assist in responding to the questions posed by the city council.

154 (d) Notice — The city council shall give a minimum of 7 days' notice to any person it
155 may require to appear before it under the provisions of this section. The notice shall include
156 specific questions on which the city council seeks information, and no person called to appear
157 before the city council under this section shall be required to respond to any question not relevant
158 or related to those presented in advance and in writing.

159 Section 2-7 Appointments of the City Council

160 (a) City clerk — The city council shall, by a majority vote of the full city council,
161 appoint a city clerk who shall serve for a 5-year term. Any vacancy in the office of city clerk
162 shall be filled in a like manner for the remainder of the expired term. The city clerk shall receive
163 such compensation as the city council may determine. The city clerk shall keep full and accurate
164 records of the proceedings of the city council and perform such other duties as prescribed by the
165 general laws, by this charter or by ordinance. In the absence of the city clerk, the assistant city
166 clerk shall perform the duties of the city clerk and shall perform such other duties as prescribed
167 by the city clerk or by ordinance.

168 (b) Clerk of committees — The city council shall biennially in January of the year
169 following a municipal election vote, by a majority vote of the full city council, elect a clerk of
170 committees, who shall hold office for 2 years, from no later than the first day of March in the
171 year of their election, and until a successor is qualified, unless sooner removed. The clerk of
172 committees shall receive such compensation as the city council may determine. The clerk of
173 committees shall keep full and accurate records of the proceedings of the several committees of
174 the city council and shall perform such other duties as may be required of the clerk of
175 committees by the city council.

176 (c) Other personnel — Subject to appropriation, the city council may employ such
177 other personnel as it deems necessary which shall include 1 attorney on the staff of the city
178 solicitor's office.

179 Section 2-8 Appointments to City Offices

180 The mayor shall submit to the city council the names of all persons they desire to appoint
181 to any city office, as a department head or as a member of a multiple-member body, except a
182 position which is covered by the state civil service law. The city council shall refer all such
183 names as are submitted to a standing committee which shall investigate all such candidates for
184 confirmation and make a report with recommendations to the full city council not less than 7 nor
185 more than 21 days following such referral. If the city council has taken no other action, said
186 appointments shall become effective 30 days after the date the name was received by the city
187 council.

188 Section 2-9 Ordinances and Other Measures

189 (a) Measures — No measure, except resolutions and other votes constituting
190 ordinary, routine matters, shall be passed finally on the date on which they are introduced, except
191 in the case of an emergency. Except as otherwise provided by the charter, every adopted measure
192 shall become effective at the expiration of 30 days after adoption or at any other date specified
193 therein. No ordinance shall be amended or repealed except by another ordinance adopted in
194 accordance with the charter, or as provided in the initiative and referendum procedures.

195 (b) Emergency measures — An emergency measure shall be introduced in the form
196 and manner prescribed for measures generally except that it shall be plainly designated as an
197 emergency measure and shall contain statements after the enacting clause declaring that an

198 emergency exists and describing its scope and nature in clear and specific terms. A preamble
199 which declares and defines the emergency shall be separately voted on and shall require the
200 affirmative vote of 2/3 of the full city council. An emergency measure may be passed with or
201 without amendment or rejected at the meeting at which it is introduced. No measure making a
202 grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege shall
203 be passed as an emergency measure, and except as provided by the laws of the commonwealth,
204 no such grant, renewal or extension shall be made otherwise than by ordinance. An emergency
205 measure shall become effective upon adoption or at such later time as it may specify.

206 Section 2-10 Filling of Vacancies

207 If a vacancy occurs in the office of city councilor, whether by failure to elect or
208 otherwise, the remaining councilors shall, within 30 days following the date of such vacancy, act
209 to fill said vacancy. The city council shall fill the vacancy for the remainder of the unexpired
210 term by choosing the defeated candidate receiving the most votes for said seat from the last
211 regular city election; provided, however, that said defeated candidate shall have received at least
212 20 percent of the total ballots cast for the seat being vacated. For the purpose of this section, the
213 20 percent minimum threshold shall be calculated as a ratio of ballots cast for the particular
214 office being vacated to votes obtained by said defeated candidate. If there was no other candidate
215 for said office or said defeated candidate shall not have received at least 20 percent of the total
216 ballots cast, the city council shall at its discretion choose an individual, who may be the defeated
217 candidate, from among the voters entitled to vote for such office to serve for the remainder of the
218 unexpired term. In such an instance, the city clerk shall post notice of the vacancy at least 14
219 days prior to the meeting at which the council shall act to fill the vacancy. Any person so chosen
220 shall take the oath of office and commence to serve forthwith. Persons serving as councilor under

221 this section shall not be entitled to have the words "candidate for re-election" printed against
222 their names on the election ballot. No vacancy shall be filled, in the manner herein provided, if a
223 regular city election is to be held within 90 days following the date the vacancy is declared to
224 exist.

225 ARTICLE 3

226 EXECUTIVE BRANCH

227 Section 3-1 Mayor—Qualifications; Term of Office; Compensation

228 (a) Mayor, qualifications — The chief executive officer of the city shall be a mayor,
229 elected by and from the qualified voters of the city. Any registered voter shall be eligible to hold
230 the office of mayor. The mayor shall devote their full time to the office and shall not hold any
231 other elective public office, nor shall they actively engage in any other business, occupation, or
232 profession during their service as mayor.

233 (b) Term of office — The term of office of the mayor shall be 4 years beginning on
234 the first business day of January following their election and until their successor is qualified.

235 (c) Compensation — The city council shall by ordinance establish an annual salary
236 for the mayor. No ordinance increasing the salary of the mayor shall be effective unless it shall
237 have been adopted in the first 18 months of the term for which councilors are elected and it
238 provides that such salary is to be effective at the commencement of the next term of office of the
239 mayor.

240 Section 3-2 Executive Powers; Enforcement of Ordinances

The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several city agencies under their general supervision and control. The mayor shall cause the charter, the laws, ordinances, and orders for the government of the city to be enforced and shall cause a record of all their official acts to be kept.

