

HOUSE No. 03621

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello and

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 passage of the accompanying bill:

An Act relative to the charter of the town of Amesbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael A. Costello</i>	<i>1st Essex</i>
<i>Steven A. Baddour</i>	<i>First Essex</i>

HOUSE No. 03621

By Representative Costello of Newburyport and Senator Baddour, a joint petition (accompanied by bill, House, No. 3621) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and town council) that the city known as the town of Amesbury be authorized to place on the ballot in the current year a certain question relative to the charter of said city. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the charter of the town of Amesbury.

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 following shall be the Charter for the Town of Amesbury:
- 2 City of Amesbury Charter
- 3 PART I Incorporation, Short Title, Powers
- 4 Section 1-1 Incorporation Continued
- 5 The inhabitants of the city of Amesbury, Massachusetts, within its territorial limits as now or
- 6 may hereafter be established by law, shall continue to be a body politic and corporate, known as
- 7 the “City of Amesbury”.
- 8 Section 1-2 Short Title

9 This instrument shall be cited and known as the Amesbury Home Rule Charter.

10 Section 1-3 Division of Powers

11 All legislative powers of the city shall be exercised by a city council. The administration of all
12 fiscal, business and municipal affairs shall be vested in the executive branch headed by the
13 mayor.

14 Section 1-4 Powers of the City

15 The intent and purpose of this charter is to secure for the voters of the City of Amesbury, through
16 the adoption of this charter, all the powers possible to secure for their government under Article
17 LXXXIX of the Amendments to the Constitution of the Commonwealth and the laws of the
18 commonwealth, as fully and as though each such power were specifically and individually
19 enumerated herein.

20 Section 1-5 Form of Government

21 As a city, Amesbury shall have a mayor – council form of government.

22 Section 1-6 Interpretation of Powers

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

26 Section 1-7 Intergovernmental Relations

27 Notwithstanding any general or special law to the contrary, the city may to the maximum extent
28 lawfully possible participate by contract or otherwise with any governmental entity or political

29 subdivision of the Commonwealth, including the Commonwealth and to the extent feasible, any
30 other states or the United States in the performance of any activity which one or more of such
31 entities has the authority to undertake.

32

33 PART II Chief Executive Officer; Mayor

34 Section 2-1 Office of the Mayor

35 (a) Mayor; Qualifications; Election

36 The chief executive officer of the city shall be a mayor, elected by and from the voters. Any
37 voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office
38 and shall not hold any other elective public office.

39 A mayor who shall cease to be a resident of the city during the term for which such mayor was
40 elected shall be deemed to have vacated the office of mayor and the office shall be considered
41 vacant. Any vacancy in the office of mayor shall be filled in accordance with Section 2-10.

42 (b) Term of Office

43 The mayor shall be elected for a term of two years beginning on the first city business day in
44 January following the biennial election and until a successor is qualified.

45 (c) Compensation

46 The municipal council shall by ordinance establish an annual salary and expense schedule for the
47 mayor. No ordinance increasing or decreasing such salary and expense schedule shall be
48 effective however, unless it shall have been adopted during the first eighteen months of the term

49 for which councillors are elected and the revised salary and expense schedule is to be effective
50 upon the commencement of the next term of office of the mayor. The mayor shall receive no
51 additional compensation from serving as the chairperson of the school committee as provided by
52 section 4-3.

53 Section 2-2 Executive Powers of the Mayor

54 The mayor shall cause the laws, ordinances and orders for the city government to be enforced,
55 and shall cause a record of all official acts to be kept. The mayor shall execute all lawful
56 contracts on behalf of the city. The mayor may appoint one or more qualified assistants to aid in
57 the performance of the official duties, fix their salaries, and define their duties.

58 Section 2-3 Appointments by the Mayor

59 The mayor shall appoint all city officers, department heads, and members of board,
60 commissions, and committees for whom no other method of appointment or selection is provided
61 by the charter, excepting only officials serving under the city council and school committee and
62 persons appointed by state officials. The mayor shall appoint the head librarian, but only from
63 the candidates recommended by the board of library trustees. Unless otherwise provided by this
64 charter, appointments of all city officers, department heads, and members of board,
65 commissions, and committees shall become effective twenty-one days after submission of a
66 written notice of any appointment to the city clerk, provided however, that the city council may,
67 during such period, by a two-thirds vote of the full city council, reject any such appointment.

68 Section 2-4 Certificate of Appointment

69 In making appointments the mayor shall sign and file with the city clerk a certificate in
70 substantially the following form: I appoint (name of appointee) to the position of (name of
71 office), and I certify that said person is qualified to perform the duties of the said office, and I
72 make this appointment solely in the interest of the City of Amesbury. This appointment shall not
73 become effective until twenty-one days following filing with the city clerk, in accordance with
74 the Amesbury Home Rule Charter. (signed Mayor)

75 Section 2-5 Removal of Officials

76 The mayor may remove any person appointed by the mayor by filing a written statement with the
77 city clerk setting forth in detail the specific reasons therefore. A copy of which shall be delivered
78 or mailed to the person thus removed, who may make a written reply, which, if the person thus
79 removed desires, may be filed with the city clerk. Such reply shall not effect the action taken
80 unless the mayor so determines. This section shall not apply to the school committee, or persons
81 appointed by state officials, nor offices subject to provisions of civil service.

82 Any removal by the mayor shall become effective twenty one days after submission of said
83 written statement of removal to the city clerk, provided however, that the city council may,
84 during such period, by a two-thirds vote of the full city council, reject any such removal and
85 reinstate said person.

86 Section 2-6 Temporary Appointments

87 Whenever a vacancy in an office appointed by the mayor occurs whether by reason of disability,
88 death, resignation or removal from office for any reason, the mayor may appoint some other
89 person to perform the duties of the office for a period not to exceed four months. Whenever a

90 vacancy continues beyond the four months, the mayor may make a second four-month
91 appointment, but no temporary appointment shall be continued beyond eight months.

92 Section 2-7 Communications to the City Council; Special meetings of the City Council

93 (a) Communications to the City Council

94 Within twelve weeks following the start of each fiscal year, the mayor shall submit to the city
95 council, and make available to the public a complete report on the financial and administrative
96 activities of the city for the preceding fiscal year. The mayor shall provide on a quarterly basis
97 written communications, to the city council, in order to keep the council fully informed as to the
98 financial condition and future needs of the city and shall recommend such measures to it, as in
99 the judgment of the mayor, the needs of the city require.

100 (b) Call for Special Meetings of the City Council

101 The mayor may at any time, call a special meeting of the city council by causing a notice of such
102 meeting specifying the matters which the mayor desires to be considered to be left at the usual
103 place of residence or business of each council person, or given to such councillors in hand. Such
104 notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at
105 least forty-eight hours in advance of the time set for such meeting and shall specify the purpose
106 or purposes for which the meeting is to be held.

107 Section 2-8 Approval of Veto by the Mayor

108 Every measure relative to the affairs of the city adopted by the city council, except:

109 (a) measures relating to the internal affairs of the city council

110 (b) memorial or other resolutions

111 (c) emergency measures passed in accordance with provisions of this charter

112 (d) the budget for the operation of city government

113 shall be presented to the mayor for approval. If the mayor approves the measure as demonstrated
114 by his or her signature, the measure shall be considered approved. Further, if the mayor does not
115 return any measure within ten days following the day it is presented to the mayor, such measure
116 shall be considered approved.

