

HOUSE No. 3569

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel J. Ryan

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

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

An Act relative to the charter of the city of Chelsea.

PETITION OF:

NAME:

Daniel J. Ryan

DISTRICT/ADDRESS:

2nd Suffolk

HOUSE No. 3569

By Mr. Ryan of Boston, a petition (accompanied by bill, House, No. 3569) of Daniel J. Ryan (with the approval of the city council) for legislation to amend the charter of the city of Chelsea. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the charter of the city of Chelsea.

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. The Charter of the City of Chelsea, as appearing in section 1 of Chapter 103 of
2 the acts of 1994, is hereby amended by striking out section 2-4 and inserting in place thereof the
3 following section:

4 Sec. 2-4. Filling of vacancies.

5 If a vacancy occurs in the office of city councilor, whether by failure to elect or
6 otherwise, the remaining councillors shall, within 30 days following the date of such vacancy,
7 act to fill said vacancy. The city council shall fill the vacancy for the remainder of the unexpired
8 term by choosing the defeated candidate for said seat from the last regular city election;
9 provided, however, that the defeated candidate shall have received at least 30 percent of the total
10 ballots cast for the particular seat being vacated. For the purpose of this section, the 30 percent
11 minimum threshold shall be calculated as a ratio of ballots cast for the particular office being
12 vacated to votes obtained by the defeated candidate. If there was no other candidate for said

13 office or the defeated candidate shall not have received at least 30 percent of the total ballots
14 cast, the city council shall at its discretion choose an individual, who may be the defeated
15 candidate, from among the voters entitled to vote for such office to serve for the remainder of the
16 unexpired term. Any person so chosen shall take the oath of office and commence to serve
17 forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is
18 to be held within 180 days following the date the vacancy is declared to exist. In the case where
19 an election being held in which a candidate is elected to a seat that is vacant at the time of the
20 election, the candidate deemed the winner of the election to said seat shall be immediately sworn
21 in to serve the remainder of the term previously vacated at the regularly scheduled City Council
22 meeting following the date the election results are officially certified.

23 Section 2. Said charter is hereby further amended by striking out section 3-2, as so
24 appearing, and inserting in place thereof the following section:

25 Sec. 3-2. Filling vacancies.

26 If a vacancy occurs in the membership of the school committee whether by failure to
27 elect or otherwise, the president of the city council shall, within 30 days following the date of
28 such vacancy, call a joint meeting of the city council and the school committee to act to fill said
29 vacancy. At any such joint meeting a majority of those present and voting shall fill the vacancy
30 for the remainder of the unexpired term by choosing the defeated candidate for said seat at the
31 last regular city election; provided, however, that the defeated candidate shall have received at
32 least 20 percent of the ballots cast for the particular seat being vacated. For the purpose of this
33 section, the 20 percent minimum threshold shall be calculated as a ratio of ballots cast for the
34 particular office being vacated to votes obtained by the defeated candidate. If there was no other

35 candidate for said office or the defeated candidate shall not have received at least 20 percent of
36 the total ballots cast, the city council and the school committee shall at their discretion choose an
37 individual, who may be the defeated candidate, from among the voters entitled to vote for such
38 office for the remainder of the unexpired term. Any person so chosen shall take the oath of office
39 and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a
40 regular city election is to be held within 180 days following the date the vacancy is declared to
41 exist. In the case where an election being held in which a candidate is elected to a seat that is
42 vacant at the time of the election, the candidate deemed the winner of the election to said seat
43 shall be immediately sworn in to serve the remainder of the term previously vacated at the
44 regularly scheduled School Committee meeting following the date the election results are
45 officially certified.

46 Section 3. Said charter is hereby further amended by striking out section 4-2, as so
47 appearing, and inserting in place thereof the following section:

48 Sec. 4-2. Powers of appointment.

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

52 The city manager shall appoint all members of multiple-member bodies provided,
53 however, that appointments made by the city manager shall become effective on the 30th day
54 following the day on which notice of the proposed appointment is filed with the city council,
55 unless the city council shall within such period by majority of the full city council vote to reject
56 such appointment or has sooner voted to affirm it. If the Notice of Appointment is filed after the

57 City Council has recessed for longer than thirty (30) days, then the appointment, if not acted
58 upon, shall become effective the day after the next scheduled City Council meeting, provided
59 however, that the city manager may make a temporary appointment if the city manager
60 determines that the position must be filled in order to assure continuity of services or effective
61 and prompt response to the city's emergency needs.

62 Section 4. Said charter is hereby further amended by striking out section 6-1, as so
63 appearing, and inserting in place thereof the following section:

64 Sec. 6-1. Organization of city agencies.

65 (a) Methods of organization. The organization of city government into operating
66 agencies for the provision of services and the administration of government shall be the
67 responsibility of the city manager. Subject only to the express prohibitions in the laws of the
68 commonwealth or the provisions of this Charter, the city manager may by administrative order
69 reorganize, consolidate, create, merge, divide or abolish any city department or agency, in whole
70 or in part, establish such new city agencies as the city manager deems necessary or advisable,
71 and prescribe the functions and the administrative procedures to be followed by all such
72 agencies.

