

HOUSE No. 4263

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 16, 2025.

The committee on Municipalities and Regional Government, to whom was referred the petition (accompanied by bill, House, No. 4146) of Paul J. Donato, Christine P. Barber and Sean Garballey (with the approval of the mayor and city council) relative to the charter of the city of Medford, reports recommending that the accompanying bill (House, No. 4263) ought to pass [Local Approval Received].

For the committee,

JACK PATRICK LEWIS.

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

An Act establishing a charter for the city of Medford.

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

1 SECTION 1. Chapter 605 of the acts of 1986 is hereby repealed.

2 SECTION 2. The following shall be the charter for the city of Medford:

3 PREAMBLE

4 We, the people of the city of Medford, under the constitution and laws of the
5 Commonwealth of Massachusetts, desiring to manage our own affairs and conduct our local
6 government so that it is accountable, transparent, innovative, stable, ethical, representative, and
7 responsible, and wishing to participate fully in exercising the rights and responsibilities of local
8 government, do adopt and adhere to this charter. We aim for a government based upon this
9 charter that will promote equity, inclusivity, civic engagement, and a vibrant, diverse community
10 in which all people have a voice. We recognize the fact that we need a government that is
11 responsive and serves residents’ needs, and demand that our leaders are principled and
12 professional. Our city’s rich history, from before the creation of the ford by the meadow from

13 which Medford draws its name, is complex and significant and we resolve to cultivate a city that
14 learns from that past to meet the promises and challenges of the future.

15 ARTICLE I

16 INCORPORATION; SHORT TITLE; DEFINITIONS

17 SECTION 1-1: INCORPORATION

18 The inhabitants of the city of Medford, within the territorial limits established by law,
19 shall continue to be a municipal corporation, a body corporate and politic, under the name “City
20 of Medford.”

21 SECTION 1-2: SHORT TITLE

22 This instrument shall be known and may be cited as the city of Medford charter.

23 SECTION 1-3: DIVISION OF POWERS

24 The administration of the fiscal, prudential, and municipal affairs of the city of Medford
25 shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a
26 city council. The legislative branch shall never exercise any executive power, and the executive
27 branch shall never exercise any legislative power.

28 SECTION 1-4: POWERS OF THE CITY

29 Subject only to express limitations on the exercise of any power or function by a
30 municipal government in the constitution or General Laws, it is the intention and the purpose of
31 the voters of Medford, through the adoption of this charter, to secure for themselves and their

32 government all the powers it is possible to secure as fully and as completely as though each
33 power were specifically, and individually enumerated in this charter.

34 SECTION 1-5: CONSTRUCTION

35 The powers of the city under this charter are to be construed liberally in favor of the city
36 and the specific mention of any particular power is not intended to limit the general powers of
37 the city as stated in section 1-4.

38 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

39 Subject only to express limitations in the constitution or General Laws, the city may
40 exercise any of its powers or perform any of its functions and may participate in the financing
41 thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any of its
42 agencies or political subdivisions, or with the United States government or any of its agencies.

43 SECTION 1-7: DEFINITIONS

44 As used in this charter, the following words shall, unless the context clearly requires
45 otherwise, have the following meanings:

- 46 1) "Charter," this charter and any adopted amendments to it.
- 47 2) "City," the city of Medford.
- 48 3) "City agency," any multiple member body, any department, division, or office of
49 the city of Medford.
- 50 4) "City office or department head," a person having charge of a city office or
51 department.

52 5) “City website,” a site established and maintained by the city as its online
53 repository of municipal information, whether on the internet or accessed through another
54 comparable technology, not including the Medford Public Schools.

55 6) “District”, as appearing in Articles 4 and 7 of this charter shall refer to the
56 election of district school committee members; 1 to be elected from the following districts
57 comprised of combined wards within the city of Medford: wards 1 and 7, wards 2 and 3, wards 4
58 and 5, and wards 6 and 8.

59 7) “Emergency,” a sudden, generally unexpected occurrence or set of circumstances
60 demanding immediate action.

61 8) “Full city council,” the entire authorized membership of the city council,
62 notwithstanding any vacancy that exists.

63 9) “Full multiple member body,” the entire authorized membership of a multiple
64 member body, notwithstanding any vacancy that exists.

65 10) “Full school committee,” the entire authorized membership of the school
66 committee, notwithstanding any vacancy that exists.

67 11) “Local newspaper,” a newspaper of general circulation within Medford, with
68 either a weekly or daily circulation.

69 12) “Majority vote”, when used in connection with a meeting of a multiple member
70 body, shall mean a majority of those present and voting, unless another provision is made by
71 ordinance or by such body’s own rules; provided, however, that General Laws related to any

72 vote to meet in executive session shall always require a majority of the full multiple member
73 body.

74 13) “Measure,” any ordinance, order or other vote or proceeding adopted, or which
75 might be adopted, by the city council or the school committee.

76 14) “Multiple member body,” any council, commission, committee, subcommittee, or
77 other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted,
78 but not including the city council, the school committee or an advisory committee appointed by
79 the mayor or the school committee.

80 15) “New initiative measure,” a measure proposed by the voters through the initiative
81 process provided under this charter, excluding repeal referendum measures.

82 16) “Organization or reorganization plan,” a plan submitted by the mayor to the city
83 council which proposes a change in the organization or the administrative structure of the city
84 administration or organization or a change in the way in which municipal services are delivered.

85 17) “Quorum,” a simple majority of the members of the public body, unless otherwise
86 provided in a general or special law, executive order, or other authorizing provision.

87 18) “Recall,” an election to remove an elected official from office before the
88 expiration of the term for which elected.

89 19) “Remove from the city” or “remove from a ward,” when a person ceases to be
90 domiciled within the territorial limits of the city or a ward.

91 20) “Repeal referendum measure,” a measure adopted by the city council or the
92 school committee that is protested under the referendum procedures of this charter.

93 21) “Voters,” registered voters of the city of Medford.

94 22) “Year,” a calendar year, unless otherwise specified.

95 ARTICLE II

96 LEGISLATIVE BRANCH

97 SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

98 (a) There shall be a city council that shall exercise the legislative powers of the city.

99 The city council shall consist of 11 members, 1 ward councilor nominated and elected by the
100 voters of each of the 8 wards of the city and the remaining 3 city council members shall be
101 councilors-at-large who shall be nominated and elected by and from the voters at large.

102 (b) The term of office for councilors shall be 2 years each, beginning on the first
103 Monday in January succeeding the councilor's election, except when that first Monday falls on a
104 legal holiday, in which event the term shall begin on the following day and shall end when their
105 successors have been qualified.

106 (c) Any voter shall be eligible to hold the office of councilor-at-large. A ward
107 councilor shall be a voter in the ward from which election is sought. If a ward councilor or a
108 councilor-at-large removes from the city during the councilor's term, that office shall
109 immediately be deemed vacant and filled in the manner provided in section 2-10. A ward
110 councilor who removes from the ward in which the councilor was elected and who remains a
111 resident of the city may continue to serve during the term for which the councilor was elected.
112 The city council shall determine by 2/3 vote whether a city councilor has removed from the city.

113 SECTION 2-2: COUNCIL PRESIDENT AND VICE-PRESIDENT, ELECTION;
114 TERM; POWERS

115 (a) Election and Term – As soon as practicable after the councilors-elect have been
116 qualified following each biennial election, as provided in section 9-11, the members of the city
117 council shall annually elect from among its members a city council president.

118 (b) Powers and Duties - The president shall prepare the agenda for city council
119 meetings. The city council president shall preside at all meetings of the city council, regulate its
120 proceedings, and shall decide all questions of order. The city council president shall appoint all
121 members of all committees of the city council, whether special or standing. The city council
122 president shall have the same powers to vote upon all measures coming before the city council as
123 any other member of the city council. The city council president shall perform such other duties
124 consistent with the office as may be provided by charter, by ordinance, city council rules or by
125 other vote of the city council.

126 (c) Council Vice-President – The members of the city council shall also elect
127 annually from among its members a city council vice-president who shall serve as acting
128 president during the temporary absence of the city council president. The powers of an acting
129 city council president shall be limited to only those powers of the office indispensably essential
130 to the performance of the duties of the office during the period of such temporary absence and no
131 others.

132 (d) Vacancy – If a vacancy shall occur in the office of city council president the city
133 council shall elect from among its members a city council president who shall serve for the
134 balance of the current term. If a vacancy shall occur in the office of city council vice-president

135 the city council shall elect from among its members a city council vice-president who shall serve
136 for the balance of the current term.

137 SECTION 2-3: PROHIBITIONS

138 (a) No member of the city council shall hold any other city office or city employment
139 for which a salary or other emolument is payable from the city treasury. No former member of
140 the city council shall hold any compensated appointed city office or appointed city employment
141 until 1 year following the date on which such former member's service on the city council has
142 terminated.