117 The mayor shall signify disapproval of a measure by returning it to the city council with a
118 written statement of the objection(s). The city council shall enter the objection(s) of the mayor in
119 its records and shall forthwith reconsider its vote. Any measure shall be considered returned
120 upon a filing by the mayor with the clerk of the council. If, on such reconsideration, two-thirds of
121 the full city council membership votes to pass the measure, it shall be considered approved. Any
122 vote taken by the city council following the return of a measure by the mayor shall be taken by a
123 call of the roll.

124 If, upon the return of the mayor's disapproval of a measure, the city council does not vote on
125 such measure within twenty-one (21) days following the date of the return of the measure to the
126 council, the measure shall be considered rejected.

127 Section 2-9 Temporary Absence of the Mayor

128 Whenever by reason of sickness, absence from the city or other cause, the mayor shall be unable
129 to attend to the duties of the office of mayor, for any period of seven successive days, the
130 president of the city council, or in the event the council president is unwilling or unable to serve,

131 then the vice-president of the city council shall act as mayor, possessing the powers of the mayor
132 but only on those matters not admitting to delay. During any period in which the president or
133 vice-president of the city council is serving as acting mayor, such person shall not serve as the
134 presiding officer of the city council.

135 Section 2-10 Vacancy in the Office of Mayor

136 If a vacancy occurs in the office of mayor, by death, resignation or removal from office prior to
137 the last twelve months of the term to which the mayor was elected, the city council shall
138 schedule a special election pursuant to provisions of this charter. The city council president shall
139 serve as acting mayor until such election. Should the council president be unwilling or unable to
140 serve, the council shall elect from among its members one member to serve as mayor until the
141 next scheduled municipal election.

142 Should the vacancy occur during the last twelve months of the term, the city council president
143 shall assume the office of mayor until the next scheduled municipal election. Should the council
144 president be unwilling or unable to serve, the council shall elect by majority vote from among its
145 members one member to serve as mayor until the next scheduled municipal election. Upon
146 qualification of the president or the election and qualification of any member of the city council
147 as acting mayor under the provisions of this section, a vacancy shall exist in the seat of the
148 councillor selected as acting mayor.

149 PART III Legislative Branch

150 Section 3-1 Composition; Eligibility; Election and Term

151 (a) Composition

152 There shall be a city council composed of nine members that shall exercise the legislative powers
153 of the city. Three members, to be known as councillors-at-large, shall be nominated and elected
154 by and from the voters at large. Six members, to be known as district councillors, shall be
155 nominated and elected by and from the voters of each district, one such district councillor to be
156 elected from each of the six council districts into which the city is divided in accordance with
157 Section 7-5.

158 (b) Eligibility

159 Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at
160 the time of election be a voter and resident of the district from which the councillor is elected.

161 A councillor-at-large who shall cease to be a resident of the city during the term for which such
162 councillor was elected shall be deemed to have vacated the office of councillor-at-large and the
163 office shall be considered vacant. A district councillor moves from one district to another within
164 the first twelve months of the term of office for which such councillor was elected, the office
165 shall be considered vacant. Any district councillor who continues to reside in the city but who
166 moves from the district he or she represents during the last twelve months of his or her term of
167 office shall continue to serve for the balance of the term for which the district councillor was
168 elected. Any vacancy in the office of councillor-at-large or district councillor shall be filled in
169 accordance with Section 3-4.

170 (c) Election and Term

171 The term of office of city council members shall be for two years beginning on the first business
172 day of January following the regular municipal election, and continuing until their successors are
173 qualified.

174 Section 3-2 Council Organization

175 After the councillors-elect have taken the oath of office, the city council shall be called together
176 by the city clerk for the purpose of conducting an election among council members for the office
177 of city council president and vice-president to serve at the discretion of the city council. The
178 president shall preside at all meetings of the city council, perform ceremonial functions and
179 perform such other functions as may be assigned by this charter, by ordinance or by vote of the
180 city council. The vice-president shall perform all duties of the council president during the
181 council president's absence or disability.

182 Section 3-3 General Powers and Duties

183 Except as otherwise provided by general law or by this charter, all powers of the city shall be
184 vested in the city council, which shall provide for their exercise and for the performance of all
185 duties and obligations imposed upon the city by law. The council shall provide for their exercise
186 and for the performance of all duties and obligations imposed on the city by law.

187 Section 3-4 Filling of Vacancies

188 If a vacancy occurs in the office of city councillor, whether by failure to elect or otherwise, the
189 vacancy shall be filled by the unelected candidate receiving the highest votes in the same
190 election, if any, provided that candidate received at least thirty percent of the vote for that office.
191 Said candidate shall be notified by the city clerk of the vacancy, and if the candidate declines to
192 be sworn to office within ten days, has moved from the city, or is otherwise unable to serve, the
193 council shall choose a successor to fill the vacancy from among the voters entitled to vote for
194 such office. Any person so chosen shall take the oath of office and commence to serve forthwith.
195 No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held

196 within 120 days following the date the vacancy is declared to exist. The city council shall be the
197 sole judge of whether a vacancy shall exist in the office of city councillor and may declare an
198 office vacant by a majority vote of the council.

199 Section 3-5 Exercise of Powers; Quorum; Rules of Procedure

200 (a) Exercise of Powers

201 Except as otherwise provided by the laws of the Commonwealth or this charter, the legislative
202 powers of the city council may be exercised in a manner determined by it.

203 (b) Quorum

204 A quorum shall be a majority of the full membership of the city council. The affirmative vote of
205 a majority of the full membership of the city council shall be necessary to adopt any
206 appropriation order. Except as otherwise provided by the laws of the Commonwealth or this
207 charter, any other motion or measure may be adopted by a majority vote of those city councillors
208 present.

209 (c) Rules of Procedure

210 The city council shall within the first four months of taking office and from time to time
211 thereafter establish and adopt written rules for its procedures and make public those proposed
212 rules thirty days before adoption. Prior to adoption of proposed rules, the city council shall
213 operate under the previously adopted rules. Regular meetings of the city council shall be held at
214 a time and place fixed by ordinance but shall be not less frequent than once monthly. However,
215 the council president may suspend meetings during the month of July or August. Special
216 meetings of the city council may be held on the call of the mayor, the council president, or on the

217 call of any three members, by written notice delivered to the city clerk at least forty-eight hours
218 in advance of the time set. Except as otherwise authorized by the laws of the Commonwealth all
219 sessions of the city council shall be open to the public and an agenda of any regular or special
220 city council meeting shall be posted in the office of the city clerk and on the city bulletin board at
221 least forty-eight hours prior to any such meeting. Such posting shall not preclude the city council
222 from the introduction of additional agenda items as allowed by the city council's rules of
223 procedure. Every matter coming before the city council for action shall be put to a vote, the
224 result of which shall be duly recorded. All city council votes on ordinances, appropriation
225 orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full,
226 accurate, and up-to-date record of the proceedings of the city council shall be kept by the clerk of
227 the city council and shall be open to inspection by the public as required by law. The rules of
228 procedure of the city council shall provide for a period of public comment at regularly scheduled
229 meetings of the city council. Any members of the city council or the mayor may submit an item
230 or measure to the city council for consideration.