73 Administrative orders made by the city manager shall become effective on the 30th day
74 following the day on which notice of the proposed administrative order is filed with the city
75 council, unless the city council shall within such period by majority of the full city council vote
76 to reject such administrative order or has sooner voted to affirm it. If the Notice of Proposed
77 Administrative Order is filed after the City Council has recessed for longer than thirty (30) days,

78 then the order shall become effective, if not acted upon, the day after the next scheduled City
79 Council meeting.

80 (b) Publication of administrative code. For the convenience of the public, the
81 administrative orders establishing the nature of the city organization and any amendments thereto
82 shall be printed as an appendix to, but not be an integral part of, the ordinances of the City of
83 Chelsea.

84 Section 5. Said charter is hereby further amended by striking out section 6-3, as so
85 appearing, and inserting in place thereof the following section:

86 Sec. 6-3. Traffic and parking commission.

87 (a) Establishment composition of commission. Until such time as provided otherwise by
88 paragraph (a) of section 6-1, there shall be a traffic and parking commission which shall consist
89 of the police chief, who shall serve as chairperson, the fire chief, the director of public works, the
90 director of community development, or their designees, and three resident members appointed in
91 accordance with section 4-2. The officer or employee appointed as parking clerk in accordance
92 with the laws of the commonwealth shall serve as clerk to the traffic and parking commission.

93 (b) Powers and duties. The traffic and parking commission shall have exclusive authority,
94 except as otherwise provided by this Charter, to adopt, amend, alter, and repeal rules and
95 regulations, not inconsistent with the General Laws, relative to vehicular traffic in the city, and to
96 the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets,
97 ways, highways, roads and parkways under the control of the city, including rules and
98 regulations, designing any way or part thereof under said control as a through way under and

99 subject to the provisions of section 9 of chapter 89 of the General Laws [M.G.L. c. 89, § 9], and
100 may prescribe penalties for violation of any rule or regulation adopted hereunder.

101 All rules and regulations promulgated by authorized vote of the traffic and parking
102 commission, except temporary or emergency rules and regulations promulgated for less than 30
103 days, shall become effective on the 30th day following the day on which notice of proposed rule
104 or regulation is filed with the city council, unless the city council shall within such period by
105 majority of the full city council vote to reject such rule or regulation or has sooner voted to
106 affirm it. If the Notice of proposed rule or regulation is filed after the City Council has recessed
107 for longer than thirty (30) days, then the rule or regulation, if not acted upon, shall become
108 effective the day after the next scheduled City Council meeting, provided however, that the
109 Traffic and Parking Commission may make a temporary rule or regulation if the Commission
110 determines that the position must be filled in order to assure continuity of services or effective
111 and prompt response to the city's emergency needs.

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113 Ten residents of the city, who are 18 years of age or older, may petition the traffic and
114 parking commission relating to any rule or regulation adopted or proposed to be adopted
115 provided the rule or regulation has not been in effect for a period no longer than 90 days. The
116 traffic and parking commission shall hold a public hearing thereon within 30 days after the filing
117 with the traffic and parking commission of such petition.

118 If a public hearing shall be held on any proposed rule or regulation, the proposed rule or
119 regulation shall not be adopted until the public hearing has been concluded. After the public

120 hearing has been held, any vote on the subject matter must be passed by a majority of the full
121 membership on the traffic and parking commission.

122 All rules and regulations adopted after any public hearing shall be published in a least
123 one newspaper of general circulation in the city.

124 Section 6. Said charter is hereby further amended by striking out section 10, as so
125 appearing, and inserting in place thereof the following section:

126 Sec. 10-1. Continuation of existing laws.

127 All ordinances, resolutions, rules, regulations, and votes of the city council and all
128 administrative orders adopted by the receiver which are in force at the time this Charter is
129 adopted, not inconsistent with the provisions of this Charter, shall continue in full force until
130 amended or repealed.

131 Where provisions of this Charter conflict with provisions of city ordinances, rules,
132 regulations, orders, and special acts and acceptances of laws of the commonwealth, the
133 provisions of this Charter shall govern. All provisions of city ordinances, rules, regulations,
134 orders and administrative orders of the receiver not superseded by this Charter shall remain in
135 force.

136 Sec. 10-2. Continuation of obligations.

137 All official bonds, obligations, contracts and other instruments entered into or executed
138 by or to the city before the adoption of this Charter, and all taxes, special assessments, fines,
139 penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and
140 collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise

141 provided, shall continue and remain unaffected by this Charter. No legal act done by or in favor
142 of the city shall be rendered invalid by the adoption of this Charter.