The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law. Each city agency shall furnish the mayor, forthwith upon their request, any information, materials or otherwise as the mayor may request and as the needs of the office and the interest of the city may require.

Section 3-3 Appointments by the Mayor

The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, the city clerk, persons appointed by state officials and persons serving under the city council. All such appointments made by the mayor shall be subject to review by the city council as provided by section 38.

Section 3-4 Temporary Appointments to City Offices

Whenever a vacancy occurs and the needs of the city require that such office be filled, the mayor may designate someone to perform the duties of the office on a temporary basis for no more than 120 days. If necessary, the temporary appointment may be extended by 30 days upon majority vote of the full city council.

Section 3-5 Special Meetings

262 The mayor may at any time call a special meeting of the city council, for any purpose, by
263 causing a notice of such meeting to be delivered via electronic mail to each member of the city
264 council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be
265 delivered at least 48 hours in advance of the time set and shall specify the purpose or purposes
266 for which the meeting is to be held.

267 Section 3-6 Approval of Mayor, Exception (Veto)

268 Every order, ordinance or vote adopted or passed by the city council relative to the affairs
269 of the city, except resolutions, the selection of city officers or employees by the city council and
270 any matters relating to the internal affairs of the city council, shall be presented to the mayor for
271 approval. If the mayor approves of the measure, the mayor shall sign it within 10 days; if the
272 mayor disapproves of the measure, the mayor shall return the measure within 10 days, with the
273 specific reason or reasons for such disapproval attached to it, in writing, to the city council. The
274 city council shall enter the objections of the mayor on its records, and not sooner than 10 days
275 nor later than 30 days from the date of its return to the city council, shall again consider the same
276 measure. If the city council, notwithstanding the disapproval by the mayor, shall again pass the
277 order, ordinance or vote by a 2/3 vote of the full council, it shall then be deemed in force,
278 notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure
279 nor returned it to the city council within 10 days following the date it was presented to the
280 mayor, the measure shall be deemed approved and in force.

281 Section 3-7 Temporary Absence of the Mayor

282 (a) Acting mayor — Whenever the mayor shall be unable to perform the duties of the
283 office by reason of incapacitation or other cause as determined by a 4/5 vote of the full city

284 council, the president of the city council shall be the acting mayor. Should the president of the
285 city council be unable or unwilling to serve, the city council shall forthwith elect 1 of its
286 members to serve as acting mayor.

287 (b) Powers of acting mayor — The acting mayor shall have only those powers of the
288 mayor that are essential to the conduct of the business of the city in an orderly and efficient
289 manner and on which action may not be delayed. The acting mayor shall have no authority to
290 make any permanent appointment or removal of any individual from city service unless the
291 absence of the mayor shall extend beyond 60 days, nor shall an acting mayor approve or
292 disapprove of any measure adopted by the city council unless the time within which the mayor
293 must act expires before the return of the mayor. During any period in which any member of the
294 city council is serving as acting mayor, that councilor shall not vote as a member of the city
295 council.

296 Section 3-8 Vacancy in Office of Mayor

297 (a) Whenever a permanent vacancy occurs in the office of mayor, the process for
298 filling of the vacancy shall be as follows:

299 (b) If a vacancy occurs within the initial 36 months of the term, the city council shall
300 call a special election to be held within 90 days following the date of the vacancy, provided,
301 however, that if the vacancy occurs in a regular municipal election year, the city council may
302 request that the city clerk determine if the election calendar would allow for the filling of the
303 vacancy at the next regular municipal election following such vacancy. Upon receiving the clerk'
304 s determination, the city council may delay the filling of the vacancy until such election
305 notwithstanding that the date of the election may exceed 90 days from the date of the vacancy.

306 The president of the city council shall serve as acting mayor until the vacancy is filled. If the city
307 council president is unwilling or unable to serve, the city council shall elect a councilor to serve
308 as the acting mayor from among its membership. The resulting vacancy on the council shall be
309 filled in the manner provided in section 2-10. Any person serving as the mayor under this section
310 shall receive the compensation then in effect for the position of mayor and shall not vote as a
311 member of the city council. The person elected as mayor shall take office immediately upon
312 certification of the vote and serve for the balance of the remaining term.

313 (c) If a vacancy occurs in the final 12 months of the term, the office of mayor shall be
314 filled as provided in (a) above; provided, however that if the councilor serving as the acting
315 mayor under this section chooses to be a candidate for mayor, they shall not be entitled to have
316 the words "candidate for reelection" printed with that councilor's name on the regular municipal
317 election ballot. The resulting vacancy on the council shall be filled in the manner provided in
318 section 2-10. The person elected as mayor at the regular municipal election shall take office
319 immediately upon certification of the vote and shall serve for the balance of the remaining term
320 as well as the term to which elected.

321 ARTICLE 4

322 SCHOOL COMMITTEE

323 Section 4-1 Composition; Eligibility; Term of Office

324 (a) Composition — The school committee shall consist of the mayor, who shall be
325 chair, and, 6 members elected at large.

326 (b) Eligibility — Any registered voter shall be eligible to hold the office of school
327 committee member.

328 (c) Term of office — The term of office of school committee members shall be for 2
329 years beginning the first business day in January following their election, and until their
330 successors are qualified.

331 Section 4-2 Officers of the School Committee

332 The committee shall organize biennially on the first business day in January, and shall
333 elect 1 of its members vice chair, whose duty it shall be to preside in the absence of the mayor.

334 Section 4-3 Powers and Duties

335 The school committee shall have all powers which are conferred on school committees
336 by general laws and such additional powers and duties as may be provided by the charter, by
337 ordinance, and/or otherwise consistent with the general laws. The powers and duties of the
338 school committee shall include the following:

339 (a) To elect a superintendent of the schools who shall be charged with the
340 administration of the school system, subject only to policy guidelines and directives adopted by
341 the school committee and, upon the recommendation of the superintendent, to establish and
342 appoint assistant or associate superintendents as provided in by law.

343 (b) To make all reasonable rules and regulations for the management of the public
344 school system and for conducting the business of the school committee as may be deemed
345 necessary or desirable.