231 Section 3-6 City Clerk and Council Staff

232 The city council shall appoint a city clerk who shall also be the clerk to the city council, and may
233 employ such staff and retain such assistance as it necessary to conduct the business of the city
234 council. The city council shall set the compensation of such staff.

235

236 Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures

237 (a) In General

238 No measure shall be passed finally on the date on which it is introduced, except in cases of
239 special emergency involving the health or safety of the people or their property or other matters
240 not admitting of delay. Except as otherwise provided by this charter, every adopted measure shall
241 become effective at the expiration of fifteen days after adoption or at any later date specified
242 therein. Measures not subject to referendum shall become effective upon adoption. No
243 ordinance shall be amended or repealed except by another ordinance adopted in accordance with
244 this charter, or as provided in the initiative and referendum procedures.

245 (b) Emergency Measures

246 An emergency measure shall be introduced in the form and manner prescribed for measures
247 generally except that it shall be plainly designated as an emergency measure and shall contain
248 statements after the enacting clause declaring that an emergency exists and describing its scope
249 and nature in clear and specific terms. A preamble that declares and defines the emergency shall
250 be separately voted on and shall require the affirmative vote of two-thirds of the city council. An
251 emergency measure may be passed with or without amendment or rejected at the meeting at
252 which it is introduced. No measure making a grant, renewal or extension, whatever its kind or
253 nature, or a franchise or special privilege shall be passed as an emergency measure and except as
254 provided by the laws of the Commonwealth, no such grant, renewal or extension shall be made
255 otherwise than by ordinance. After its adoption, an emergency measure shall be published as
256 prescribed for other adopted measures. An emergency measure shall become effective upon
257 adoption or at such late time as it may specify.

258 (c) Objection

259 On the first occasion that the question on adoption of a measure is put to the city council, if a
260 single member objects to the taking of the vote, the vote shall be postponed until the next
261 meeting of the city council whether regular or special. If more than one member shall object,
262 such postponement shall be until the next regular meeting. For an emergency measure to be
263 postponed at least three members must object, in which case such postponement shall be until the
264 next regular meeting. This procedure shall not be used more than once for any measure
265 notwithstanding any amendment to the original measure.

266 (d) Publication of Measures

267 Upon final passage, notice of the subject matter of every ordinance, appropriation order, or loan
268 authorization shall be published in at least one newspaper of general circulation within the city
269 and posted on the city bulletin board. Any such publication notice required shall state the title of
270 the finally enacted ordinance or ordinances, appropriation order, or loan authorizations, and the
271 times and places at which copies of such measures may be obtained or reviewed by the public.
272 Copies shall be permanently filed at the public library and with the city clerk. The city council
273 shall annually prepare a document describing the action of the council in the preceding fiscal
274 year, which shall include the text of every ordinance, appropriation order, or loan authorization,
275 which will also be filed at the public library and with the city clerk.

276 Section 3-8 Inquiries and Investigations

277 The city council may require the mayor, any city officer or employee or member of an appointed
278 board, commission or committee to appear before it or a subcommittee of the city council, and
279 give such information as the city council may require in relation to the office or position held by
280 or administered by such person, its function and performance. The city council shall give at least

281 five days written notice of the scope of the inquiry, which is to be made to any person the city
282 council, shall be require to appear before the city council or its subcommittee under this section.

283 The city council may make investigations into the affairs of the city and into the conduct of any
284 city agency. For this purpose the city council may subpoena witnesses, administer oaths and
285 require the mayor, any city officer or employee or a member of an appointed board, commission
286 or committee to appear before the city council or its subcommittee and produce such evidence as
287 requested by the city council.

288 Section 3-9 Delegation of Licensing Powers

289 The city council may delegate to one or more city boards, committees, commissions or
290 departments, the powers vested in the city council by the laws of the commonwealth to grant and
291 issue licenses and permits, and may regulate the granting and issuing of licenses and permits by
292 any such city board, committee, commission, or department and may at its discretion, rescind
293 any such delegation without prejudice to any prior action which has been taken.

294 Section 3-10 Prohibitions

295 No councillor shall, while a member of the city council, hold any other office, including
296 membership on a board, commission or committee, or position under the city. No former
297 councillor shall hold any compensated appointive office or employment under the city until one
298 year after the expiration of his service on the city council. This provision shall not prevent a city
299 officer or employee who has taken a leave of absence from such duties in order to serve as a
300 member of the city council from returning to such office or employment following service as a
301 member of the city council.

302 Section 3-11 Compensation; Expenses

303 The city council shall by ordinance, establish an annual expense allowance and salary for its
304 members. Except as provided by this section, members of the city council shall receive no other
305 compensation or benefits from the city.

306 No ordinance increasing such salary or expense allowance shall be effective unless it shall have
307 been adopted by a two-thirds vote of the full city council membership during the first eighteen
308 months of the term for which councillors are elected and the revised salary and expense schedule
309 is to be effective upon the commencement of the terms of office of the next city council to be
310 elected.

311 Section 3-12 Involvement in Administrative Affairs

312 Except as may be otherwise authorized by this charter, no member of the city council, nor any
313 committee of the city council shall directly take part in the conduct of the administrative business
314 of the city.

315

316 PART IV Other Elected Officials

317 Section 4-1 Elected Officers in General

318 In addition to the mayor and city council, the offices to be filled by the voters shall be a school
319 committee, a planning board, a board of library trustees, housing authority and such other
320 regional authorities, districts, or committees as may be established by law or inter-local
321 agreement. The members of the school committee, planning board, board of library trustees, and
322 housing authority shall be nominated and elected by and from the voters at large and their terms

323 of office shall begin on the first business day of January following their election, and continuing
324 until their successors are qualified.

325 Section 4-2 Eligibility

326 Any voter shall be eligible to hold elective city office provided that no person shall
327 simultaneously hold more than one elective city office, and no elected officer shall hold an
328 appointed city position or office or be otherwise employed by the city unless otherwise provided
329 for by this charter.

330 Section 4-3 School Committee

331 (a) Composition; Term of Office

332 There shall be a school committee composed of seven members; six members shall be nominated
333 and elected by and from the voters at large. The mayor shall be the seventh member of the
334 school committee and shall be the chairperson of the committee. The term of office of six school
335 committee members elected to the school committee shall be for four years. Terms of office
336 shall be so arranged that the terms of nearly an equal number of members as is possible expire at
337 each regular election.

338 (b) Powers and Duties

339 The school committee shall have general charge of the public schools of the city. The school
340 committee shall have the power to select and to terminate a superintendent of schools, establish
341 educational goals and policies for the schools consistent with the requirements of the laws of the
342 commonwealth and standards established by the commonwealth. The school committee shall
343 have all the powers and duties given to school committees by the laws of the commonwealth.

344 Section 4-4 Planning Board

345 (a) Composition; Term of Office

346 There shall be a planning board consisting of seven members elected for four-year terms. Terms
347 of office shall be so arranged that the terms of as nearly an equal number of members as is
348 possible expire at each regular election.