143 (b) Neither the city council nor any member of the city council shall give orders or
144 directions to any such officer or employee, either publicly or privately.

145 SECTION 2-4: COMPENSATION

146 (a) The members of the city council shall receive such salary for their services as may
147 from time to time be set by ordinance. No ordinance increasing or decreasing the salary of city
148 councilors shall be effective unless it shall have been adopted by a 2/3 vote during the first 18
149 months of the term for which city councilors are elected and it provides that such salary is to take
150 effect upon the organization of the city government following the next regular municipal
151 election.

152 (b) Subject to appropriation, the city council members shall be entitled to
153 reimbursement of their actual and necessary expenses incurred in the performance of their duties.

154 SECTION 2-5: EXERCISE OF POWERS; QUORUM; RULES

155 Except as otherwise provided by law or the charter, all powers of the city shall be vested
156 in the city council, which shall provide for their exercise and for the performance of all duties
157 and obligations imposed upon the city by law.

158 The city council shall from time to time adopt rules regulating its procedures that shall
159 include, but not be limited to:

160 1) Regular meetings of the city council be held at a time and place fixed by the city
161 council rules;

162 2) Special meetings of the city council to be held at the call of the president or at the
163 call of not less than 3 members, by written notice delivered in hand, via electronic mail or by
164 first class mail to each member; provided, however, that such notice shall contain a listing of the
165 items to be acted upon; provided further, that except in case of an emergency, which shall be
166 determined by the president, such notice shall be delivered not less than 48 hours in advance of
167 the time set for such meeting, excluding Saturdays, Sundays and legal holidays; and provided
168 further, that a copy of the notice to members shall immediately be posted upon the city bulletin
169 boards; and

170 3) All sessions of the city council and of every committee or subcommittee of the
171 city council shall be open to the public unless another provision is allowed by law.

172 SECTION 2-6: ACCESS TO INFORMATION

173 (a) The city council may request a member of a multiple-member body or a city
174 officer or employee to appear before the city council to give any information that the city council
175 may require in relation to the municipal services, functions and powers or duties which are

176 within the scope of responsibility of that person and not within the jurisdiction of the school
177 committee.

178 (b) The city council shall give a minimum of 14 days' notice to a person it may
179 request to appear before it under this section. The notice shall include specific questions on
180 which the city council seeks information, and no person called to appear before the city council
181 under this section shall be required to respond to any question not relevant or related to those
182 questions presented in advance and in writing.

183 (c) The city council may request specific information from the mayor on any
184 municipal matter and may request that the mayor be present to answer written questions relating
185 to that information at a meeting to be held not earlier than 14 days from the date the mayor
186 receives the questions. The mayor shall personally, or through a designee, attend such meeting
187 and respond to the questions. The mayor, or designee, shall not be required to answer questions
188 relating to any other matter.

189 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

190 (a) The city council shall elect a city clerk to serve for a term of up to 3 years. The
191 city clerk shall be the keeper of vital statistics of the city and the custodian of the city seal and of
192 all records of the city. The city clerk shall administer the oath of office to all city officers and
193 shall issue licenses and permits as may be provided by law. The city clerk shall have the powers
194 and duties provided to that office by law, this charter, ordinances, or other votes of the city
195 council.

196 (b) The city council shall elect an assistant to the members of the city council at the
197 direction of the city council president or their designee. The assistant shall be a resident of the
198 city.

199 (c) Subject to appropriation, the city council may establish additional support
200 positions by ordinance as the city council deems necessary and may appoint staff to serve in
201 those positions. All officials of the city shall cooperate with employees of the city council in the
202 performance of any oversight functions. City council staff shall have such other powers and
203 duties as they may be provided for by charter, by ordinance or by other vote of the city council.

204 (d) City council staff appointed under this section shall receive such compensation as
205 from time to time may be provided for such a position by ordinance.

206 SECTION 2-8: ORDINANCES AND OTHER MEASURES

207 (a) No ordinance shall be passed finally on the date it is introduced, except in case of
208 an emergency involving the health or safety of the people or their property or in the case of the
209 unanimous vote of the city council. No ordinance shall be regarded as an emergency ordinance
210 unless the emergency is defined and declared in a preamble to the ordinance, separately voted
211 upon and receives the affirmative vote of not less than 8 members of the city council. An
212 emergency ordinance shall be repealed after the expiration of 60 days following its adoption
213 unless an earlier date is specified in the measure, or another measure passed under this section
214 extends the original emergency ordinance.

215 (b) The city council may pass a measure through all its stages at one meeting, except
216 for proposed ordinances, appropriation orders and loan authorizations, if no member of the city
217 council shall object; provided, however, that if a single member objects, a vote on the measure

218 shall be postponed to the next meeting of the city council. If a member objects to the taking of a
219 vote on the first occasion that the question of adopting any measure is put to the city council,
220 except an emergency ordinance under subsection (a), the vote shall be postponed until the next
221 regular or special meeting of the city council. This procedure shall not be used more than once
222 for any measure notwithstanding any amendments made to the original measure.

223 (c) Every introduced ordinance, appropriation order or loan authorization, except an
224 emergency ordinance, shall be posted on the city bulletin board and city website and made
225 available in the office of the city clerk. After final passage it shall be posted on the city bulletin
226 board and city website and otherwise published and made public as may be required by
227 ordinance.

228 SECTION 2-9: CITY COUNCIL CONFIRMATION OF CERTAIN

229 APPOINTMENTS

230 The mayor shall refer to the city council and simultaneously file with the city clerk the
231 name of each person the mayor desires to appoint as a member of a multiple-member body for
232 whom no other method of appointment or selection is provided by charter. Appointments made
233 by the mayor shall become effective on the 30th day after the date on which notice of the
234 proposed appointment was filed with the city clerk unless rejected by a majority vote of the city
235 council within the 30 days, such rejection shall not be unreasonably withheld. The question on
236 rejection of any appointment made by the mayor shall not be subject to the procedure of
237 objection provided in section 2-8(b) of the charter.

238 SECTION 2-10: FILLING OF VACANCIES

239 (a) If a vacancy shall occur in the office of councilor-at-large, the vacancy shall be
240 filled in descending order of votes received by the candidate for the office of councilor-at-large
241 at the preceding city election who received the highest number of votes without being elected
242 and who received not less than 30 percent of the total votes cast for the candidate with the
243 highest number of votes for the office of councilor-at-large, if that person remains eligible and
244 willing to serve as councilor-at-large. The board of election commissioners shall certify this
245 candidate to the office of councilor-at-large to serve for the balance of the unexpired term.

246 (b) If a vacancy shall occur in the office of ward councilor, the vacancy shall be filled
247 in descending order of votes received by the candidate for the office of ward councilor in the
248 ward in which the vacancy occurs at the preceding regular municipal election who received the
249 highest number of votes without being elected and who received not less than 30 percent of the
250 total votes cast for the candidate with the highest number of votes for the office of ward
251 councilor in the ward, if that person remains eligible and willing to serve as ward councilor. The
252 board of election commissioners shall certify this candidate to the office of ward councilor to
253 serve for the balance of the unexpired term.

254 (c) If a vacancy occurs in the office of councilor-at-large or in that of ward councilor
255 and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or
256 (b), the remaining members of the city council shall elect a person to fill the vacancy. The notice
257 of the meeting to fill the vacancy must be posted at least 10 days in advance of the meeting.

258 (d) A person elected by the city council to fill a vacancy shall serve until the next
259 regular election, at which time the vacancy shall be filled by the voters and the person chosen to

260 fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired
261 term in addition to the term for which the person is elected.

262 (e) No vacancy shall be filled under this section if a regular city election is to be held
263 within 120 days following the date the vacancy is declared to exist. A person serving as a
264 councilor under this section shall not be entitled to have the words "candidate for re-election"
265 printed against the person's name on the election ballot.

266 SECTION 2-11: PERIODIC REVIEW OF ORDINANCES

267 Not later than July 1, at 5-year intervals, in each year ending in a 7 or in a 2, the mayor
268 and city council shall provide for a review to be made of some or all the ordinances of the city to
269 prepare a proposed revision or recodification of them. This review shall be made by a special
270 committee to be established by a vote of the city council. The committee shall consist of 7
271 members; 3 members shall be appointed by the mayor and 4 members shall be appointed by the
272 city council. All members of the committee shall be voters of the city. The special committee
273 shall file its report with the city clerk on a date specified by a vote of the city council. The review
274 of city ordinances shall be under the supervision of the city solicitor. Copies of any
275 recommendations shall be made available to the public at a cost not exceeding the actual cost of
276 the reproduction.

277 ARTICLE III

278 EXECUTIVE BRANCH

279 SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;

280 COMPENSATION; PROHIBITIONS

281 (a) The chief executive officer of the city shall be a mayor, elected by and from the
282 voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor
283 shall devote full time to the office and shall not hold any other elective public office, nor shall
284 the mayor be engaged in any other business, occupation, or profession during the period of
285 service as mayor.

