HOUSE DOCKET, NO. 4710 FILED ON: 5/14/2025

HOUSE . . . . . No. 4146

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

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

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

An Act establishing a charter for the city of Medford.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Paul J. Donato	*35th Middlesex*	*5/14/2025*
Christine P. Barber	*34th Middlesex*	*5/14/2025*
Sean Garballey	*23rd Middlesex*	*5/15/2025*

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HOUSE . . . . . No. 4146

By Representative Donato of Medford, a 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. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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:

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 Chapter 605 of the acts of 1986 is hereby repealed.

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

PREAMBLE

We, the people of the city of Medford, under the constitution and laws of the Commonwealth of Massachusetts, desiring to manage our own affairs and conduct our local government so that it is accountable, transparent, innovative, stable, ethical, representative, and responsible, and wishing to participate fully in exercising the rights and responsibilities of local government, do adopt and adhere to this charter. We aim for a government based upon this charter that will promote equity, inclusivity, civic engagement, and a vibrant, diverse community in which all people have a voice. We recognize the fact that we need a government that is responsive and serves residents' needs, and demand that our leaders are principled and

professional. Our city's rich history, from before the creation of the ford by the meadow from which Medford draws its name, is complex and significant and we resolve to cultivate a city that learns from that past to meet the promises and challenges of the future.

ARTICLE I

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

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

SECTION 1-2: SHORT TITLE

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

SECTION 1-3: DIVISION OF POWERS

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

SECTION 1-4: POWERS OF THE CITY

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

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

SECTION 1-5: CONSTRUCTION

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

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

SECTION 1-7: DEFINITIONS

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

1) "Charter," this charter and any adopted amendments to it.

2) "City," the city of Medford.

3) "City agency," any multiple member body, any department, division, or office of the city of Medford.

4) "City office or department head," a person having charge of a city office or department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II

LEGISLATIVE BRANCH

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

(a) There shall be a city council that shall exercise the legislative powers of the city. The city council shall consist of 11 members, 1 ward councilor nominated and elected by the voters of each of the 8 wards of the city and the remaining 3 city council members shall be councilors-at-large who shall be nominated and elected by and from the voters at large.

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

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

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

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

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

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

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

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

SECTION 2-3: PROHIBITIONS

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

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

SECTION 2-4: COMPENSATION

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

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

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

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

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

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

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

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

SECTION 2-6: ACCESS TO INFORMATION

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

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

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

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

SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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

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

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

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

SECTION 2-8: ORDINANCES AND OTHER MEASURES

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

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

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

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

SECTION 2-9: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

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

SECTION 2-10: FILLING OF VACANCIES

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

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

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

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

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

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

SECTION 2-11: PERIODIC REVIEW OF ORDINANCES

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

ARTICLE III

EXECUTIVE BRANCH

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

COMPENSATION; PROHIBITIONS

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

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

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

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

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

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

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

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

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

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

SECTION 3-3: APPOINTMENTS BY THE MAYOR

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

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

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

SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

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

SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES

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

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

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

SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

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

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

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

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

SECTION 3-7: APPROVAL OF CITY MAYOR, VETO

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

signed a measure nor returned it to the city council within 10 days following

the date it was presented to the mayor, the measure shall take effect.

SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR

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

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

SECTION 3-9: DELEGATION OF AUTHORITY BY THE MAYOR

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

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

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

(a) If a vacancy in the office of mayor occurs during the first 34 months of the term for which the mayor is elected, the city council shall forthwith order a special election to be held within 90 days following the date the vacancy is created, to fill such vacancy for the balance of the remaining term. If a regular city election is to be held within 180 days following the date the vacancy is created, a special election need not be held and the position shall be filled by vote at such regular election. The person elected shall serve for the balance of the remaining term. An acting mayor as provided in Section 3-8 shall serve until such special or regular municipal election and shall receive such compensation as established by ordinance for mayoral compensation.

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

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

ARTICLE IV

SCHOOL COMMITTEE

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

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

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

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

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

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

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

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

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

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

SECTION 4-3: PROHIBITIONS

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

SECTION 4-4: COMPENSATION

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

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

SECTION 4-5 POWERS AND DUTIES

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

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

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

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

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

SECTION 4-6: FILLING OF VACANCIES

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

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

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

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

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

ARTICLE V

ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

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

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

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

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

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

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

SECTION 5-2: MERIT PRINCIPLES

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

ARTICLE VI

FINANCIAL PROCEDURES

SECTION 6-1: FISCAL YEAR

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

SECTION 6-2: ANNUAL BUDGET MEETING

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

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

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

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

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

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

SECTION 6-4: ACTION ON THE OPERATING BUDGET

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

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

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

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

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

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

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

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

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

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

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

SECTION 6-6: INDEPENDENT AUDIT

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

audit. The report of the audit shall be filed in final form and published on the city website. At least every 5 years, the city shall conduct a competitive

procurement process to retain auditing services.

SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

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

ARTICLE VII

ELECTIONS

SECTION 7-1: PRELIMINARY ELECTIONS

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

election shall be conducted, if necessary, 28 days before the date established for the special election; provided, however, that a preliminary election to fill a vacancy for a ward councilor shall be held in the affected ward; a preliminary election to fill a vacancy for a district school committee member shall be held only in the affected district.

SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

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

(b) Signatures of voters shall be made on a form prescribed by the board of election commissioners and shall be made available not earlier than April 2 in each city election year and those forms shall be submitted to the board of election commissioners for certification of the names on or before the 14th day preceding the date fixed for submission to the board of election commissioners. The forms shall be submitted to the board of election commissioners on or before 5:00 in the afternoon on the 45th day prior to the declared date of the preliminary election. An individual may appear on the ballot for only one office at any preliminary, regular, or special city election.