346 (c) To adopt and to oversee the administration of an annual operating budget for the
347 school department, subject to appropriation by the city council. The school committee shall have
348 general charge of all school buildings and grounds and shall furnish all school buildings with
349 proper fixtures, furniture, and equipment. The school committee shall provide ordinary
350 maintenance of all school buildings and grounds; unless a central municipal maintenance
351 department which may include maintenance of school buildings and grounds is established in
352 accordance with law. Whenever the school committee determines that additional classrooms are
353 necessary to meet the educational needs of the community, at least 1 member of the school
354 committee, or a designee of the school committee, shall serve on the agency, council or
355 committee to which the planning or construction of such new, remodeled or renovated school
356 building is delegated.

357 Section 4-4 Prohibitions

358 (a) Appointment — No member of the school committee, except the mayor, shall
359 hold any compensated appointive city or school office or employment during their term until 1
360 year following the expiration of their term unless waived by a 2/3 vote of the full school
361 committee. This provision shall not prevent a city officer or city employee who has taken a leave
362 of absence from such office or employment from resuming their duties as such following such
363 service as a school committee member.

364 (b) Interference in administration — Except as may be otherwise authorized by the
365 charter, no member of the school committee, nor any subcommittee of the school committee,
366 shall directly take part in the conduct of the administrative businesses of the schools.

367 Section 4-5 Exercise of Powers

368 (a) In general — Unless otherwise provided by general law, or by the charter, the
369 power of the school committee may be exercised in the manner determined by it.

370 (b) Quorum — The presence of 4 members of the school committee shall constitute a
371 quorum. The affirmative votes of 4 members shall be necessary to adopt any order, resolution or
372 other formal vote.

373 (c) Meetings to be public — All meetings of the school committee, and of every
374 subcommittee thereof, shall at all times be open to the public, unless otherwise authorized by
375 law.

376 Section 4-6 Vacancies

377 (a) If a vacancy occurs in the office of school committee, whether by failure to elect
378 or otherwise, the remaining school committee members shall, within 30 days following the date
379 of such vacancy, act to fill said vacancy.

380 (b) The school committee shall fill the vacancy for the remainder of the unexpired
381 term by choosing the defeated candidate receiving the most votes for said seat from the last
382 regular city election; provided, however, that said defeated candidate shall have received at least
383 20 percent of the total ballots cast for the particular seat being vacated. For the purpose of this
384 section, the 20 percent minimum threshold shall be calculated as a ratio of ballots cast for the
385 particular office being vacated to votes obtained by said defeated candidate.

386 (c) Whenever a vacancy occurs on the school committee which cannot meet the
387 provisions as outlined in section 4-6(a), the president of the city council shall, within 30 days
388 following the date of the vacancy, call a joint meeting of the city council and the school

389 committee to fill the vacancy. The city council and school committee shall choose a person to fill
390 the vacancy from among the voters entitled to vote for the office. Persons elected to fill a
391 vacancy by the city council and school committee shall serve only until the next regular city
392 election, when the office shall be filled by the voters. The candidate elected to an office filled by
393 appointment prior to the election shall be sworn to the office immediately to complete the then
394 unexpired term in addition to the term for which they are elected. No vacancy shall be filled
395 under this section if a regular city election is to be held within 90 days following the date the
396 vacancy is declared to exist. Persons serving as school committee members under this section
397 shall not be entitled to have the words "candidate for reelection" printed with that person's name
398 on the election ballot.

399 ARTICLE 5

400 FINANCIAL PROCEDURES

401 Section 5-1 Fiscal Year

402 The fiscal year of the city shall begin on the first day of July and shall end on the last day
403 of June, unless another period is required by general law.

404 Section 5-2 Annual Budget Policy

405 The mayor shall call a joint meeting of the city council and school committee, to include
406 the superintendent of schools, before the commencement of the budget process to review the
407 financial condition of the city, revenue and expenditure forecasts, and other relevant information
408 prepared by the mayor in order to develop a coordinated budget.

409 Section 5-3 Submission of Operating Budget; Budget Message

410 At least 45 days before the beginning of the fiscal year, the mayor shall submit to the city
411 council a proposed operating budget for all city agencies, which shall include the school
412 department, for the ensuing fiscal year with an accompanying budget message and supporting
413 documents. The budget message submitted by the mayor shall explain the operating budget in
414 fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed
415 fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed
416 operating budget and include any major variations from the current operating budget, fiscal
417 policies, revenues and expenditures together with reasons for these changes. The proposed
418 operating budget shall provide a complete fiscal plan of all city funds and activities and shall be
419 in the form the mayor deems desirable. The school budget, as adopted by the school committee,
420 shall be submitted to the mayor at least 30 days before the submission of the proposed operating
421 budget to the city council. The mayor shall notify the school committee of the date by which the
422 proposed budget of the school committee shall be submitted to the mayor. The mayor and the
423 superintendent of schools shall coordinate the dates and times of the school committee's budget
424 process under the General Laws.

425 Section 5-4 Action on the Operating Budget

426 (a) Public hearing — The city council shall publish in 1 or more local newspaper, as
427 well as on the city's website, a notice of the proposed operating budget as submitted by the
428 mayor. The notice shall state (1) the times and places where copies of the entire proposed
429 operating budget are available for inspection by the public, and (2) the date, time and place not
430 less than 14 days after its publication, when a public hearing on the proposed operating budget
431 will be held by the city council.

(b) Adoption of the budget — The city council shall adopt the proposed operating budget, with or without amendments, within 45 days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the general laws. If the city council fails to take action on any item in the proposed operating budget within 45 days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year, and be available for the purposes specified.

Section 5-5 Capital Improvement Program

(a) Submission — The mayor shall submit a capital improvement program to the city council at least 120 days before the start of each fiscal year. The capital improvement program shall include:

(1) a clear and concise general summary of its contents;

(2) a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement;

(3) cost estimates, methods of financing and recommended time schedules for each improvement; and,

(4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised by the mayor with regard

452 to the capital improvements still pending or in the process of being acquired, improved or
453 constructed.