286 (b) The term of office of the mayor shall be 4 years beginning on the first Monday in
287 January succeeding the mayor's election, except when that first Monday falls on a legal holiday,
288 in which event the term shall begin on the following day and shall end when a successor has
289 been qualified.

290 (c) No person shall be elected to the office of mayor for more than 4 consecutive
291 terms.

292 (d) The city council shall, by ordinance, establish compensation for the mayor. No
293 ordinance increasing or decreasing the compensation of the mayor shall be effective unless it has
294 been adopted by a 2/3 vote of the full city council. No ordinance increasing or decreasing the
295 compensation of the mayor shall be effective unless it has been adopted during the first 36
296 months of the term for which the mayor is elected and unless it provides that the compensation
297 increase or decrease is to take effect upon the organization of the city government following the
298 next regular city election.

299 (e) No former mayor shall hold any compensated appointed city office or city
300 employment at least 1 year following the date on which said mayor leaves office.

301 SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

302 (a) The executive powers of the city shall be vested solely in the mayor and may be
303 exercised by the mayor either personally or through the several city agencies under the general
304 supervision and control of the office of the mayor.

305 (b) The mayor shall cause the charter, the laws, the ordinances, and other orders for
306 the government of the city to be enforced and shall cause a record of all official acts of the
307 executive branch of the city government to be kept.

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

312 (d) The mayor shall be, by virtue of the office, a member of every multiple-member
313 body of the city. The mayor shall have a right, as such ex officio member, to attend any meeting
314 of any multiple-member body of the city, at any time, including so-called executive sessions, to
315 participate in the discussions, to make motions and to exercise every other right of a regular
316 member of such body, but not including the right to vote.

317 SECTION 3-3: APPOINTMENTS BY THE MAYOR

318 (a) The mayor shall appoint all city officers and department heads. The mayor shall
319 appoint members of multiple-member bodies for whom no other method of appointment or
320 selection is provided by the charter or ordinance. All appointments to multiple-member bodies
321 shall be in accordance with section 2-9.

322 (b) Upon the expiration of the term of a member of a multiple-member body, a
323 successor shall be appointed in like manner. The mayor shall fill a vacancy for the remainder of
324 the unexpired term of a member of any multiple-member body.

325 (c) All persons classified as department heads, except the city clerk, shall, subject to
326 the consent of the mayor, appoint, promote, and discipline all assistants, subordinates, and other
327 employees of the agency for which that person is responsible. All appointments and promotions
328 made or approved by the mayor shall be made based on merit and fitness demonstrated by
329 examination, past performance or by other evidence of competence and suitability. Each person
330 appointed to fill an office or position shall be a person especially fitted by education, training,
331 and previous work experience to perform the duties of the office or position for which the person
332 is chosen.

333 SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

334 The mayor may, in writing, remove or suspend any city officer or the head of any city
335 department appointed by the mayor by filing a written statement containing the effective date of
336 the removal or suspension and the office or officer affected, with the city clerk.

337 SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES

338 (a) If a temporary or permanent vacancy occurs in a city office and the needs of the
339 city require that the office be filled, the mayor may designate the head of another city agency, a
340 city officer, a city employee or some other person to perform the duties of the office on a
341 temporary basis until the position can be filled as otherwise provided by law or by this charter. If
342 a person is designated under this section, the mayor shall file a certificate with the city clerk in
343 substantially the following form:

344 I designate (name of person) to perform the duties of the office of (designate office in
345 which vacancy exists) on a temporary basis until the office can be filled by (here set out the
346 regular procedure for filling the vacancy or when the regular officer shall return). I certify that
347 said person is qualified to perform the duties that will be required and that I make this
348 designation solely in the interests of the city of Medford.

349 (b) A person serving as a temporary officer under this section shall have only those
350 powers of the office essential to the performance of the duties of the office during the period of
351 the temporary appointment. Notwithstanding any general or special law to the contrary, no
352 temporary appointment shall be for more than 180 days; provided, however, that 1 extension of
353 not more than 120 days of a temporary appointment may be made when a permanent vacancy
354 exists in the office.

355 SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

356 (a) Within 12 weeks following the start of each fiscal year the mayor shall submit to
357 the city council, and make available for public distribution, a complete report on the financial
358 and administrative activities of the city for the preceding fiscal year.

359 (b) The mayor shall, from time to time throughout the year, by written
360 communications, recommend to the city council for its consideration such measures as, in the
361 judgment of the mayor, the needs of the city require.

362 (c) The mayor shall, from time to time throughout the year by written
363 communications, keep the city council fully informed of the financial and the administrative
364 condition of the city and shall specifically indicate in any such reports any fiscal, financial, or
365 administrative problems of the city.

366 (d) The mayor may call a special meeting of the city council for any purpose. Notice
367 of the meeting shall, except in an emergency, require written notice delivered in hand, via
368 electronic mail or by first class mail to each member; provided, however, that such notice shall
369 contain a listing of the items to be acted upon; provided further, that except in case of an
370 emergency, which shall be determined by the mayor, such notice shall be delivered not less than
371 48 hours in advance of the time set for such meeting, excluding Saturdays, Sundays and legal
372 holidays; and provided further, that a copy of the notice to members shall immediately be posted
373 upon the city bulletin boards and the city website.

374 SECTION 3-7: APPROVAL OF CITY MAYOR, VETO

375 Every order, ordinance, or vote adopted or passed by the city council relative to the
376 affairs of the city, except resolutions, the selection of city officers by the city council and any
377 matters relating to the internal affairs of the city council shall be presented to the mayor for
378 approval. If the mayor approves of a measure, the mayor shall sign it. If the mayor disapproves
379 of a measure, the mayor shall return the measure with the specific reasons for the disapproval
380 attached to it, in writing, to the city council. The city council shall enter the objections of the
381 mayor on its records and shall reconsider the measure not less than 10 but not more than 30 days
382 from the date of the measure is returned. If the city council again pass the order, ordinance or
383 vote by a 2/3 vote of the full city council, it shall then take effect notwithstanding the objections
384 of the mayor. If the mayor has neither

385 signed a measure nor returned it to the city council within 10 days following
386 the date it was presented to the mayor, the measure shall take effect.

387 SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR

388 (a) Whenever, the mayor is temporarily unable to perform the duties of the office, the
389 president of the city council shall serve as acting mayor or, if the city council president is unable
390 or unwilling to serve, the city council shall elect, by majority vote, one of its members to serve as
391 an acting mayor. The city council, by unanimous vote of the entire membership, may determine
392 whether the mayor is unable to perform the duties of the office. The mayor, may by their own
393 authority, declare themselves temporarily unable to perform the duties of the office.
394 Notwithstanding any general or special law to the contrary, the vote of the council shall be taken
395 in public session by a roll call vote. The mayor may at any point declare themselves able to
396 perform the duties of office.

397 (b) The acting mayor shall have only those powers of the mayor that are
398 indispensable and essential to conduct the business of the city in an orderly and efficient manner
399 and on which action may not be delayed. The acting mayor shall have no authority to make a
400 permanent appointment or removal from city service unless the absence of the mayor shall
401 extend beyond 60 days, nor shall an acting mayor approve or disapprove of any measure adopted
402 by the city council unless the time within which the mayor must act expires before the return of
403 the mayor. During any period in which any member of the city council is serving as acting
404 mayor, such councilor shall not vote as a member of the city council.

405 SECTION 3-9: DELEGATION OF AUTHORITY BY THE MAYOR

406 The mayor may authorize a subordinate officer or employee of the city to exercise a
407 power or perform a function or a duty which is assigned by this charter, or otherwise, to the
408 mayor and the mayor may rescind or revoke an authorization previously made; provided,
409 however, that all acts performed under any such delegation of authority during the period of

410 authorization shall be and remain the acts of the mayor. Nothing in this section shall be
411 construed to authorize a mayor to delegate the powers and duties of a school committee member,
412 the power of appointment to city office or employment or to sign or return measures approved by
413 the city council.

414 SECTION 3-10: VACANCY IN THE OFFICE OF THE MAYOR

415 (a) If a vacancy in the office of mayor occurs during the first 34 months of the term
416 for which the mayor is elected, the city council shall forthwith order a special election to be held
417 within 150 days following the date the vacancy is created, to fill such vacancy for the balance of
418 the remaining term. If a regular city election is to be held within 180 days following the date the
419 vacancy is created, a special election need not be held and the position shall be filled by vote at
420 such regular election. The person elected shall serve for the balance of the remaining term. An
421 acting mayor as provided in Section 3-8 shall serve until such special or regular municipal
422 election and shall receive such compensation as established by ordinance for mayoral
423 compensation.