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

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

(e) If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which would entitle a person receiving the same to have that person's name printed on the official ballot for the election, all candidates participating in the tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on the ballots the names of candidates exceeding twice the number to be elected. If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the board of election commissioners for an office as are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to the office and those candidates shall be voted on for such office at the regular or special city election and the

board of election commissioners shall not print those names on the ballot to be used at the preliminary election and no other nomination to the office shall be made.

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

SECTION 7-3 REGULAR CITY ELECTION

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

SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION

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

SECTION 7-5: NON-PARTISAN ELECTIONS

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

SECTION 7-6: WARDS

The territory of the city shall be divided into 8 wards so established as to consist of as nearly an equal number of inhabitants as is reasonable to achieve based on compact and contiguous territory, bounded as far as reasonable by the center line of known streets or ways or by other well-defined limits. Each ward shall be composed of voting precincts established in accordance with the General Laws. The city council shall from time to time but not less than once every 10 years, review the wards to ensure their uniformity in number of inhabitants.

SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

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

ARTICLE VIII

CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1: GROUP PETITIONS

The city council shall hold a public hearing and act with respect to every petition which is addressed to the city council and that is signed by at least 100 municipal voters as certified by the board of election commissioners, along with their addresses, and that seeks the passage of a measure. Once received, the petition shall be reviewed by the City's legal department to ensure it does not conflict with any provisions of General Law regarding public hearings and legally permissible topics thereof. If approved for consideration, a hearing shall be held by the city

council or by a committee or subcommittee thereof, and the city council shall act on the petition within 3 months of filing with the city clerk. Hearings on two or more petitions filed under this section may be held at the same time and place. At least 14 days before the hearing, the city clerk shall notify the 10 petitioners whose names first appear on each such petition, publish a general summary of the subject matter of the petition, and post notice of the date and time of the public hearing. A hearing shall not be held upon any subject more than once in a given 12-month period, as determined by the city council president.

SECTION 8-2: CITIZEN NEW INITIATIVE MEASURES

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

(b) The city clerk or the secretary of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city solicitor. The city solicitor shall, not more than 15 days following receipt of a copy of the petition, advise the city council or the school committee in writing as to whether the measure as proposed may lawfully be proposed by the initiative process. If the opinion of the city solicitor is that the

measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of the opinion of the city solicitor shall be mailed to the members of the petitioners' committee.

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

(d) Not more than 30 days following the date a petition has been returned to the city clerk or the secretary of the school committee and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by: (i) passing it without change; (ii) passing a measure stated to be in lieu of the initiative measure; or (iii) rejecting it. The passage of a measure in lieu of an initiative measure shall be considered a rejection of the initiative measure. If the city council or the school committee does not act with respect to an initiative measure that is presented to it not more than 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the persons designated as the petitioners' committee by certified mail.

(e) Not more than 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners' committee. The supplemental initiative petition shall be signed by a number of additional voters that is not less than 7 per cent of the total number of voters as of the date of the most recent city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of not less than 12 percent of the total number of voters in the city. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date fixed by it not less than 35 days nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for

determination; provided, however, that if another city election is to be held not more than 180 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition, the city council may omit the calling of such special election and cause the question to appear on the election ballot at such regular city election for determination by the voters.

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

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

YES

NO

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

SECTION 8-3: CITIZEN REPEAL REFERENDUM PROCEDURES

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

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

SECTION 8-4: INELIGIBLE MEASURES

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

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

the city council or the school committee;

(ii) an emergency measure adopted under this charter;

(iii) the city budget or school committee budget as a whole, or any portion thereof;

(iv) an appropriation for the payment of the city's debt or debt service;

(v) an appropriation of funds to implement a collective bargaining agreement;

(vi) a proceeding relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;

(vii) a proceeding repealing or rescinding a measure or part of it that is protested by referendum procedures;

(viii) a proceeding providing for the submission or referral to the voters at an election;

(ix) a memorial resolution and other votes constituting ordinary, routine matters not suitable as the subject of an initiative or referendum petition;

(x) setting of a property tax rate;

(xi) setting of water and sewer rates; and

(xii) a change in the title of a city agency or any body, department, division, office, or Medford public school.

SECTION 8-5 RECALL

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

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

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

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

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

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

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

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

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

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

SECTION 8-6: REQUIRED VOTER PARTICIPATION

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

SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

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

SECTION 8-8: CONFLICTING PROVISIONS

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

ARTICLE IX

GENERAL PROVISIONS

SECTION 9-1: CHARTER CHANGES

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

SECTION 9-2: SPECIFIC PROVISION TO PREVAIL

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

SECTION 9-3: RULES AND REGULATIONS

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

SECTION 9-4: PERIODIC REVIEW OF CHARTER

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9-6 LOSS OF OFFICE; EXCESSIVE ABSENCE

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

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

SECTION 9-7: REFERENCES TO GENERAL LAWS

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

SECTION 9-8: COMPUTATION OF TIME

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

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

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

SECTION 9-10: CERTIFICATE OF ELECTION OR APPOINTMENT

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

SECTION 9-11: LIMITATION ON OFFICE HOLDING

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

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

SECTION 9-12: FELONY CONVICTION

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

SECTION 9-13: ENFORCEMENT OF CHARTER PROVISIONS

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

SECTION 9-14: CONFLICT OF INTEREST

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

ARTICLE X

TRANSITIONAL PROVISIONS

SECTION 10-1: CONTINUATION OF EXISTING LAWS

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

SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

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

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

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

SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL ACTS

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

SECTION 10-6: TIME OF TAKING EFFECT

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

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

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

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

(e) beginning July 1, 2028.

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

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

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

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

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