349 (b) Powers and Duties

350 The planning board shall make studies and prepare plans concerning the resources, possibilities
351 and needs of the city. The planning board shall have the power to regulate the subdivision of
352 land within the city by the adoption of rules and regulations governing such development. The
353 planning board shall annually report to the city giving information regarding the condition of the
354 city and any plans or proposals known to it affecting the resources, possibilities and needs of the
355 city. The planning board shall have all of the powers and duties given to planning boards under
356 the constitution and general laws of the commonwealth, and such additional powers and duties as
357 may be authorized by the charter, by ordinance or by other city council vote.

358

359 Section 4-5 Board of Library Trustees

360 (a) Composition; Term of Office

361 There shall be a board of library trustees consisting of nine members elected for terms of four
362 years. Terms of office shall be so arranged that the terms of as nearly an equal number of
363 members as is possible expire at each regular election.

364 (b) Power and Duties

365 The board of library trustees shall recommend candidates for the position of library director. The
366 board of library trustees shall have all of the powers and duties given to board of library trustees
367 under the state's constitution and laws of the Commonwealth, and such additional powers and
368 duties as may be authorized by the charter, by ordinance or by administrative order.

369 Section 4-6 Housing Authority

370 (a) Composition; Term of Office

371 There shall be a housing authority composed of five members; four members shall be nominated
372 and elected by and from the voters at large; the fifth member shall be appointed in accordance
373 with the laws of the commonwealth. The term of office of four members elected by the voters
374 shall be for four years. Terms of office shall be so arranged that term of office of two members
375 shall expire at each regular election.

376 (b) Powers and Duties

377 The housing authority shall make studies of the housing needs of the city and shall provide
378 programs for housing. The housing authority shall have all of the powers and duties given to
379 housing authorities under the laws of the commonwealth.

380 Section 4-7 Vacancies in Elected Offices Other Than Mayor and City Council

381 If a vacancy occurs in the membership of the school committee, planning board, board of library
382 trustees, or housing authority, whether by failure to elect or otherwise, the remaining members of
383 said board or committee shall notify the president of the city council who will declare such
384 vacancy to exist. The council president shall, within thirty days following the date such vacancy

385 is declared to exist, call a joint meeting of the city council and the remaining members of the
386 board or committee on which such vacancy exists for the purpose of filling said vacancy. At any
387 such joint meeting a majority of those present and voting shall choose the unelected candidate
388 who received the highest number of votes, if any, at the last regular city election immediately
389 preceding the date of the vacancy for the seat declared vacant, provided however, that the
390 unelected candidate shall have received at least thirty (30) percent of the total votes cast for that
391 office. Should more than one unelected candidate meet the criterion as described above, the vote
392 of the affected board of committee and the council shall include all such candidates.

393 If there is no eligible candidate for said office, or the said candidate declines to be sworn to
394 office within ten days, or has removed from the city, or is otherwise unable to serve, the city
395 council and such other board or committee will choose from among the voters entitled to vote for
396 such office. Said vacancy shall be posted for a minimum of thirty days, and the council and the
397 affected board shall meet at a special council meeting called for the purpose or at a regularly
398 scheduled council meeting where such candidates will be granted equal time to speak. At the
399 same meeting, or the next following meeting, the council and the affected board shall vote to fill
400 the vacancy from among the announced candidates. The council and the affected board or
401 committee shall act in this matter as a committee of the whole, requiring a majority vote of the
402 full council membership and remaining members of the affected board or committee, to choose a
403 candidate to fill the vacancy.

404 Any person so chosen shall take the oath of office and commence to serve forthwith. No
405 vacancy shall be filled, in the manner herein provided, if a regular city election is to be held
406 within 120 days following the date the vacancy is declared to exist. If a vacancy is filled under
407 this section, the term of office of which shall continue beyond the next regular election, the

408 person chosen to fill said vacancy shall only serve until such next regular election. At such
409 regular election the voters shall fill the unexpired balance of the term of office.

410 Should the remaining members of the school committee, planning board, board of library
411 trustees, or housing authority fail to declare a vacancy, the city council shall be the sole judge of
412 whether a vacancy exists in the office of any elected office under this section and may declare
413 any such elected office vacant by a majority vote of the council.

414 Section 4-8 Prohibitions

415 No elected member of the school committee, board of library trustees, planning board or housing
416 authority shall hold any compensated appointive office or employment under the city until one
417 year after the expiration of the term of office of such elected member. This provision shall not
418 prevent a city officer or employee who has been granted a leave of absence, by their appointing
419 authority, from such duties in order to serve as a member of such elected office from returning to
420 such employment or office following service as an elected member of the school committee,
421 board of library trustees, planning board or housing authority.

422

423 PART V Financial Procedures

424 Section 5-1 Budget Policy

425 The mayor after consultation with the members of the city council, school committee, and others
426 deemed appropriate by the mayor, shall call a meeting of the city council prior to the
427 commencement of the budget process to review the financial condition of the city, revenue and
428 expenditure forecasts and other relevant information. The purpose of the meeting is to provide

429 information on the financial condition of the city. The mayor shall be assisted by the chief
430 financial officer established under Section 6-3 of this charter, in performing this responsibility.

431 Section 5-2 Submission of Operating Budget; Budget Message

432 In accordance with the laws of the Commonwealth before the commencement of the ensuing
433 fiscal year, the mayor shall submit to the city council a proposed operating budget for all city
434 agencies with an accompanying budget message and supporting documents. The mayor shall
435 outline the proposed fiscal policies of the city; describe important features of the proposed
436 operating budget and indicate any major variations from the current budget, fiscal policies,
437 expenditures and revenues together with reasons for such change. The proposed operating
438 budget shall provide a complete fiscal plan of all city funds and activities and shall be submitted
439 in the form the mayor deems desirable.

440 The operating budget as adopted by the school committee shall be submitted to the mayor at least
441 thirty days prior to the submission of the proposed operating budget to the city council. The
442 mayor shall notify the school committee of the date by which the operating budget of the school
443 committee shall be submitted to the mayor. The chief financial officer shall coordinate the
444 preparation of the budget with the superintendent of schools and the school committee's budget
445 process in accordance with the laws of the Commonwealth.

446 Section 5-3 Action of the Budget

447 (a) Public Hearing

448 The city council shall publish, in at least one newspaper of general circulation in the city, a
449 notice of the recommended operating budget as submitted by the mayor. The notice shall state:

450 (1) the times and places where copies of the recommended operating budget are available for
451 inspection by the public, and (2) the date, time and place not less than fifteen days after such
452 publication, when a public hearing on said proposed operating budget will be held by the city
453 council.

454 (b) Adoption of the Budget

455 The city council shall adopt the operating budget, with or without amendments, within forty-five
456 days following the date the budget is filed with the clerk of the council. In amending the
457 operating budget, the city council may delete or decrease any amounts except expenditures
458 required by law. Except upon the recommendation of the mayor, the city council shall not
459 increase any item in or the total of the proposed operating budget, unless otherwise allowed by
460 the laws of the Commonwealth.

461 If the city council fails to take action with respect to any item in the operating budget within
462 forty-five days after its receipt, such amount shall, without any action by the city council become
463 a part of the appropriations for the next fiscal year, and be available for the purposes specified.