424 (b) If a vacancy in the office of mayor occurs in the last 14 months of the term to
425 which the mayor is elected, the president of the city council shall serve as acting mayor and if the
426 city council president is unable or unwilling to serve, the city council shall elect one of its
427 members to serve as acting mayor. A majority vote of the city council shall be required to elect a
428 mayor from among the members of the city council. Upon the election of a member of the city
429 council as the mayor, under this section, a vacancy shall exist in that city council seat which shall
430 be filled in the manner provided in section 2-10. Any person serving as mayor under this
431 subsection shall not be subject to the restrictions contained in the second sentence of section 3-

432 1(a). Such person shall not be entitled to have the words "candidate for re-election" printed
433 against their name on the election ballot for the office of the mayor but may have these words
434 printed against their name on the election ballot for their original city council position. Such
435 person shall receive such compensation as established by ordinance for the office of mayor.

436 ARTICLE IV

437 SCHOOL COMMITTEE

438 SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

439 (a) The school committee shall consist of 7 members: 2 members elected at large by
440 the voters of the city; and 1 each elected from the following districts comprised of combined
441 wards within the city: wards 1 and 7, wards 2 and 3, wards 4 and 5, and wards 6 and 8. The
442 mayor shall serve as the 7th member of the school committee.

443 (b) The term of office for members elected to the school committee shall be 2 years
444 each, beginning on the first Monday in January succeeding the member's election, except when
445 that first Monday falls on a legal holiday, in which event the term shall begin on the following
446 day and shall end when their successors have been qualified.

447 (c) Any voter shall be eligible to hold the office of school committee member at-
448 large. A district school committee candidate shall be a voter in the district from which election is
449 sought.

450 (d) If any school committee member removes from the city during the school
451 committee member's term, that office shall immediately be deemed vacant and filled in the
452 manner provided in section 4-6. A district school committee member who removes from the

453 district in which the school committee member was elected and who remains a resident of the
454 city may continue to serve during the term to which the remainder of the school committee
455 member was elected. The school committee shall determine by 2/3 vote whether a school
456 committee member has removed from the city.

457 SECTION 4-2: SCHOOL COMMITTEE ORGANIZATION; CHAIR, VICE

458 CHAIR AND SECRETARY

459 (a) Immediately prior to the first regular committee meeting in January or as soon as
460 practical after school committee members-elect have been qualified following each regular city
461 election, the school committee members shall choose from amongst their membership a chair,
462 vice chair, and secretary.

463 (b) The chair shall prepare the agenda for the school committee meetings. The chair
464 shall preside over all regular meetings of the school committee and regulate its proceedings. The
465 chair shall appoint members to various subcommittees. The chair will have the same powers to
466 vote upon measures coming before the school committee as any other member of the school
467 committee. The school committee chair shall perform such other duties consistent with the office
468 as may be provided by charter, by ordinance or by other vote of the school committee. The vice
469 chair shall preside in the absence of the chair.

470 (c) The secretary shall record the votes taken at regular school committee meetings.
471 The secretary shall oversee and approve the bills of the school department unless the school
472 committee votes to form a subcommittee expressly for reviewing the bills.

473 SECTION 4-3: PROHIBITIONS

474 No member of the school committee shall hold any other city office or city employment
475 for which a salary or other emolument is payable from the city treasury. No former member of
476 the school committee shall hold any compensated appointed city office or city employment until
477 at least 1 year after the date on which the member's service on the school committee has ended.

478 SECTION 4-4: COMPENSATION

479 The members of the school committee shall receive such salary for their services as may
480 from time to time be set by ordinance. No ordinance increasing or decreasing the salary of school
481 committee members shall be effective unless it shall be adopted by a 2/3 vote of the city council
482 during the first 18 months of the term for which school committee members are elected and it
483 provides that such salary is to take effect upon the

484 organization of the city government following the next regular municipal election.

485 SECTION 4-5 POWERS AND DUTIES

486 (a) The school committee shall have all powers which are conferred on school
487 committees by the General Laws and the additional powers and duties provided by charter,
488 ordinance or otherwise and not inconsistent with the General Laws.

489 (b) The school committee shall exercise the following powers and perform the
490 following duties, and no individual member is empowered to act unless by vote of the school
491 committee:

492 1) Making all reasonable rules and regulations for the management of the public
493 school system and for conducting the business of the school committee as deemed necessary or
494 desirable; including but not limited to determining the hours and sessions of the public schools,

495 establishing rates of tuition for non-resident pupils, and participating in negotiations in
496 accordance with the General Laws of the Commonwealth of Massachusetts.

497 2) Adopting and overseeing the administration of an annual operating budget for the
498 school system, subject to appropriation by the city council; provided, however, that the school
499 committee shall have general charge and superintendence of all school buildings and grounds
500 and shall furnish all school buildings with proper fixtures, furniture and equipment.

501 SECTION 4-6: FILLING OF VACANCIES

502 (a) If a vacancy shall occur in the office of school committee at-large, the vacancy
503 shall be filled in descending order of votes received by the candidate for the office of school
504 committee at-large at the preceding city election who received the highest number of votes
505 without being elected and who received not less than 30 percent of the total votes cast for the
506 candidate with the highest number of votes for the office of school committee at-large, if that
507 person remains eligible and willing to serve as school committee at-large. The board of election
508 commissioners shall certify this candidate to the office of school committee at-large to serve for
509 the balance of the unexpired term.

510 (b) If a vacancy shall occur in the office of district school committee member, the
511 vacancy shall be filled in descending order of votes received by the candidate for the office of
512 district school committee in the district in which the vacancy occurs at the preceding city
513 election who received the highest number of votes without being elected and who received not
514 less than 30 percent of the total votes cast for the candidate receiving the highest number of votes
515 for the office of district school committee in the district, if that person remains eligible and
516 willing to serve as district school committee. The board of election commissioners shall certify

517 this candidate to the office of district school committee to serve for the balance of the unexpired
518 term.

519 (c) If a vacancy shall occur in the office of school committee at-large or in that of
520 district school committee member and there is no available candidate to fill the vacancy in the
521 manner provided in subsection (a) or (b), the remaining members of the school committee and the
522 city council shall meet in joint session to elect a person to fill the vacancy. The notice of the
523 meeting to fill the vacancy must be posted at least 10 days in advance of the meeting. A person
524 elected by the school committee and city council to fill a vacancy shall serve until the next
525 regular election, at which time the vacancy shall be filled by the voters and the person chosen to
526 fill the vacancy shall immediately be sworn and shall serve for the remainder of the current term
527 in addition to the term to which elected.

528 (d) No vacancy shall be filled under this section if a regular city election is to be held
529 within 120 days following the date the vacancy is declared to exist. A person serving as a school
530 committee member under this section shall not be entitled to have the words "candidate for re-
531 election" printed against the person's name on the election ballot.

532 ARTICLE V

533 ADMINISTRATIVE ORGANIZATION

534 SECTION 5-1: ORGANIZATION OF CITY AGENCIES

535 The organization of the city into agencies to provide services and administer the
536 government may be accomplished only through an administrative order submitted to the city
537 council by the mayor. No administrative order may originate with the city council. The mayor

538 may, subject only to express prohibitions of a general law or this charter, submit proposals to
539 reorganize, consolidate or abolish any agency, in whole or in part, or to establish a new agency
540 as is deemed necessary, establish terms of office and prescribe the functions and administrative
541 procedures to be followed by all such agencies.

542 No function assigned by this charter to a particular agency may be discontinued or
543 assigned to any other agency unless specified by this charter. The mayor may prepare and submit
544 it to the city council

545 administrative orders that establish agencies for the orderly, efficient, or convenient
546 conduct of the business of the city. These administrative orders shall be accompanied by a
547 message from the mayor which explains the expected benefits and advises the city council if an
548 administrative order shall

549 require amendments, insertions, revisions, repeal or otherwise of existing ordinances.
550 Whenever the mayor proposes an administrative order, the city council shall hold 1 or more
551 public hearings on the proposal giving notice by publication in a local newspaper and on the
552 city's website, which notice shall

553 describe the scope of the proposal and the time and place at which the public hearing will
554 be held, not less than 7 nor more than 14 days following the publication. An organization or
555 reorganization plan shall become effective at the expiration of 60 days following the date the
556 proposal is submitted to the city council unless the city council shall, by a majority vote, within
557 that 60-day period, vote to disapprove the plan. The city council may vote only to approve or to
558 disapprove the plan and may not vote to amend or to alter it.

559 SECTION 5-2: MERIT PRINCIPLES

560 All appointments and promotions of city officers and employees shall be made on the
561 basis of merit and fitness demonstrated by examination, past performance or by other evidence
562 of competence and suitability. Each person appointed to fill an office or position shall be a
563 person especially fitted by education, training, and previous work experience to perform the
564 duties of the office or position.