454 (b) Public hearing — The city council shall publish in I or more local newspaper, as
455 well as on the city's website, a notice stating: (1) the times and places where entire copies of the
456 capital improvements program are available for inspection by the public; and, (2) the date, time
457 and place not less than 14 days after such publication, when a public hearing on said plan will be
458 held by the city council.

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

464 Section 5-6 Independent Audit

465 The city council shall annually provide for an outside audit of the books and accounts of
466 the city to be conducted by a certified public accountant, or a firm of certified public
467 accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or
468 any of its officers. The mayor shall both annually provide the city council with a sum of money
469 sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in
470 writing, by the city council, as well as execute the contract for such services. The award of a
471 contract to audit shall be made by the city council on or before September 15 of each year. The
472 clerk of committees shall coordinate the work of the individual or firm selected. The report of the

473 audit shall be filed in final form with the city council not later than March 1 in the year following
474 its award.

475 Section 5-7 Expenditure in Excess of Appropriation

476 Except as otherwise may be provided by law, no official of the city shall knowingly and
477 intentionally expend in any fiscal year any sums in excess of the appropriations, awards, grants
478 or gifts, duly made in accordance with law, or involve the city in any contract for the future
479 payment of money in excess of these appropriations, awards, grants or gifts. It is the intention of
480 this section that Massachusetts General Laws shall be strictly enforced. Any official who violates
481 this section shall be personally liable to the city for any amount so expended to the extent that the
482 city does not recover these amounts from the person to whom the sums were paid.

483 ARTICLE 6

484 ADMINISTRATIVE ORGANIZATION

485 Section 6-1 Organization of City Agencies

486 The organization of the city into operating agencies for the provision of services and the
487 administration of the government may be accomplished only through an administrative order
488 submitted to the city council by the mayor. No administrative order may originate with the city
489 council. The mayor may, subject only to express prohibitions in a general law or this charter,
490 propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish
491 such new city agencies as is deemed necessary, but no function assigned by this charter to a
492 particular city agency may be discontinued or assigned to any other city agency unless this
493 charter specifically so provides. The mayor may prepare and submit to the city council

494 administrative orders that establish operating divisions for the orderly, efficient, or convenient
495 conduct of the business of the city. These administrative orders shall be accompanied by a
496 message from the mayor which explains the benefits expected to ensue and advises the city
497 council if any provision of an administrative order shall require amendments, insertions,
498 revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an
499 administrative order, the city council shall hold 1 or more public hearings on the proposal giving
500 notice by publication in I or more local newspaper, as well as on the city's website, which notice
501 shall describe the scope of the proposal and the time and place at which the public hearing will
502 be held, not less than 7 nor more than 14 days following said publication. An organization or
503 reorganization plan shall become effective at the expiration of 60 days following the date the
504 proposal is submitted to the city council unless the city council shall, by a majority vote, within
505 such period vote to disapprove the plan. The city council may vote only to approve or to
506 disapprove the plan and may not vote to amend or to alter it.

507 Section 6-2 Merit Principles

508 All appointments and promotions of city officers and employees must be made on the
509 basis of merit and fitness demonstrated by examination, past performance or by other evidence
510 of competence and suitability. Each person appointed to fill an office or position shall be a
511 person especially fitted by education, training, and previous work experience to perform the
512 duties of the office or position for which chosen.

513 ARTICLE 7

514 NOMINATIONS AND ELECTIONS

515 Section 7-1 City Elections: Regular, Preliminary

516 The regular city elections shall be held on the first Tuesday following the first Monday in
517 November in each odd-numbered year.

518 On the 4th Tuesday preceding every regular general city election, there shall be held a
519 preliminary election for the purpose of nominating candidates.

520 Section 7-2 Nonpartisan Elections

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

523 Section 7-3 Preliminary Elections

524 (a) Signature Requirements--The number of signatures of voters required to place the
525 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:
526 for the office of mayor not less than five hundred such signatures, not more than one hundred
527 fifty of which shall be from any one ward; for the office of councillor at large, or school
528 committee member not less than three hundred fifty such signatures, not more than one hundred
529 of which shall be from any one ward; for the office of ward councillor not less than one hundred
530 such signatures from the ward."

531 (b) Ballot position — The order in which names of candidates appear on the ballot for
532 each office at the preliminary election shall be determined by a drawing, by lot, conducted by the
533 board of election commissioners which shall be open to the public; such drawing to be held
534 following the certification of nomination papers.

535 (c) Determination of candidates for election —The 2 persons receiving at a
536 preliminary election the highest number of votes for nomination for an office shall be the sole

537 candidates for that office whose names shall be printed on the official ballots to be used at the
538 regular general city election at which such office is to be voted upon, and no acceptance of a
539 nomination shall be necessary to its validity. If 2 or more persons equal in number to twice the
540 number of persons so to be elected receiving at such preliminary election the highest number of
541 votes for nomination for that office shall be the sole candidates for that office whose names shall
542 appear on the official ballot to be used at the regular general city election.

543 If the preliminary election results in a tie vote among candidates for nomination receiving
544 the lowest number of votes which, but for said tie vote, would entitle a candidate receiving the
545 same to have his name printed on the ballot for the election, all candidates participating in the
546 said tie vote shall have their names printed on the official ballot for the said election although in
547 consequence there shall be printed on the said ballots names of candidates to a number exceeding
548 twice the number to be elected.

549 A preliminary election shall be held in the city and in every ward thereof,
550 notwithstanding circumstances under which fewer candidates have filed papers requesting their
551 names to appear on the ballot for nomination than there are offices to fill.

552 Section 7-4 Regular City Election

553 The order in which the names of candidates appear on the ballot for each office shall be
554 determined by a drawing, by lot, conducted by the board of election commissioners which shall
555 be open to the public. Such a drawing shall take place within 7 days following the recording of
556 results of the preliminary election.

557 Section 7-5 Special Election for Mayor

558 Whenever a special election is to be held to fill a vacancy in the office of mayor, as
559 provided in section 3-8, a preliminary election shall also be held 28 days preceding the date
560 established for the said special election. The number of signatures required on nomination papers
561 shall be the same as is provided in section 7-3a.