464 Section 5-4 Financial Planning

465 (a) Financial Planning Practices

466 The chief financial officer established in accordance with Section 6-3, shall assist the mayor in
467 financial planning and shall annually prepare a capital improvements program and a financial
468 forecast. The capital improvements program and a financial forecast shall be prepared under the
469 direction of the mayor, and shall be submitted to the city council and shall be available to the
470 public for inspection.

471 (b) Capital Improvements Program

472 The chief financial officer shall annually prepare and submit a capital improvement program to
473 the city council at least ninety days prior to the date for submission of the operating budget,
474 unless some other time is provided by ordinance. The capital improvement program shall
475 include: an itemization of all capital improvements proposed to be undertaken for at least five
476 fiscal years: supporting date; cost estimates; method of financing; estimated effect of such plan
477 on the tax rate; and other features as deemed necessary by the mayor or requested by the city
478 council.

479 (c) Financial Forecast

480 The chief financial officer shall annually prepare a long-term financial forecast of city revenue,
481 expenditures and the general financial condition of the city. The forecast shall include, but not
482 be limited to, an identification of factors which will impact on the financial condition of the city,
483 revenue and expenditure trends; potential resources of new or expanded revenues and any long
484 or short term actions which may be taken that will enhance the financial conditions of the city.

485 Section 5-5 Annual Audit

486 The city council shall provide for an annual audit of the books and accounts of the city and the
487 school department to be made by a certified public accountant, or firm of certified public
488 accounts who shall have no personal interest, direct or indirect, in the fiscal affairs of the city
489 government. The city council shall publish in at east one newspaper of general circulation in the
490 city a notice stating the availability of the final audit report for public inspection.

491 Section 5-6 Public Access to Financial Documents

492 Copies of the annual budget, capital improvements program, financial forecast, and the annual
493 audit shall be available for public inspection and copies of such documents shall be filed in the
494 office of the city clerk and the library.

495

496 PART VI ADMINISTRATION OF TOWN GOVERNMENT

497 Section 6-1 Administrative Organization

498 (a) Organization of City Agencies

499 The organization of city government into operating agencies for the provision of services and the
500 administration of government may, be accomplished through either of two methods provided for
501 in Section 6-1 (a) (1) and (2). Subject only to the express prohibitions of the laws of the
502 Commonwealth or the provisions of this charter the city may organize operating agencies as
503 deemed in the best interest of the city.

504 (1) Organization by Ordinance

505 The city council may by ordinance reorganize passed by two-thirds of the full city council
506 membership reorganize, consolidate, create, merge, divide or abolish any city department or
507 agency, in whole or in part, establish such new city agencies as deemed necessary or advisable,
508 and prescribe the functions and the administrative procedures to be followed by all such
509 agencies.

510 (2) Executive Reorganization Plans

511 The mayor may by administrative order reorganize, consolidate, create, merge, divide or abolish
512 any city division, department or agency, in whole or in part, establish such new city agencies as
513 the mayor deems necessary or advisable, and prescribe the functions and the administrative
514 procedures to be followed by all such divisions, departments or agencies.

515 Administrative orders made by the mayor shall become effective on the thirtieth day following
516 the day on which notice of the proposed administrative order is filed with the city council, unless
517 the city council shall within such period by two-thirds of the full city council membership vote to
518 reject such administrative order or has sooner voted to affirm it.

519 (b) Publication of Administrative Orders

520 For the convenience of the public, copies of reorganization plans adopted under this section shall
521 be filed in the office of city clerk and shall be printed as an appendix to the ordinances of the
522 city. However, failure to print and publish such reorganization plans shall not invalidate the
523 same.

524 Section 6-2 Management of Human Resources

525 The mayor shall adopt rules and regulations establishing a human resources system. The human
526 resources system shall make use of current concepts of human resources management and may
527 include, but not be limited to, the following elements: a method of administration; human
528 resources policies indicating the rights, obligations and benefits of employees; a classification
529 plan; a compensation schedule; a method of recruiting and selecting employees based upon merit
530 principles; a centralized record keeping system; a performance appraisal system; disciplinary
531 procedures; and other elements that are determined necessary.

532 Unless otherwise provided by this charter, all city agencies and positions shall be subject to the
533 rules and regulations adopted under this section excluding those of the school department. Rules
534 and regulations adopted by the mayor shall become effective on the twenty first day following
535 the day on which notice of the rules and regulations are filed with the city council, unless the city
536 council shall within such period by a two-thirds vote of the full city council vote to reject such
537 rules and regulations.

538

539 Section 6-3 Department of Administration and Finance

540 (a) Department Established

541 There shall be a department of administration and finance under the direction of a chief financial
542 officer. The chief financial officer shall be appointed by and responsible to the mayor. The chief
543 financial officer shall be a person especially qualified by education, experience and training to
544 perform the duties of the office. The mayor may from time to time establish such additional
545 qualifications as deemed necessary and appropriate.

546 (b) Responsibilities of the Chief Financial Officer

547 The chief financial officer shall be responsible for the coordination of all financial services and
548 activities; maintenance of all accounting records and other financial statements; payment of all
549 obligations; receipt of all funds due; assistance to all other city agencies in any matter related to
550 financial affairs; monitoring of expenditures of all funds; including periodic reporting to
551 appropriate agencies on the status of accounts; maintaining a full and complete inventory of city
552 real and personal property; acting as the chief procurement officer; supervision of all data

553 processing or information management functions, unless otherwise provided, and any other
554 matter relating to municipal finances as may be determined necessary or desirable. The chief
555 financial officer shall assist the mayor with the preparation of an annual operating budget,
556 financial forecasts, capital improvement program and other financial documents. The chief
557 financial officer shall also keep the mayor fully informed as to the financial condition of the city
558 and make recommendations as deemed necessary and perform such other duties as necessary or
559 as may be assigned.

560 The chief financial officer shall supervise the offices and functions of the auditing; treasury, and
561 collecting. The chief financial officer shall also direct and supervise the daily operations of the
562 assessing department, provided however, that the board of assessors shall continue to have the
563 other powers, duties and responsibilities which are given to boards of assessors under the laws of
564 the Commonwealth. The chief financial officer may serve as the auditor or the
565 treasurer/collector but may not serve as both.

566 The department of administration and finance may be subject to reorganization in accordance
567 with Section 6-1 of this charter.

568 Section 6-4 Liquor Licensing Commission

569 There shall be a liquor licensing commission established in accordance with the laws of the
570 Commonwealth.

571

572 PART VII Nominations and Elections

573 Section 7-1 City Elections; General and Preliminary

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

576 On the seventh Tuesday preceding every regular city election, there shall be held a preliminary
577 election for the purpose of nominating candidates, if necessary, to assure that no more than twice
578 the number of candidates for the available offices appear on the regular municipal election ballot.

579 Section 7-2 Preliminary Elections

580 (a) Signature Requirements

581 The number of signatures of voters required to place the name of a candidate on the official
582 ballot to be used at a preliminary election shall be as follows: for the office of mayor the
583 signature requirement shall be not less than 50; for the office of councillor-at-large the signature
584 requirement shall be not less than 50; for the office of district councillor the signature
585 requirement shall be not less than 25 signatures from said district; and for the offices of school
586 committee member, planning board member, member of the board of library trustees and
587 housing authority member, the signature requirement shall be not less than 50 signatures.