565 ARTICLE VI

566 FINANCIAL PROCEDURES

567 SECTION 6-1: FISCAL YEAR

568 The fiscal year of the city shall begin on July 1 and shall end on the last day of June,
569 unless another period is required by general law.

570 SECTION 6-2: ANNUAL BUDGET MEETING

571 On or before February 15th, the mayor shall call a joint meeting of the city council and
572 school committee before the commencement of the budget process to review the financial
573 condition of the city and share relevant information.

574 SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET

575 MESSAGE

576 Not less than 45 days before the beginning of the fiscal year, the mayor shall submit to
577 the city council a proposed operating budget for all city agencies, which shall include the budget
578 as approved by the school

579 committee, for the ensuing fiscal year with an accompanying budget message and
580 supporting documents. The budget message submitted by the mayor shall explain the operating
581 budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the
582 proposed fiscal policies of the city for the ensuing fiscal year, describe key features of the
583 proposed operating budget and indicate any major variations from the current operating budget,
584 fiscal policies, revenues, and expenditures, together with

585 reasons for such changes. The proposed operating budget shall provide a complete fiscal
586 plan of all city funds and activities and shall be in the form the mayor deems it desirable. The
587 school budget, as adopted by the school committee, shall be submitted to the mayor within a
588 reasonable time before the submission of the proposed operating budget to the city council. The
589 mayor shall notify the school committee of the date by which the budget of the school committee
590 shall be submitted to the mayor. The mayor and the

591 school superintendent shall coordinate the dates and times of the school committee's
592 budget process.

593 SECTION 6-4: ACTION ON THE OPERATING BUDGET

594 (a) The city council shall publish in at least one local newspaper and on the city
595 website a notice of the proposed operating budget as submitted by the mayor. The notice shall
596 state: (i) the times and places where copies of the entire proposed operating budget are available
597 for inspection by the public; and (ii) the date, time and place, not less than 14 days after its
598 publication, when a public hearing on the proposed operating budget will be held by the city
599 council.

600 (b) The city council shall adopt the operating budget, with or without amendments,
601 not more than 30 days following the date the budget is filed with the city clerk. In amending the
602 operating budget, the city council may delete or decrease any amounts except expenditures
603 required by law. The city council, except on the recommendation of the mayor, shall not increase
604 any item in or the total of the proposed operating budget unless otherwise authorized by law. If
605 the city council fails to act on an item in the operating budget within 30 days after receipt of the
606 budget, that amount shall, without any action by the city council, become a part of the
607 appropriations for the upcoming fiscal year and shall be available for the purposes specified.

608 (c) In addition to any other posting requirements under law, immediately after the
609 submission of the proposed budget to the city council, the mayor shall cause the entire budget
610 document to be posted on the city's website, such posting shall be prominently labeled as
611 "Proposed FY Budget." Said proposed budget document shall remain posted during the city
612 council review process contained in this article. After the enactment of the budget, it shall be
613 posted on the city's website and prominently labeled as "FY _ Budget" and shall remain
614 there throughout the fiscal year for which it is in effect. Said budget document shall reflect any
615 amendments made by the city council and approved by the mayor.

616 SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

617 (a) The mayor shall submit a capital improvement program to the city council at least
618 120 days before the start of each fiscal year. The capital improvement program shall include:

- 619 1) a clear and concise general summary of its contents;
- 620 2) a list of all capital improvements proposed to be undertaken during the next
621 ensuing 5 years, with supporting information as to the need for each capital improvement;

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

624 4) the estimated annual cost of operating and maintaining each facility and piece of
625 major equipment involved.

626 (b) This information is to be annually revised by the mayor regarding the capital
627 improvements still pending or in the process of being acquired, improved, or constructed. The
628 city council shall publish in at least one newspaper of general circulation in the city, and on the
629 city's website, a notice stating: (1) the times and places where entire copies of the capital
630 improvements program are available for inspection by the public; and, (2) the date, time and
631 place not less than 14 days after such publication, when a public hearing on said plan will be
632 held by the city council.

633 (c) At any time after the public hearing but before the first day of the last month of
634 the current fiscal year, the city council shall by resolution adopt the capital improvements
635 program with or without amendment, provided that each amendment must be voted separately
636 and that any increase in the capital improvements program as submitted must clearly identify the
637 method of financing proposed to accomplish such increase.

638 SECTION 6-6: INDEPENDENT AUDIT

639 The city shall annually provide for an outside audit of the books and accounts of the city
640 to be conducted by a certified public accountant or a firm of certified public accountants, which
641 has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers.

642 The mayor shall annually provide a sum sufficient to satisfy the estimated cost of conducting the

643 audit. The report of the audit shall be filed in final form and published on the city website. At
644 least every 5 years, the city shall conduct a competitive
645 procurement process to retain auditing services.

646 SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

647 Except as otherwise provided by law, no official shall knowingly and intentionally
648 expend in any fiscal year any sums in excess of the appropriations duly made in accordance with
649 law or involve the city in any

650 contract for the future payment of money in excess of these appropriations and any such
651 expenditure or involvement shall be in strict compliance with section 31 of chapter 44 of the
652 General Laws. An official who violates this section shall be personally liable to the city for any
653 amounts so expended to the extent that the city does not recover these amounts from the person
654 to whom the sums were paid.

655 ARTICLE VII

656 ELECTIONS

657 SECTION 7-1: PRELIMINARY ELECTIONS

658 A preliminary election to nominate candidates for mayor, councilor-at-large, ward city
659 councilor, and at large and district school committee members shall be held on the second
660 Tuesday in September in each odd-numbered year in which the candidates are to be elected, but
661 the board of election commissioners may, with the approval of the city council, reschedule the
662 preliminary election to avoid a conflict with any civic or religious holiday. Whenever a special
663 election to fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, 35

664 days before the date established for the special election; provided, however, that a preliminary
665 election to fill a vacancy for a ward councilor shall be held in the affected ward; a preliminary
666 election to fill a vacancy for a district school committee member shall be held only in the
667 affected district.

668 SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

669 (a) The number of signatures of voters required to place the name of a candidate on
670 the official ballot to be used at a preliminary election shall be as follows: for the office of mayor,
671 not less than 150 certified signatures; for any other office elected at large, not less than 100
672 certified signatures; for the office of ward councilor, not less than 50 certified signatures; for the
673 office of district school committee, not less than 50 certified signatures; provided, however, that
674 the signatures for the office of ward councilor shall be from voters in the ward for which the
675 councilor shall be elected, and the signatures for district school committee members shall be
676 from voters in the wards comprising such district.

677 (b) Signatures of voters shall be made on a form prescribed by the board of election
678 commissioners and shall be made available not earlier than April 2 in each city election year and
679 those forms shall be submitted to the board of election commissioners for certification of the
680 names on or before 5:00 in the afternoon on the 45th day prior to the declared date of the
681 preliminary election. An individual may appear on the ballot for only one office at any
682 preliminary, regular, or special city election.

683 (c) The order in which names of candidates for each office appear on the ballot shall
684 be determined by a drawing, by lot, conducted by the city clerk at least 40 days before the
685 preliminary election. The drawing shall be open to the public.

686 (d) The 2 persons who receive the highest number of votes for nomination for an
687 office at the preliminary election shall, except as provided by this section be the sole candidates
688 for that office whose names shall be printed on the official ballot to be used at the regular or
689 special city election at which the office is to be voted upon and no acceptance of a nomination
690 shall be necessary to its validity. If 2 or more persons are to be elected to the same office at the
691 regular or special city election, the several persons equal in number to twice the number to be
692 elected, receiving at such preliminary election the highest number of votes for nomination for
693 that office shall, except as provided by this section, be the sole candidates for that office whose
694 names shall be printed on the official ballot.

695 (e) If the preliminary election results in a tie vote among candidates for nomination
696 receiving the lowest number of votes which would entitle a person receiving the same to have
697 that person's name printed on the official ballot for the election, all candidates participating in the
698 tie vote shall have their names printed on the official ballots, although in consequence thereof
699 there shall be printed on the ballots the names of candidates exceeding twice the number to be
700 elected. If at the expiration of the time for filing statements of candidates to be voted for at any
701 preliminary election, not more than twice as many such statements have been filed with the
702 board of election commissioners for an office as are to be elected to such office, the candidates
703 whose statements have thus been filed shall be deemed to have been nominated to the office and
704 those candidates shall be voted on for such office at the regular or special city election and the
705 board of election commissioners shall not print those names on the ballot to be used at the
706 preliminary election and no other nomination to the office shall be made.

707 (f) If in consequence it shall appear that no names are to be printed upon the official
708 ballot to be used at a preliminary election in the city, no preliminary election shall be held for
709 such office or offices.