562 Section 7-6 Wards

563 The territory of the city shall be divided into 7 wards so established as to consist of as
564 nearly an equal number of inhabitants as it is possible to achieve based on compact and
565 contiguous territory, bounded insofar as possible by the center line of known streets or ways or
566 by other well defined limits. Each such ward shall be composed of voting precincts otherwise
567 established in accordance with law. The city council shall from time to time review such wards
568 to ensure their uniformity in number of inhabitants.

569 Section 7-7 Application of State Laws

570 Except as expressly provided in the charter and as authorized by law, all city elections
571 shall be governed by the laws of the commonwealth relating to the right to vote, the registration
572 of voters, the nomination of candidates, the conduct of preliminary, regular and special elections,
573 the submission of charters and charter amendments and other propositions to the voters, the
574 counting of votes, recounts of votes, and the declaration of results.

575 ARTICLE 8

576 VOTER PARTICIPATION MECHANISMS

577 Section 8-1 Petitions to City Council and School Committee

578 The city council or the school committee shall hold a public hearing and shall act finally
579 on every petition which is presented to it, and which is signed by not less than 150 voters. The
580 hearing shall be held by the city council or the school committee, or in either case by a
581 committee or subcommittee thereof, and final action taken with respect thereto, not later than 3
582 months following the date the said petition is filed with the clerk of the council or the secretary
583 of the school committee as may be appropriate. Hearings on 2 or more petitions filed under this
584 section may be held at the same time and place. Notice of the public hearing shall be by
585 publication in 1 or more local newspaper, as well as on the city's website, not less than 7 days
586 prior to such hearing which shall contain a general summary of the subject matter of the petition
587 and the date, time and place at which the hearing will be held. A copy of the said notice shall be
588 mailed to the 10 petitioners whose names first appear on the petition.

589 Section 8-2 Initiative Measures

590 (a) Commencement of proceedings — Initiative procedures shall be started by the
591 filing of an initiative petition with the clerk of the council, or the secretary of the school
592 committee as may be. The petition shall be addressed to the city council or to the school
593 committee, shall contain a request for the passage of a particular measure which shall be set forth
594 in the petition, and shall be signed by at least 300 voters as of the date of the preceding city
595 election, with at least 25 signatures certified from each ward.

596 The petition shall be accompanied by a sworn affidavit signed by 10 voters and
597 containing their residential address stating those voters will constitute the petitioners' committee
598 and be responsible for circulating the petition and filing it in proper form.

599 (b) Referral to city attorney — The city clerk or the secretary of the school committee
600 shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the
601 city attorney. The city attorney shall, within 15 days following receipt of a copy of the petition,
602 in writing, advise the city council or the school committee and the city clerk whether the measure
603 as proposed may lawfully be proposed by the initiative process and whether, in its present form,
604 it may lawfully be adopted by the city council or the school committee. If the opinion of the city
605 attorney is that the measure is not in proper form, the reply shall state the reasons for this
606 opinion, in full. A copy of the opinion of the city attorney shall be mailed to the members of the
607 petitioners' committee.

608 (c) Submission to city clerk - If the city attorney determines that the petition is in a
609 proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall
610 print at the top of each blank form a fair, concise summary of the proposed measure, as
611 determined by the city solicitor, together with the names and addresses of the first 10 voters who
612 signed the originating petition. The city clerk shall notify the petitioners' committee that the
613 blank forms are issued. Within 60 days following the date of the notice, the petition shall be
614 returned and filed with the city clerk signed by at least 10 percent of the total number of
615 registered voters as of the date of the most recent regular city election. Signatures to initiative
616 petitions need not all be on 1 paper. All such papers pertaining to any 1 measure shall, however,
617 be fastened together and shall be filed in the office of the board of election commissioners as 1
618 instrument, with the endorsement thereon of the names and resident addresses of the petitioners'
619 committee, designated as filing the same. With each signature to the petition there shall appear
620 the street and number, if any, of each signer. Within 10 days following the filing of the petition,
621 the board of election commissioners shall ascertain the number of voters that signed the petition

622 and the percentage that number is of the total number of voters as of the date of the most recent
623 regular city election. The registrars of voters shall attach to the petition a certificate showing the
624 results of its examination and shall return the petition to the city clerk or the secretary of the
625 school committee, depending on how the petition is addressed. A copy of the board of election
626 commissioners' certificate shall also be mailed to the members of the petitioners committee.

627 (d) Action on petition— Within 30 days following the date a petition has been
628 returned to the clerk of the council or the secretary of the school committee, by the city attorney
629 which has been certified by the board of election commissioners to contain more than 10 percent
630 of the names of voters as aforesaid, and after publication in accordance with the general laws for
631 charter objections, the city council or the school committee shall act with respect to each
632 initiative petition by passing the initiative measure without change, by passing a measure which
633 is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which
634 is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If
635 the city council or the school committee fails to act with respect to any initiative measure which
636 is presented to it within 30 days following the date it is returned to the clerk of the council or the
637 secretary of the school committee, the measure shall be deemed to have been rejected on such
638 day. If an initiative measure is rejected, the clerk of the council or the secretary of the school
639 committee shall promptly give notice of that fact to the petitioners' committee.

640 (e) Supplemental petitions — Within 45 days following the date notice or rejection of
641 an initiative petition has been given by the clerk of the council or the secretary of the school
642 committee, a supplemental initiative petition addressed to the city council or the school
643 committee may be filed in the office of the board of election commissioners. The supplemental
644 initiative petition shall be signed by a number of additional voters which is at least equal to 5

645 percent of the total number of persons registered to vote as of the date of the preceding regular
646 city election; if the number of signatures to a supplemental initiative petition is deemed to be
647 sufficient by the board of election commissioners, the city council shall call a special election to
648 be held on a Tuesday fixed by it not less than 35 nor more than 90 days following the date of the
649 certificate of the board of election commissioners that a sufficient number of voters had signed
650 the supplemental petition, and shall submit the proposed measure, without alteration, to the
651 voters for determination; provided however, that if any city election is to be held within 120 days
652 following the date of the certificate, the city council may omit calling the special election and
653 cause said question to be submitted to the voters at such approaching election.