588 (b) Ballot Position

589 The order in which names of candidates appear on the ballot for each office shall be determined
590 by a drawing by lot conducted by the city clerk in the presence of such candidates or their
591 representatives as may choose to attend such drawings. The city clerk shall provide notice to
592 candidates of their ballot position.

593 (c) Determination of Candidates for Election

594 The two persons receiving at a preliminary election the highest number of votes for nomination
595 for an office shall be the sole candidates for that office whose names may be printed on the
596 official ballot to be used at the regular election at which such office is to be filled, and no
597 acceptance of a nomination at a preliminary election shall be necessary to assure its validity.

598 If two or more persons are to be elected to the same office at such regular election, the several
599 persons in number equal to twice the number to be so elected receiving at such preliminary
600 election the highest number of votes for nomination for that office shall be the sole candidates
601 for that office whose names may be printed on the official ballot.

602 If the preliminary election results in a tie vote among candidates for nomination receiving the
603 lowest number of votes, which but for said tie vote would entitle a candidate receiving the same
604 to have such candidate's name printed upon the official ballot for the election, all candidates
605 participating in said tie vote shall have their names printed upon the official ballot, although in
606 consequence thereof, there be printed on such ballots the names of the candidates exceeding
607 twice the number to be elected.

608 (d) Nomination of Candidates

609 If at the expiration of the time for filing petitions of candidates to be voted for at any preliminary
610 election, not more than twice as many such petitions have been filed with the city clerk for an
611 office as are to be elected to such office, the candidates whose petitions have thus been filed shall
612 be deemed to have been nominated to said office and their names shall be voted on for such
613 office at the succeeding regular election, and the city clerk shall not print said names upon the
614 ballot to be used at said preliminary election and no other nomination to said office shall be
615 made.

616 Section 7-3 Regular Election

617 (a) Information to Voters

618 For any candidate in a regular city election who is an elected incumbent of the office that is
619 sought, next to the candidate's name shall appear the phrase "candidate for re-election".

620 (b) Ballot Position

621 The order in which names of candidates appear on the ballot for each office in a regular city
622 election shall be determined by a drawing by lot conducted by the city clerk in the presence of
623 such candidates or their representatives as may choose to attend.

624 Section 7-4 Districts

625 The territory of the city shall be divided into six districts so established as to consist of as nearly
626 equal a number of inhabitants as it is possible in compact and contiguous territory; bounded
627 insofar as possible by the center line known streets or ways or by other well-defined limits. Each
628 district shall be composed of voting precincts established in accordance with the laws of the
629 commonwealth.

630 Section 7-5 Applications of State Laws

631 Except as expressly provided in this charter and authorized by laws of the Commonwealth, all
632 municipal elections shall be governed by the laws of the Commonwealth relating to the right to
633 vote, the registration of voters, the nomination of candidates, the conduct of preliminary and
634 regular and special elections, the submission of charter amendments and other propositions, the
635 counting of votes and the declaration of results.

636

637 PART VIII Citizen Participation Mechanisms

638 Section 8-1 Free Petition

639 The city council or the school committee shall hold a public hearing and act with respect to every
640 petition which is addressed to it, which is signed by one hundred and fifty voters or more, and
641 which seeks the passage of a measure. The hearing shall be held by the city council or the school
642 committee, or, in either case, by a committee or subcommittee thereof, and the action by the city
643 council or the school committee shall be taken not later than six weeks after the petition is filed
644 with the clerk of the council or the secretary of the school committee, as may be appropriate.
645 Hearings on two or more petitions filed under this section may be held at the same time and
646 place. The clerk of the council or the secretary of the school committee shall mail notice of the
647 hearing to the ten persons whose names appear first on the petition at least seven days prior to
648 the hearing. Notice, by publication, of all such hearings shall be at public expense.

649 Section 8-2 Citizen Initiative Measures

650 (a) Commencement of Proceedings

651 Initiative procedures shall be started by the filing of an initiative petition with the city clerk. The
652 petition shall be addressed to the city council or the school committee, shall contain a request for
653 passage of a particular measure set forth in the petition and shall be signed by not less than
654 twenty percent of the total number of voters.

655 Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any
656 one measure shall be fastened together and shall be filed in the office of the city clerk as one

657 instrument, with the endorsement thereon of the names and addresses of the persons designated
658 as filing the same. With each signature to the petition, shall be stated the place of residence of
659 the signer, giving the street and number, if any.

660 Within ten days of the filing of said petition, the registrars of voters shall ascertain by what
661 number of votes the petition is signed, and shall attach thereto their certificate showing the result
662 of such examinations.

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

666 When such certificate has been so transmitted, said petition shall be deemed to be valid unless
667 written objections are made with regard to the signatures thereon by a voter within forty-eight
668 hours after such certification by filing such objections with the city council or the school
669 committee, and a copy thereof with the registrars of voters. The validity of any objection to the
670 certification shall be determined in accordance with the laws of the Commonwealth.

671 (b) Referral to City Attorney

672 If the city clerk determines that a sufficient number of signers are voters, the city clerk shall
673 submit a copy of the petition to the city attorney.

674 Within fifteen days after receipt by the city attorney of the petition the city attorney shall advise
675 the city clerk in writing whether the measure may be proposed by initiative procedures and
676 whether it may be lawfully passed by the city council or the school committee. If the opinion of
677 the city attorney is that the measure may not lawfully be passed, the city attorney shall state the

678 reason or reasons therefore in said reply. The city clerk shall forthwith furnish a copy of the city
679 attorney's opinion to the person designated on the petition as filing the same.

680 (c) Initiative petition: Requirements for passage and submission to electorate

681 If any initiative petition is signed by voters equal in number to at least twenty percent of the total
682 number of voters, and in the opinion of the city attorney, such measure may be lawfully passed
683 by the city council or school committee within thirty days after the date of the certificate of the
684 registrars to that effect: (1) may pass said measure without alteration, subject to the referendum
685 vote provided in this charter; or (2) the city council shall call a special election to be held on a
686 date fixed by it not less than sixty days but not later than ninety days after the date of the
687 certificate herein before mentioned, and shall submit the proposed measure without alteration to
688 a vote of the voters at that election; provided that if any city election is otherwise to occur within
689 one hundred twenty days after the date of said certificate, the city council may, at its discretion,
690 omit the call of a special election and submit the proposed measure to the voters at such
691 approaching election.

692 (d) Ballot Question

693 The ballots used when voting upon a proposed measure under this section shall state the nature
694 of the measure in terms sufficient to show the substance thereof by preparation of a fair, concise
695 summary by the city attorney and approved by the registrars of voters.

696 The full text of the measure shall be published in a least one local newspaper at least seven days
697 before the election at which the question shall appear on the ballot. The full text of the proposed
698 measure shall also be made available at city hall and the public library for a minimum of
699 fourteen days prior to the election and at polling places on the day of the election. The ballot

700 used when voting upon a proposed measure under this section shall contain the question in
701 substantially the following form:

702 Shall the following measure that was proposed by an initiative petition take effect?

703 (text of measure summary) Yes _____ No _____

704 If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to
705 be effective forthwith, unless a later date is specified in the measure.