710 SECTION 7-3 REGULAR CITY ELECTION

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

713 SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION

714 The order in which names of candidates for each office appear on the ballot shall be
715 determined by a drawing, by lot, conducted by the board of election commissioners not later than
716 7 days after the certification of the preliminary election results. If there is no preliminary election
717 in advance of the regular city election, the drawing shall be conducted at least 40 days before the
718 general election. If there is no preliminary election in advance of a special city election, the
719 drawing shall be conducted at least 40 days prior to the special city election. The drawing shall
720 be open to the public.

721 SECTION 7-5: NON-PARTISAN ELECTIONS

722 All elections for city offices shall be nonpartisan and election ballots shall be printed
723 without any party mark, emblem, or other political designation.

724 SECTION 7-6: WARDS

725 The territory of the city shall be divided into 8 wards so established as to consist of as
726 nearly an equal number of inhabitants as is reasonable to achieve based on compact and
727 contiguous territory, bounded as far as reasonable by the center line of known streets or ways or

728 by other well-defined limits. Each ward shall be composed of voting precincts established in
729 accordance with the General Laws. The city council shall from time to time but not less than
730 once every 10 years, review the wards to ensure their uniformity in number of inhabitants.

731 SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

732 Except as otherwise expressly provided in this charter and authorized by law, all city
733 elections shall be governed by the General Laws relating to the right to vote, the registration of
734 voters, the nomination of candidates, voting places, the conduct of preliminary, regular, and
735 special city elections, the submission of charters, charter amendments and other propositions to
736 the voters, the of votes, the recounting of votes and the determination of results.

737 ARTICLE VIII

738 CITIZEN PARTICIPATION MECHANISMS

739 SECTION 8-1: GROUP PETITIONS

740 The city council shall hold a public hearing and act with respect to every petition which is
741 addressed to the city council and that is signed by at least 100 municipal voters as certified by the
742 board of election commissioners, along with their addresses, and that seeks the passage of a
743 measure. Once received, the petition shall be reviewed by the City's legal department to ensure it
744 does not conflict with any provisions of General Law regarding public hearings and legally
745 permissible topics thereof. If approved for consideration, a hearing shall be held by the city
746 council or by a committee or subcommittee thereof, and the city council shall act on the petition
747 within 3 months of filing with the city clerk. Hearings on two or more petitions filed under this
748 section may be held at the same time and place. At least 14 days before the hearing, the city clerk

749 shall notify the 10 petitioners whose names first appear on each such petition, publish a general
750 summary of the subject matter of the petition, and post notice of the date and time of the public
751 hearing. A hearing shall not be held upon any subject more than once in a given 12-month
752 period, as determined by the city council president.

753 SECTION 8-2: CITIZEN NEW INITIATIVE MEASURES

754 (a) Initiative procedures shall be started by the filing of a proposed initiative petition
755 with the city clerk or the secretary of the school committee. The petition shall: (i) be addressed to
756 the city council or the school committee; (ii) contain a request for the passage of a particular
757 measure, which shall be set forth in full in the petition; and (iii) be signed by not less than 250
758 voters and include their addresses. Not less than 25 signatures shall be certified from each ward.
759 The petition shall be accompanied by an affidavit signed by 10 voters, containing their
760 residential addresses, stating that they will constitute the petitioners' committee and be
761 responsible for circulating the petition and filing it in proper form, as well as designating one
762 member as its clerk.

763 (b) The city clerk or the secretary of the school committee shall, immediately
764 following receipt of a proposed petition, deliver a copy of the petition to the city solicitor. The
765 city solicitor shall, not more than 15 days following receipt of a copy of the petition, advise the
766 city council or the school committee in writing as to whether the measure as proposed may
767 lawfully be proposed by the initiative process. If the opinion of the city solicitor is that the
768 measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of
769 the opinion of the city solicitor shall be mailed to the members of the petitioners' committee.

770 (c) If the opinion of the city solicitor is that the petition is in a proper form, the board
771 of election commissioners shall provide blank forms for the use of subsequent signers and shall
772 print at the top of each blank form a fair, concise summary of the proposed measure, as
773 determined by the city solicitor, together with the names and addresses of the first 10 voters who
774 signed the originating petition. Not more than 90 days following the date the blank forms are
775 issued by the board of election commissioners, the petitions shall be returned and filed with the
776 board of election commissioners, signed by not less than 5 percent of the total number of voters
777 as of the date of the most recent city election. Signatures to an initiative petition may be on more
778 than one sheet of paper but all papers pertaining to any one measure shall be fastened together
779 and shall be filed as a single instrument with the endorsement on it of the name and residential
780 address of the person designated as filing the same. With each signature on the petition, there
781 shall also appear the street and number of the residence of each signer. Not more than 10 days
782 following the filing of the petition, the board of election commissioners shall ascertain by what
783 number of voters the petition has been signed and what percentage that number is of the total
784 number of voters as of the date of the most recent city election. The board of election
785 commissioners of voters shall attach to the petition a certificate showing the results of its
786 examination and shall return the petition to the city clerk or to the secretary of the school
787 committee, depending on how the petition is addressed. A copy of the board of election
788 commissioners' certificate shall also be mailed to the person designated as clerk of the
789 petitioners' committee.

790 (d) Not more than 30 days following the date a petition has been returned to the city
791 clerk or the secretary of the school committee and after publication under subsection (f), the city
792 council or the school committee shall act with respect to each initiative petition by: (i) passing it

793 without change; (ii) passing a measure stated to be in lieu of the initiative measure; or (iii)
794 rejecting it. The passage of a measure in lieu of an initiative measure shall be considered a
795 rejection of the initiative measure. If the city council or the school committee does not act with
796 respect to an initiative measure that is presented to it not more than 30 days following the date
797 the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth
798 day. If an initiative measure is rejected, the city clerk or the secretary of the school committee
799 shall promptly give notice of that fact to the persons designated as the petitioners' committee by
800 certified mail.

801 (e) Not more than 60 days following the date an initiative petition has been rejected,
802 a supplemental initiative petition may be filed with the city clerk or the secretary of the school
803 committee, but only by persons constituting the original petitioners' committee. The
804 supplemental initiative petition shall be signed by a number of additional voters that is not less
805 than 7 per cent of the total number of voters as of the date of the most recent city election. The
806 signatures on the initial petition filed under subsection (c) and the signatures on the supplemental
807 petition filed under this subsection, taken together, shall contain the signatures of not less than 12
808 percent of the total number of voters in the city. If the number of signatures to this supplemental
809 petition is found to be sufficient by the city clerk, the city council shall call a special election to
810 be held on a date fixed by it not less than 35 days nor more than 90 days following the date of the
811 certificate of the city clerk that a sufficient number of voters have signed the supplemental
812 initiative petition and shall submit the proposed measure, without alteration, to the voters for
813 determination; provided, however, that if another city election is to be held not more than 180
814 days following the date of the certificate of the city clerk that a sufficient number of voters have
815 signed the supplemental initiative petition and the clerk receives notice from the board of

816 election commissioners that sufficient signatures have been filed by the date of the city's
817 preliminary election, the city council may omit the calling of such special election and cause the
818 question to appear on the election ballot at such regular city election for determination by the
819 voters.

820 (f) The full text of an initiative measure that is to be submitted to the voters shall be
821 published in at least 1 local newspaper not less than 7 days but not more than 14 days before the
822 date of the election at which the question is to be voted upon. Additional copies of the full text
823 shall be available for distribution to the public in the office of the board of election
824 commissioners, and the text of the initiative and ballot question shall be posted on the city's
825 website.

826 (g) The ballots used when voting on a measure proposed by the voters under this
827 section shall contain a question in substantially the following form: Shall the following measure
828 that was proposed by an initiative petition take effect? (Insert a fair, concise summary prepared
829 and approved by the city solicitor.)

830 YES

831 NO

832 If the vote meets the voter participation criterion of Section 8-6, and a majority of the
833 votes cast on the question is in the affirmative, the measure shall be effective immediately unless
834 a later date is specified in the measure.

835 SECTION 8-3: CITIZEN REPEAL REFERENDUM PROCEDURES

836 (a) If, not more than 21 days following the date on which the city council or the
837 school committee has voted finally to approve of a measure, a petition signed by a number of
838 voters amounting to not less than 12 percent of the total number of voters as of the date of the
839 most recent general city election and addressed to the city council or to the school committee, as
840 the case may be, protesting against the measure or any part of it is filed with the secretary of the
841 school committee or city clerk, the effective date of the measure shall be temporarily suspended.
842 The school committee or the city council shall immediately reconsider its vote on the measure or
843 part of it and, if the measure is not rescinded, the city council shall provide for the submission of
844 the question for a determination by the voters at a special election, which the city council may
845 call at its convenience, or within such time as may be requested by the school committee or at
846 the next regular city election; provided, however, that pending this submission and determination
847 the effect of the measure shall continue to be suspended.