654 (f) Publication — The full text of any initiative measure which is to be submitted to
655 the voters shall be published, in full, in 1 or more local newspaper, as well as on the city's
656 website, not less than 7 nor more than 14 days preceding the date of the election at which the
657 question is to appear on the ballot.

658 (g) Form of ballot — The ballots used when voting on a measure proposed by voters
659 under this section shall contain a question in substantially the following form:

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

661 (Text of the measure, or, a fair, concise summary prepared by the petitioners' committee)

662 Yes No

663 (h) Time of taking effect — If a majority of the votes cast on the question, as stated
664 above, is in the affirmative the measure shall be deemed to be effective forthwith, unless a later
665 date is specified in the measure.

666 Section 8-3 Referendum Procedures

667 (a) Referendum petition, effect on final approval — If, within 21 days following the
668 final approval of any measure by the city council or by the school committee, a petition signed
669 by a number of voters equal to 15 percent of the total number of persons registered to vote as of
670 the date of the preceding city election, and addressed to the city council or to the school
671 committee as the case may be, protesting against such measure or any part thereof taking effect.
672 The city council or the school committee shall, forthwith, reconsider such measure or part
673 thereof, and if such measure or part thereof is not rescinded, the city council shall submit the
674 same, by the method herein provided to the voters either at a special election, which it may in its
675 discretion call, or the next regular city election and such measure or part thereof shall be null and
676 void unless a majority of the voters voting on the same at such election vote in favor thereof.

677 (c) Certain initiative procedures to apply The petition described in this section shall
678 be termed a referendum petition and insofar as applicable section 8-2 shall apply to the
679 procedure in respect thereto, except that the words "measure or part thereof protested against"
680 shall for this purpose be understood to replace the word "measure in said sections wherever it
681 may occur and the word "referendum" shall be understood to replace the word initiative" where
682 it may occur.

683 Section 8-4 Initiative and Referendum: Ineligible Measures

684 None of the following measures shall be subject to initiative or referendum procedures:

685 1. proceedings relating to the internal organization or operation of the city council or
686 the school committee;

687 2. an emergency measure adopted in conformity with the charter;

688 3. the city budget or the school committee budget as a whole

689 4. revenue loan orders;

690 5. any appropriation for the payment of the city's debts and obligations;

691 6. appropriations of funds necessary to implement a written agreement executed
692 under collective bargaining;

693 7. proceedings, or parts thereof, relating to the election, appointment, employment,
694 suspension, transfer, demotion, removal or discharge of any officer or employee;

695 8. any proceedings repealing or rescinding a measure or part thereof, which is
696 protested by referendum procedure; and

697 9. any procedure providing for the submission or referral of matter to the
698 voters at an election.

699 Section 8-5 Submission of Proposed Measures to Voters

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

705 If 2 or more measures passed at the same election contain conflicting provisions, only the
706 1 receiving the greater number of affirmative votes shall take effect.

707 Section 8-6 Recall of Elected Officials

708 (a) Application — Any person who holds an elected city office, with more than 6
709 months remaining of the term of office, may be recalled from the office, by the voters, in the
710 manner provided in this section.

711 (b) Recall petitions — 25 or more voters may file with the board of election
712 commissioners a sworn affidavit containing the name of the officer whose recall is sought and a
713 statement of the grounds upon which the petition is based. If the officer is elected at large, the
714 names on the affidavit shall be from the city at large. If the officer is elected by and from a ward
715 the names on the petition shall be voters of the said ward. The board of election commissioners
716 shall deliver to the said voters petition blanks demanding said recall, printed forms of which they
717 shall keep available. The blanks may be completed by writing or typewriting; they shall be
718 addressed to the city council; they shall contain the names of the persons who have filed the
719 affidavit and the grounds for recall as stated the affidavit; shall demand the election of a
720 successor to the office; and they shall be dated and signed by the board of election
721 commissioners. A copy of the petition shall be kept on file in the office of the election
722 commissioners in a record book maintained for that purpose. The recall petitions shall be
723 returned and filed in the office of the election commissioners within 30 days following the date
724 the petitions were issued, signed by at least 15 percent of the total number of persons registered
725 to vote as of the date of the preceding city election, if the officer is elected at large and signed by
726 at least 15 percent of the total number of persons registered to vote in the ward as of the most
727 recent city election, if the officer is elected from a ward.

728 The board of election commissioners shall forthwith certify thereon the number of
729 signatures which are names of voters.

730 (c) Recall election — If the petition shall be certified by the board of election
731 commissioners to be sufficient, they shall forthwith submit the same to the city council. Upon its
732 receipt of the certified petition, the city council shall forthwith give written notice of said petition
733 and certificate to the person whose recall is sought. If said officer does not resign his office
734 within 5 days following delivery of the said notice, the city council shall order an election to be
735 held not less than 64 nor more than 90 days after the date of the certificate of the sufficiency of
736 the petition. If, however, another city election is to occur within 90 days after the date of the said
737 certificate, the city council shall hold the recall election on the date of such other election. If a
738 vacancy occurs in the office after a recall election has been ordered, the election shall
739 nevertheless proceed as provided in this section and only the ballots for candidates need be
740 counted.

741 (d) Nomination of candidates — An officer whose recall is sought may not be a
742 candidate to succeed himself if recalled at the recall election. Other candidates shall be entitled to
743 have their names appear on the ballot at such recall election by filing the number of signatures
744 for the office as required by section 7-3a. The publication of the warrant for the recall election
745 and the conduct of the same shall be in accordance with the provisions of other laws relating to
746 elections.

747 (e) Propositions on ballot — Ballots used at a recall election shall state the following
748 propositions in the order indicated:

749 For the recall of (name of officer)

750 Against the recall of (name of officer)

751 Adjacent to each proposition, there shall be a place to vote for either of the said
752 propositions. After the propositions shall appear the word "candidates" and the names of
753 candidates arranged as drawn by lot in accordance with section 7-3b.