706 Section 8-3 Citizen Referendum Procedures – Referendum Petition; Effect on Final Passage

707 If within ten days after the final passage of any measure a petition signed by voters equal in
708 number to at least five per cent of the total number of voters, and addressed to the city council or
709 to the school committee, as the case may be, protesting against such measure or any part thereof
710 taking effect, is filed with the city clerk, the same shall thereupon and thereby be suspended from
711 taking effect; and the city council or the school committee, as the case may be, shall immediately
712 reconsider such measure or part thereof; and if such measure or part thereof is not entirely
713 rescinded within thirty days the city council shall submit the same, by the method herein
714 provided, to a vote of the voters either at the next regular election, or at a special election which
715 may, in its discretion, be called for the purpose and such measure or part thereof shall forthwith
716 become null and void unless a majority of the voters voting on the same at such election vote in
717 favor thereof. The petition described in this section shall be termed a referendum petition and
718 Section 8-2 (a) shall apply to the procedure in respect thereto, except that the words “measure or
719 part thereof protested against” shall for this purpose be understood to replace “measure” in said
720 section whenever it may occur, and “referendum” shall be understood to replace the word
721 “initiative” in said section.

722 Section 8-4 Required Voter Participation

723 For any measure to be effective under initiative or referendum procedure(s), at least twenty
724 percent of the voters shall vote at an election upon which an initiative or referendum question is
725 submitted to the voters.

726 Section 8-5 Measures not Subject to Initiative and Referendum

727 Measures, which include the following subject matter, shall not be subject to initiative or
728 referendum procedures:

729 (a) revenue loan orders; (b) appropriations for the payment of debt or debt service; (c) internal
730 operational procedures of the city council and the school committee; (d) emergency measures;
731 (e) the city budget or any appropriation contained therein or the school committee budget or any
732 appropriation contained therein or the capital improvements program or any item contained
733 therein; (f) appropriation of funds to implement a collective bargaining agreement; (g)
734 procedures relating to election, appointment, removal, discharge or any other personnel action;
735 and (h) proceedings providing for the submission or referral of a matter to the voters at an
736 election.

737 Section 8-6 Submission of Proposed Measure to Voters

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

743 Any measure adopted pursuant to initiative procedures shall not be subject to amendment or
744 appeal by the city council for a period of six months after the election at which said measure was
745 adopted, unless such measure is contrary to law.

746 Section 8-7 Measures with Conflicting Provisions

747 If two or more proposed measures passed at the same election contain conflicting provisions,
748 only the one receiving the greater number of affirmative votes shall take effect.

749 Section 8-8 Recall of Elected Officials

750 (a) Application

751 Any person who holds an elected city office with more than six months remaining of the term of
752 office for which such person was elected, at the time of the filing of the affidavit may be recalled
753 from office by the voters in the manner provided in this section. No recall petition may be filed
754 against an officer until six months after taking office.

755 (b) Recall Requests

756 A recall affidavit signed by a least three hundred voters with a minimum of twenty five (25)
757 signatures from each district for any officer elected at large and by at least one hundred for any
758 officer elected by district may be filed with the city clerk containing the name of the office
759 whose recall is sought and a statement of the reasons for recall (and any reasons shall suffice).
760 The board of registrars of voters shall certify such Requests with regard to the sufficiency and
761 validity of the signatures of voters. Within five business days following such filing the city clerk
762 shall deliver to the ten persons first named on such Requests, Request blanks demanding said
763 recall, printed forms of which the city clerk shall keep available. The blanks may be completed

764 by printing or typewriting; they shall be addressed to the city council; they shall contain the
765 names of the ten persons to whom they are issued and the reasons for the recall as stated in the
766 affidavit; they shall be dated and signed by the city clerk. A copy of the Requests shall be
767 entered into the records kept in the office of the city clerk.

768 (c) Recall Petitions

769 The recall petitions shall be returned to the office of the city clerk within twenty days following
770 the date the blanks are issued, signed by a least ten (10) percent of the total number of persons
771 registered to vote for officers who are elected at large, and, for officers elected by district signed
772 by at least ten (10) percent of the total number of persons registered to vote in such district.

773 The city clerk shall forthwith submit the petition to the registrars of voters, and the registrars
774 shall within five business days, certify thereon the names of the registered voters of the city, or
775 from the district the officer sought to be recalled represents.

776 (d) Recall election

777 If the petition signatures shall be found and certified by the city clerk to be sufficient and valid,
778 the city clerk shall submit the same with such certificate to the city council within five business
779 days, and the city council shall forthwith give written notice of the receipt of the certificate to the
780 officer sought to be recalled, and shall, if the officer does not resign within five days thereafter,
781 order an election to be held on a Tuesday fixed by them not less than 65 days but not more than
782 90 days after the date of the city clerk's certificate, provided however, that if any city election is
783 otherwise to occur within one hundred twenty days after the date of said certificate, the city
784 council may, at its discretion, omit the calling of a special election and submit the proposed
785 recall to the voters at such approaching election. The recall election for any officer elected by

786 district shall only be held in the district that the officer represents. Should multiple officers from
787 more than one district be subject to recall, the election shall be held only in those districts.

788 If a vacancy occurs in said office after a recall election has been ordered, the election shall not
789 proceed as provided in this section, and the resulting vacancy shall be filled as provided in this
790 charter.

791 (e) Office Holder

792 The incumbent shall continue to perform the duties of the office until the recall election. If said
793 incumbent is not recalled, the incumbent shall continue in office for the remainder of the
794 unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and
795 the office vacant. The vacancy resulting from the recall shall be filled in accordance with the
796 provisions of this charter. Any person appointed to fill the vacancy shall hold office for the
797 unexpired term of the officer recalled.

798 (f) Ballot Proposition:

799 The form of the question to be voted upon shall be substantially as follows: “Shall – here insert
800 the name and title of the elective officer whose recall is sought – be recalled?” If a majority of
801 the votes cast upon the question of recall is in the affirmative, such elected officer shall be
802 recalled.

803 No recall election shall be effective unless at least thirty percent of the eligible registered voters
804 in the city or in the district, as applicable, shall have voted.

805 (g) Repeat of Recall

806 In the case of an officer subjected to a recall election and not recalled thereby, no recall petition
807 shall be filed against such officer for at least six months after the election which the officer's
808 recall was submitted to the voters of the city.

809 (h) Office Holder Recalled

810 No person recalled from office or who has resigned from office while recalling proceedings were
811 pending against such person, shall be appointed to any city office within two years after such
812 recall or resignation.

813

814 PART IX General Provisions

815 Section 9-1 Revision or Amendment of Act

816 This charter may be replaced, revised or amended in accordance with any procedure made
817 available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and
818 any laws of the commonwealth enacted to implement said constitutional amendment.

819 Section 9-2 Severability

820 The provisions of this charter are severable. If any of the provisions of this charter are held to be
821 unconstitutional, or invalid, the remaining provisions of this act shall not be affected thereby. If
822 the application of this charter, or any of its provisions, to any person or circumstances is held to
823 be invalid, the application of said charter and its provisions to other persons or circumstances
824 shall not be affected thereby.