848 (b) The petition under this section shall be a referendum petition and the applicable
849 provisions of section 8.2 that relate to the filing and certification of signatures shall apply to such
850 referendum petitions, except that the words "measure or part thereof protested against" shall
851 replace the word "measure" and the word "referendum" shall replace the word "initiative". The
852 measure or part protested against shall be null and void unless a majority of those voting on the
853 question shall vote in favor of the measure or part protested against at the election.

854 SECTION 8-4: INELIGIBLE MEASURES

855 (a) The following shall not be subject to the initiative or referendum procedures:

856 (i) a proceeding relating to the internal organization or operation of

857 the city council or the school committee;

- 858 (ii) an emergency measure adopted under this charter;
- 859 (iii) the city budget or school committee budget as a whole, or any portion thereof;
- 860 (iv) an appropriation for the payment of the city's debt or debt service;
- 861 (v) an appropriation of funds to implement a collective bargaining agreement;
- 862 (vi) a proceeding relating to the appointment, removal, discharge, employment,
863 promotion, transfer, demotion, or other personnel action;
- 864 (vii) a proceeding repealing or rescinding a measure or part of it that is protested by
865 referendum procedures;
- 866 (viii) a proceeding providing for the submission or referral to the voters at an election;
- 867 (ix) a memorial resolution and other votes constituting ordinary, routine matters not
868 suitable as the subject of an initiative or referendum petition;
- 869 (x) setting of a property tax rate;
- 870 (xi) setting of water and sewer rates; and
- 871 (xii) a change in the title of a city agency or any body, department, division, office, or
872 Medford public school.

873 SECTION 8-5 RECALL

- 874 (a) The holder of the elected office of mayor in the city, with more than 6 months
875 remaining in the term of office for which the mayor was elected, may be recalled therefrom by

876 the voters of the city in the manner provided in this section. No recall petition shall be filed
877 against an officer within 6 months after taking office.

878 (b) A recall petition may be initiated by the filing of an affidavit containing the name
879 of the mayor, provided that the affidavit is signed by at least 500 voters. The board of election
880 commissioners shall thereupon deliver to those voters making the affidavit copies of petition
881 blanks demanding such recall, copies of which printed forms the board of election
882 commissioners shall keep available. The blanks shall be issued by the board of election
883 commissioners, with signature and official seal attached thereto. The blanks shall be dated, shall
884 be addressed to the city council and shall contain the names of all the persons to whom the
885 blanks are issued, the number of blanks so issued, the name of the person whose recall is sought,
886 the office from which removal is sought and the grounds of recall as stated in the affidavit. A
887 copy of the petition shall be entered in a record book to be kept in the office of the board of
888 election commissioners. Said recall petition shall be returned and filed with the board of election
889 commissioners within 40 days after the filing of the affidavit and shall have been signed by at
890 least 20 per cent of the voters of the city. The board of election commissioners shall, within 5
891 days, certify thereon the number of signatures which are names of voters.

892 (c) If the petition shall be found and certified by the city clerk to be sufficient, the
893 city clerk shall submit the same with such certificate to the city council within 5 days, and the
894 city council shall give written notice of the receipt of the certificate to the officer sought to be
895 recalled and shall, if the mayor does not resign within 5 days thereafter, order an election to be
896 held on a date fixed by the city council not less than 64 days and not more than 90 days after the
897 date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that
898 if any other municipal election is to occur within 120 days after the date of the certificate, the

899 city council shall postpone the holding of the recall election to the date of such other election. If
900 a vacancy occurs in the office of mayor after a recall election has been ordered, the election shall
901 not held as provided in this section.

902 (d) The mayor shall continue to perform the duties of the office until the recall
903 election. If the mayor is not recalled, the mayor shall continue in office for the remainder of the
904 unexpired term subject to recall as before. If recalled, the mayor shall be deemed removed and
905 the office vacant. The vacancy created thereby shall be filled under article 3 of this charter for
906 filling a vacancy. A person chosen to fill the vacancy caused by a recall shall hold office until the
907 next regular municipal election. Should the person be a candidate in the subsequent election, that
908 person will not be allowed to have "candidate for reelection" appear on the ballot at such election

909 (e) The form of the question to be voted upon shall be substantially as follows: Shall
910 [here insert the name and title of the elective officer whose recall is sought] be recalled? YES ___
911 NO___

912 (f) If a majority of the votes cast upon the question of recall is in the affirmative, the
913 mayor shall be recalled.

914 (g) In the case of a mayor subjected to a recall election and not recalled thereby, no
915 other or additional recall petition shall be filed against such officer until at least 270 days after
916 the election at which the officer's recall was submitted to the voters of the city.

917 (h) No person who has been recalled from an office or who has resigned from office
918 while recall proceedings were pending against such person shall be appointed to any city office
919 within 2 years after such recall or such resignation.

920 SECTION 8-6: REQUIRED VOTER PARTICIPATION

921 For any measure to be effective under initiative procedure and for any measure to be
922 declared null and void under a referendum procedure, at least 20 per cent of the registered voters
923 as of the most recent regular city election must vote at an election that includes on the ballot
924 submission to the voters of one or more initiative or referendum questions. Any election that
925 includes on the ballot submission a recall question shall require that 25 per cent of the registered
926 voters as of the most recent regular city election must vote at such election.

927 SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

928 The city council may by its own motion, and shall at the request of the mayor or the
929 school committee if a measure originates with the mayor or school committee and pertains to
930 affairs under its jurisdiction, submit to the voters at any regular city election for adoption or
931 rejection of any measure in the same manner and with the same force and effect as are hereby
932 provided for submission by petitions of voters.

933 SECTION 8-8: CONFLICTING PROVISIONS

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

936 ARTICLE IX

937 GENERAL PROVISIONS

938 SECTION 9-1: CHARTER CHANGES

939 This charter may be replaced, revised, or amended in accordance with any procedure
940 made available under the state constitution or by the General Laws.

941 SECTION 9-2: SPECIFIC PROVISION TO PREVAIL

942 To the extent that a specific provision of this charter conflicts with any provision
943 expressed in general terms, the specific provision of the charter shall prevail.

944 SECTION 9-3: RULES AND REGULATIONS

945 A copy of all rules and regulations adopted by a city agency shall be placed on file in the
946 office of the city clerk not later than the effective date of the rule or regulation and shall be
947 available for review by any person who requests such information at any reasonable time. Unless
948 an emergency exists, as determined by the mayor, no rule or regulation adopted by a city agency
949 shall become effective until at least 5 days following the date it is filed.

950 SECTION 9-4: PERIODIC REVIEW OF CHARTER

951 (a) The charter shall be subject to review by a charter review committee as defined
952 below within 5 years of the charter's approval by the voters, and every 10 years thereafter.

953 (b) In any year where a charter review is taking place, the mayor and city council
954 shall provide for a review to be made of the city charter. This review shall be made by a special
955 committee composed of 3 appointees of the mayor, 3 appointees of the city council, and 3
956 appointees of the school committee. In the case of the resignation or removal of a member of the
957 special committee, the original appointing authority shall appoint a replacement. All members
958 shall be appointed by March 1 of the year of the charter review, and the committee shall prepare
959 a report of its recommendations within 15 months of the committee's appointments. The

960 committee shall hold at least 2 public hearings, one to hear testimony from city officials and
961 residents, and one to present the committee's recommendations to the public. All members of the
962 committee shall be voters of the city. The special committee shall file its report with the city
963 clerk. Copies of any recommendations shall be made available to the public at city hall and
964 posted to the municipal website.

965 (c) The city council shall review and vote on the recommendations within 90 days of
966 receipt of the committee's report. The city council may amend the recommendations.

967 SECTION 9-5: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
968 BODIES

969 (a) All appointed multiple-member bodies shall elect a chair, a vice-chair and a
970 secretary and any other officer it deems necessary.

971 (b) All appointed multiple-member bodies of the city shall meet regularly at the times
972 and places that the multiple-member body, by the body's own rules, prescribe. Special meetings
973 of any multiple-member body shall be held at the call of the chair or by a majority of the
974 members of the body. Notice of the meeting shall be posted as required by law. Except as may
975 otherwise be authorized by law, all meetings of all multiple-member bodies shall always be open
976 to the public.

977 (c) Each appointed multiple-member body shall determine its own rules and order of
978 business. Each multiple-member body shall provide for the keeping of agendas, minutes, and
979 related submissions of its proceedings. All such documents shall be a public record, and certified
980 copies shall be placed on file in the office of the city clerk within a reasonable period from the
981 date of approval or acceptance of such submissions. Agendas and meeting minutes shall be

982 posted on the city’s website at the same time as submission to the city clerk, and to the extent
983 practicable, all related submissions to any agenda item; provided, however, that if such
984 submission cannot reasonably be posted on the website, the meeting minutes shall state where
985 and when any submissions as referenced in the meeting minutes can be viewed.

986 (d) If requested by a member, the vote of an appointed multiple-member body shall
987 be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if
988 the vote is unanimous, only that fact need be recorded.