754 If a majority of the votes cast upon the question of recall is in the affirmative, the
755 candidate receiving the highest number of votes shall be declared elected. If a majority of the
756 votes on the question are the negative, ballots for candidates need not be counted, except as
757 provided in (c) above.

758 (f) Officeholder — The incumbent shall continue to perform the duties of his office
759 until the recall election. If they are not recalled in the election the incumbent shall continue in
760 office for the remainder of their unexpired term, subject to recall as before, except as provided in
761 this section.

762 If the officer is recalled in the election, the officer shall be deemed removed upon the
763 qualification of his successor who shall hold office for the balance of the unexpired term. If the
764 successor fails to qualify within 5 days after receiving notification of their election, the
765 incumbent shall thereupon be deemed removed and the office vacant. The provisions of articles
766 2, 3, and 4 relating to the filling of vacancies will be used to fill such a vacancy.

767 (g) Repeat of recall petition — No recall petition shall be filed against an officer
768 within 3 months after they take office, or in the case of an officer subjected to a recall election
769 and not recalled thereby, until at least 6 months after the election at which their recall was
770 submitted to the voters.

771 Section 8-7 Required Voter Participation

772 For any measure to be effective under initiative procedure and for any measure to be
773 declared null and void under a referendum procedure and for any recall election, at least 20
774 percent of the voters as of the most recent municipal election must vote at an election that
775 includes on the ballot submission to the voters of 1 or more initiative or referendum or recall
776 questions.

777 ARTICLE 9

778 GENERAL PROVISIONS

779 Section 9-1 Charter Changes

780 (a) In general — This charter may be replaced, revised, or amended in accordance
781 with any procedure made available under the state constitution, or by statutes enacted in
782 accordance with the state constitution.

783 (b) Periodic review — The city shall provide in each year ending in a 4, for a review
784 of the charter by a special committee consisting of 3 persons appointed by the city council and 4
785 persons appointed by the mayor. A report of the committee shall be presented to the city council
786 for review and the council shall determine if amendments to the charter should be proposed.

787 Section 9-2 Severability

788 The provisions of this charter are severable. If any provision of this charter is held
789 invalid, the other provisions shall not be affected thereby. If the application of this charter, or any
790 of its provisions, to any person or circumstance is held invalid, the application of the charter and
791 its provisions to other persons and circumstances shall not be affected thereby.

Section 9-3 Specific Provision to Prevail

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

Section 9-4 Rules and Regulations

A copy of all the rules and regulations adopted by any city agency shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any city agency shall become effective within 5 days following the date it is filed.

Section 9-5 Review of Ordinances

The city council shall, at 5-year intervals, cause to be prepared a proposed revision, recodification or republication of the ordinances of the city, which shall be submitted to the city council for action. The city council shall adopt the proposed recodification or revision, with or without amendment, or shall approve the text of the republication, prior to the expiration of the calendar year in which it is submitted to them. Such revision, recodification, or republication shall be under the supervision of the city attorney, or if the city council shall so direct by special counsel engaged for that specific purpose. Copies of the compilation shall be made available for public distribution, provided however, a charge, not to exceed the actual cost of reproduction may be charged. In each year between such re-enactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

Section 9-6 Uniform Procedures Governing Multiple Member Bodies

813 (a) Officers — All appointed multiple-member bodies shall elect a chair, a vice-chair
814 and a secretary and any other officer it deems necessary.

815 (b) Meetings — All appointed multiple-member bodies of the city shall meet
816 regularly at the times and places that the multiple-member body, by the body's own rules,
817 prescribe. Special meetings of any multiple-member body shall be held at the chair's call or by a
818 majority of the members. Notice of the meeting shall be posted as required by law. Except as
819 otherwise authorized by law, all meetings of all multiple-member bodies shall always be open to
820 the public.

821 (c) Meeting documents and submissions — Each appointed multiple member body
822 shall determine its own rules and order of business. Each multiple-member body shall provide
823 for the keeping of agendas, minutes, and related submissions of its proceedings. All such
824 documents shall be a public record, and certified copies shall be placed on file in the office of the
825 city clerk within a reasonable period from the date of approval.

826 (d) Voting — If requested by a member, a vote of an appointed multiple member
827 body shall be taken by a roll call vote and the vote of each member shall be recorded in the
828 minutes, but if the vote is unanimous, only that fact need be recorded.

829 (e) Quorum — A majority of the members of an appointed multiple member body
830 shall constitute a quorum. Unless some other provision is made by the multiple-member body's
831 own rules while a quorum is present, except on procedural matters, a majority of the full
832 membership of the body shall be required to vote on any matter representing an exercise of the
833 powers of the multiple-member body. General Laws related to a vote to meet in "executive
834 session" shall always require a majority of members of the body.

835 Section 9-7 References to General Laws

836 All references to General Laws contained in the charter refer to the General Laws of the
837 Commonwealth of Massachusetts and are intended to refer to and to include any amendments or
838 revisions to such chapters or sections or to the corresponding chapters and sections of any
839 rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the
840 adoption of this charter.

841 Section 9-8 Computation of Time

842 In computing time under this charter, the day of the act or event after which the
843 designated period of time begins to run shall not be included. The last day of the period shall be
844 included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall be
845 extended to the next day, which is not a Saturday, Sunday or legal holiday. When the period of
846 time designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not
847 be included, when the period is 7 days or more, every day shall be counted.

848 Section 9-9 Certificate of Election of Appointment

849 Every person elected, including those elected by the city council or appointed to an office
850 of the city, shall receive a certificate of such election or appointment from the city clerk.

851 All said persons shall take an oath or affirmation of their election or appointment before
852 performing any duties of their office. A record of such an oath or affirmation shall be on file at
853 the office of the city clerk.

854 Section 9-10 City Residence Preference

855 Except where exempted by state law or an applicable collective bargaining agreement,
856 persons who have resided in the city of Lynn for a continuous 12-month period prior to being
857 appointed to any city office, position, board or commission, shall be preferred for appointments
858 in any event where the qualifications and experience of the resident applicant and non-resident
859 applicant are substantially similar.