989 (e) A majority of the members of an appointed multiple-member body shall
990 constitute a quorum. Unless some other provision is made by the multiple-member body's own
991 rules while a quorum is present, except on procedural matters, a majority of the full membership
992 of the body shall be required to vote on any matter representing an exercise of the powers of the
993 multiple-member body. General Laws related to a vote to meet in “executive session” shall
994 always require a majority of members of the body.

995 (f) All appointed multiple-member body members shall be residents of the city.
996 However, the residency requirement established by this subsection may be waived by majority
997 vote of the city council upon recommendation of the mayor. The mayor's recommendation shall
998 set out the reasons why said waiver is in the best interest of the city.

999 SECTION 9-6 LOSS OF OFFICE; EXCESSIVE ABSENCE

1000 If any person appointed to serve as a member of a multiple-member body shall fail to
1001 attend 3 or more consecutive meetings, or all of the meetings held during 4 calendar months, or
1002 at least 50 per cent of all of the meetings of such body held in 1 calendar year, the remaining
1003 members of the multiple-member body shall, by a majority vote of their members, notify the

1004 appointing authority. Such notice to the appointing authority shall include the notice from the
1005 chair of the multiple-member body to the person meeting the criteria above given in hand, or
1006 mailed, postage prepaid, by registered or certified mail, return receipt requested, of the body's
1007 intent to notify the appointing authority of the incidence of absence at least 10 days before
1008 providing notice to the appointing authority, and the response, if any, received from the person
1009 so notified. Only the appointing authority may determine if the seat is to be declared vacant.

1010 SECTION 9-7: REFERENCES TO GENERAL LAWS

1011 All references to General Laws contained in the charter refer to the General Laws of the
1012 commonwealth and are intended to refer to and to include any amendments or revisions to such
1013 chapters or sections or to the corresponding chapters and sections of any rearrangement, revision
1014 or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

1015 SECTION 9-8: COMPUTATION OF TIME

1016 In computing time under this charter, the day of the act or event after which the
1017 designated period of time begins to run shall not be included. The last day of the period shall be
1018 included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
1019 extended to the next day which is not a Saturday, Sunday, or legal holiday. When the period of
1020 time designated is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays shall
1021 not be included, when the period is 7 days or more, Saturdays, Sundays and legal holidays shall
1022 be included.

1023 SECTION 9-9: OATHS OR AFFIRMATIONS FOR THE OFFICE OF MAYOR, CITY
1024 COUNCIL, SCHOOL COMMITTEE

1025 A mayor-elect, the city council members-elect and the school committee members-elect
1026 shall, on the first Monday in the January of each even-numbered year, meet and take an oath or
1027 affirmation to the faithful discharge of the duties of their office by the city clerk. If the first
1028 Monday in January of such even numbered years falls on a legal holiday, the oaths or
1029 affirmations shall be taken on the following day. Upon receiving the oath or affirmation, each
1030 official shall document the same by signing an oath or affirmation that shall be kept in a bound
1031 book maintained by the city clerk. In the case of the absence of the mayor-elect or any member-
1032 elect of the city council or school committee on the day the oath is administered, the oath or
1033 affirmation may at any time thereafter be administered to that person by the city clerk, the
1034 assistant city clerk, a judge of a court of record or by a justice of the peace. Modifications to this
1035 section may be prescribed by ordinance.

1036 SECTION 9-10: CERTIFICATE OF ELECTION OR APPOINTMENT

1037 Every person who is elected or appointed to an office or as a member of a multiple-
1038 member body shall receive a certificate of that election or appointment from the board of
1039 election commissioners. Except as otherwise provided by law, every person who is elected or
1040 appointed to an office or as a member of a multiple-member body, before performing any act
1041 under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to
1042 enter upon the duties. The city clerk shall keep a record of this oath.

1043 SECTION 9-11: LIMITATION ON OFFICE HOLDING

1044 Unless otherwise allowed by law or this charter, no person shall simultaneously hold
1045 more than 1 city office or position of employment. This section may be waived by the mayor
1046 with the approval of the city council by majority vote. The city council shall have 30 days to

1047 accept or reject the mayor's request. If the city council does not act within said 30 days, the
1048 waiver shall become effective.

1049 SECTION 9-12: FELONY CONVICTION

1050 An elected official who has been convicted of a state or federal felony while holding
1051 office shall be deemed to have vacated the office. Any such vacancy shall be filled in accordance
1052 with the charter.

1053 SECTION 9-13: ENFORCEMENT OF CHARTER PROVISIONS

1054 It shall be the duty of the mayor to see that the charter is faithfully followed and complied
1055 with by all city agencies and city employees. Whenever it appears to the mayor that a city agency
1056 or city employee is failing to follow this charter the mayor shall, in writing, cause notice to be
1057 given to that agency or employee directing compliance with the charter. If it appears to the city
1058 council that the mayor personally is not following the charter the city council shall, by
1059 resolution, direct the attention of the mayor to those areas in which it believes there is a failure to
1060 comply with the charter. The procedures made available in chapter 231A of the General Laws
1061 may be used to determine the rights, duties, status, or other legal relations arising under this
1062 charter, including any question of construction or validity which may be involved in such
1063 determination.

1064 SECTION 9-14: CONFLICT OF INTEREST

1065 All city employees shall be considered municipal employees under Chapter 268A of the
1066 General Laws and shall comply with the state conflict of interest laws.

1067 ARTICLE X

1068 TRANSITIONAL PROVISIONS

1069 SECTION 10-1: CONTINUATION OF EXISTING LAWS

1070 All general or special laws, city ordinances and rules and regulations of or pertaining to
1071 the city of Medford, including special acts creating regional entities and arrangements of which
1072 the city is a member, that are in force when this charter takes effect, and not specifically or by
1073 implication repealed by this charter, shall continue in full force and effect until amended or
1074 repealed, rescinded by law or until they expire by their own limitation. In any case in which this
1075 charter is found to be inconsistent with any general or special law that would otherwise be
1076 applicable, this charter shall be deemed to prevail. Every inconsistency between the prior law
1077 and this charter shall be decided in favor of this charter.

1078 SECTION 10-2: CONTINUATION OF GOVERNMENT AND

1079 ADMINISTRATION

1080 All city agencies shall continue to perform the duties of the agency until re- elected,
1081 reappointed or until successors to the respective positions are duly appointed or elected or until
1082 the duties have been transferred and assumed by another city agency.

1083 SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

1084 All records, property and equipment of a city agency, or part thereof, the powers and
1085 duties of which are assigned in whole or in part to another city agency, shall be transferred
1086 immediately to that agency.

1087 SECTION 10-4: EFFECT ON OBLIGATIONS, TAXES, ETC.

1088 All official bonds, recognizance, obligations, contracts, and other instruments entered
1089 into or executed by or to the city before the adoption of this charter and all taxes, assessments,
1090 fines, penalties, and forfeitures, incurred or imposed, due or owing to the city, shall be enforced
1091 and collected and all writs, prosecutions, actions and causes of action, except as otherwise
1092 provided in this charter, shall continue without abatement and remain unaffected by the charter.
1093 No legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of
1094 this charter.

1095 SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL ACTS

1096 Chapter 839 of the Acts of 1974 establishing, a department of community development
1097 and Chapter 421 of the Acts of 1958, as amended by Chapter 163 of 2014, relating to the traffic
1098 commission are hereby retained until the city takes action under Article 5.

1099 SECTION 10-6: TIME OF TAKING EFFECT

1100 (a) The mayor will be elected to a 4-year term at the November 2, 2027 regular city
1101 election.

1102 (b) The city council comprised of 11 members, 8 from wards and 3 at large will be
1103 elected at the November 2, 2027 regular city election.

1104 (c) The 6 elected school committee members comprised of 4 from districts as defined
1105 in the charter and 2 elected at large will be elected at the November 2, 2027 election.

1106 (d) The provisions in Article 6 relative to the operating budget and capital
1107 improvement program will be in effect for the fiscal year

1108 (e) beginning July 1, 2028.

1109 SECTION 3. The board of election commissioners shall cause the following question to
1110 be placed on the official ballot to be used by the city of Medford at the regular city election to be
1111 held on November 4, 2025:

1112 Shall the city adopt an act passed by the general court in the year 2025 entitled: An Act
1113 establishing a charter for the city of Medford?

1114 The city solicitor shall prepare the summary of the proposed special act charter which
1115 shall appear on the ballot along with the question provided in this section and the city solicitor
1116 shall submit the question and summary to the board of election commissioners in accordance
1117 with section 42C of chapter 54 of the General Laws.

1118 SECTION 4. Except as noted in Section 10-5 of the charter, sections 1 and 2 shall take
1119 effect upon acceptance by a majority of the voters participating in the November 4, 2025 election
1120 voting in the affirmative, but not otherwise.

1121 SECTION 5. Section 3 shall take effect upon the passage of this act.