860 Section 9-11 Limitation on Office Holding

861 No person shall hold more than 1 full-time city office for which a salary or other
862 emolument is payable from the city treasury. The hours worked in any part-time position shall
863 not conflict with the hours worked in any full-time position. Nothing in this section shall be
864 deemed to supersede the provisions of section 20 of 268A of the General Laws.

865 Section 9-12 Enforcement of Charter Provisions

866 It shall be the duty of the mayor to see that the charter is faithfully followed and complied
867 with by all city agencies and city employees. Whenever it appears to the mayor that a city agency
868 or city employee is failing to follow this charter the mayor shall, in writing, cause notice to be
869 given to that agency or employee directing compliance with the charter. If it shall appear to the
870 city council that the mayor personally is not following the charter the city council shall, by
871 resolution, direct the attention of the mayor to those areas in which it believes there is a failure to
872 comply with the charter. The procedures made available in chapter 23 IA of the General Laws
873 may be used to determine the rights, duties, status, or other legal relations arising under this
874 charter, including any question of construction or validity which may be involved in such
875 determination.

876 ARTICLE 10

877 TRANSITIONAL PROVISIONS

878 Section 10-1 Continuation of Existing Laws

879 All special acts of the general court, ordinances, rules, regulations, and resolutions of the
880 city which are in force at the time the charter is adopted, consistent with the charter, shall remain
881 in effect and shall continue in force until amended, revised, or repealed in the manner provided
882 by law or the charter.

883 Section 10-2 Continuation of Government

884 All city agencies shall continue to perform their duties until re-reappointed, re-elected, or
885 until the successors to their respective duties are duly appointed, elected or their duties have been
886 transferred and assumed by another city agency.

887 Section 10-3 Continuation of Administrative Personnel

888 Any person holding a city office, or a position in the administrative service of the city,
889 shall retain such office or position, or employment and shall continue to perform his duties until
890 provisions shall have been made for the performance of those duties by another person or
891 agency; provided however, that no person in the permanent full time service of the city shall
892 forfeit his pay grade, or time in service. All such persons shall be retained in a capacity as similar
893 to their former capacity as is practicable and any reductions in the personnel needs of the city
894 shall be accomplished through attrition, unless specific provision is otherwise made in this
895 article.

896 Section 10-4 Transfer of Records and Property

897 All record, property and equipment whatsoever, of any city agency or part thereof, the
898 powers and duties of which are transferred or assigned to another city agency shall be transferred
899 forthwith to the city agency to which such powers and duties are transferred and assigned.

900 Section 10-5 Effect on Obligations, Taxes, etc.

901 All official bonds, recognizances, obligations, contracts, and other instruments entered
902 into or executed by or to the city before the adoption of the charter, and all taxes, assessments,
903 fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and
904 collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise
905 provided, shall continue without abatement and remain unaffected by the charter, and no legal
906 act done by or in favor of the city shall be rendered invalid by the adoption of the charter.

907 Section 10-6 Time of Taking Effect.

908 This charter shall become fully effective in January 2026, except as is otherwise provided
909 in this section:

910 (a) Until such time as an administrative order or a series of administrative orders are
911 adopted pursuant to article 6, all current offices and departments shall continue to exist and shall
912 continue to perform the duties and responsibilities of said offices and departments as were
913 performed at the time of the adoption of the charter, including the following:

914 (i) The board of election commissioners

915 (ii) The board of assessors and the assessing department

916 (iii The personnel department

917 (iv) The department of public works

918 (i) The chief financial officer

919 (ii) The department of inspectional services

920 (b) Within 180 days from the enactment of the charter, the mayor shall promulgate a
921 series of administrative orders, to be known as an administrative code, providing for the
922 organization of city government into operating agencies in accordance with article 6.

923 (c) The administrative code may retain, modify, repeal or replace any provisions of
924 the following special acts relating to the organization of city government: chapter 92 of the acts
925 of 1931 relating to the board of election commissioners; chapter 655 of the acts of 1956 relating
926 to off-street parking; chapter 564 of the acts of 1972 relating to salary increases; chapter 8 of the
927 acts of 1985 relating to the overlay deficit; chapter 59 of the acts of 1986 relating to public
928 works; chapter 253 of the acts of 1986 relating to the appointment of health inspectors; chapter
929 465 of the acts of 1991 relating to the appointment of the animal control officer; chapter 167 of
930 the acts of 1999 relating to the traffic commission; chapter 19 of the acts of 2003 relating to
931 nomination papers; chapter 223 of the acts of 2022- relating to certain charter amendments;
932 chapter 332 of the acts of 2014 relating to salaries; chapter 378 of the acts of 2014 relating to
933 inspectional services; chapter 58 of the act of 2018 relating of the financial condition of the city;
934 and chapter 203 of the acts of 2024 relating to capital projects;

935 (d) Within 180 days from the enactment of the charter, the mayor shall promulgate an
936 administrative order establishing a language access plan to ensure persons with limited English
937 proficiency have meaningful access to city services and programs.

938 (e) Department heads in office on or before January 1, 2025, that have served a full
939 term of office and have been or will be appointed to the same office to succeed themselves shall
940 thereafter serve for an indefinite term, not subject to reappointment, but subject to removal in
941 accordance with applicable laws, rules, regulations and policies. Any removal shall be for just
942 cause. All persons classified as department heads shall be designated by administrative order in
943 accordance with article 6.

944 (f) Within 180 days from the enactment of the charter, the mayor shall promulgate a
945 progressive disciplinary policy for department heads and all employees of the city not subject to
946 a collective bargaining agreement.

947 Section 10-7 Disposition of Special Acts

948 Certain special acts repealed- the following special acts are hereby repealed: chapter 207
949 of the acts of 1988 relating to dual office holding; chapter 105 of the acts of 1997 relating to the
950 office of the city clerk; chapter 223 of the acts of 2022 relating to residency preference.

951 Certain special acts recognized and retained — the following special acts are hereby
952 especially recognized and retained: chapter 53 of the acts of 1998; and chapter 69 of the acts of
953 2014, relating to illegal dumping.

954 SECTION 2: Section 1 of this act shall take effect upon passage.