825 Section 9-3 Rules of Interpretation

826 The following rules shall apply when interpreting the charter:

827 (a) Specific Provisions to Prevail

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

830 (b) Number and Gender

831 Words imparting the singular number may extend and be applied to several persons or things;
832 words imparting the plural number may include the singular; words imparting the masculine
833 gender shall include the feminine gender.

834 (c) References to General Laws

835 All references to the general laws or the laws of the commonwealth contained in this charter
836 refer to the general laws of the Commonwealth of Massachusetts and are intended to include any
837 amendments or revisions to such chapters and sections or to the corresponding chapters and
838 sections of any rearrangement of the general laws enacted subsequent to the adoption of this act.

839 (d) Computation of Time

840 Except as pertaining to the computation of time for elections and open meetings of government
841 bodies, in computing time under this charter, if seven days or less, only business days, not
842 including Saturdays, Sundays, or legal holidays shall be counted; if more than seven days, every
843 day shall be counted. All days shall be considered 24 hours long commencing at 12 midnight and
844 ending at 11:59:59 p.m.

845 Section 9-4 Definitions

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

848 (a) Charter – The word “charter” shall mean this charter and any amendments to it made through
849 any methods provided under Article LXXXIX of the Amendments to the Constitution of the
850 Commonwealth.

851 (b) Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen
852 happening, occurrence or condition which necessitates immediate action.

853 (c) City – The word “city” shall mean the city of Amesbury.

854 (d) City Bulletin Board – The “city bulletin board” means the bulletin board posted outside the
855 office of city clerk.

856 (e) Voters - The word “voters” shall mean registered voters of the city as defined by the laws of
857 the commonwealth.

858 (f) City Agency or Agency – The words “city agency” or the word “agency” shall mean any
859 board, commission, committee, department or office of city government, whether elected,
860 appointed or otherwise constituted.

861 (g) Board, Commission, Committee or Authority – The words “board, commission, committee,
862 or authority” shall mean any board, commission, committee or authority, except advisory boards,
863 committees or commissions appointed by the mayor.

864 Section 9-5 Board, Committees or Commissions:

865 (a) Board, Committees or Commissions; Composition; Term of Office; In General

866 Except subcommittees of the city council and as otherwise provided by law or this charter, all
867 boards, commissions and committees shall consist of three or more members appointed by the
868 mayor for terms of three years each, so arranged that the term of one-third of the members, or as
869 nearly the number as may be possible, shall expire each year. All members of boards,
870 commissions, and committees shall serve without compensation or benefits and shall be sworn
871 into office within four weeks of their appointment. All board, commission or committee
872 members must take the oath of office prior to entering upon the duties of their office.

873 (b) Uniform Procedures Applicable to Boards, Commissions and Committees

874 All boards, commissions and committees shall meet regularly at such times and places as they
875 shall determine, but not less than quarterly. Special meetings of any board, commission nor
876 committee shall be held on the call of the chair or by a majority of its members, by written notice
877 delivered in hand or to the place of residence of each member and which contains notice of the
878 matters to be acted upon. Except in the case of any emergency, all notices shall be delivered at
879 least forty-eight hours in advance of the time set forth for such meeting. A copy of such notice
880 shall, forthwith, be posted upon the city bulletin board.

881 Upon petition signed by at least one hundred voters requesting a special meeting of any board,
882 commission or committee, said board, commission or committee shall hold a special meeting
883 within fifteen days of notice from the city clerk that a petition has been filed. Any such petition
884 must state the purpose or purposes for which such meeting is requested.

885 If any member of an appointed board, commission or committee fails to attend one half of the
886 meetings held by such board, commission or committee during a calendar year, upon notice to
887 the mayor from the City Council, board, commission or committee affected, the mayor shall

888 within thirty (30) days of said notice determine, based on his or her own investigation, of which
889 a public record shall be kept, to retain said member or to declare the seat vacant and to fill the
890 vacancy.

891 Each board, commission or committee shall determine its own rules of order of business unless
892 another provision is made by ordinance, and shall provide for the keeping of a journal of its
893 proceedings. Such rules and journal shall be available for public inspection and the city clerk and
894 the public library shall maintain copies .

895 If requested by any member, any vote of any board, commission or committee shall be taken by
896 a call of the roll and the vote shall be recorded in the journal provided, however, if the vote is
897 unanimous, only that fact need be recorded.

898 A majority of the members of a board, commission or committee shall constitute a quorum, but a
899 smaller number may meet and adjourn from time to time.

900 (c) Multiple Office Holding

901 No member of a board, committee or commission may serve on another city board, commission
902 or committee, provided however, nothing shall prohibit any member of a board, committee or
903 commission to serve on an ad hoc, temporary advisory committee, or committee established for
904 the purpose of coordinating the exercise of power, duties and responsibilities of respective
905 boards, commissions, and committees. No city employee may serve on a board, commission or
906 committee unless required by virtue of the office held by said employee.

907 Section 9-6 Inspection of Documents

908 All documents cited in this act as available for public inspection shall be maintained in the office
909 of the city clerk and in the public library. The city clerk shall provide copies of documents to the
910 public library.

911 Section 9-7 Reenactment and Publication of Ordinances

912 No later than the first day in July, at five-year intervals, in each year ending in a five or a zero,
913 the city council shall cause to be prepared a proposed revision or re-codification of all city
914 ordinances which shall be submitted to the city council for re-enactment. A committee
915 established by the city council shall prepare such revision or re-codification. Such revisions or
916 re-codification shall be prepared under the supervision of the city attorney or if the city council
917 so directs by special counsel retained for such purposes. Within eight months following its
918 appointment, the committee shall cause to be published in a local newspaper (a) the times and
919 places within the city where complete copies of the report shall be available for inspection by the
920 public, and (b) the date, time and place not less than fourteen days following such publication
921 when a public hearing shall be held by the committee. Copies of the revised ordinances shall be
922 made available for public distribution. In each year between such re-enactment and publication
923 an annual supplement shall be published containing all ordinances and amendments to
924 ordinances that had been adopted in the previous year.

925 Section 9-8 Code of Ethics

926 The mayor shall prepare and submit to the city council a code of ethics or revisions to the code
927 of ethics, which shall be applicable to all elected and appointed officials and employees of the
928 city. The code or any revisions to it shall become effective upon the approval by a majority vote
929 of the city council.

930 Section 9-9 Periodic Review of the Charter

931 Beginning in 2018 and at ten-year intervals in each year ending in an eight, thereafter, the mayor,
932 subject to approval of the City Council, shall appoint a special committee to review this charter
933 and to issue a report to the mayor and the city council containing any recommendations for
934 changes to the charter deemed advisable by said special committee.

935 Section 9-10 Periodic Review of the Need for Appointed Boards, Commissions and Committees

936 Beginning in 2013 and at ten year intervals in each year ending in a three thereafter, the mayor,
937 subject to approval of the City Council, shall appoint a special committee to review the purpose
938 and need for each appointed board, commission and committee of the city and to issue a report to
939 the mayor and the city council containing any recommendations for changes deemed advisable
940 by said special committee of the city and shall report any findings and recommendations.

941

942 PART X Transition Provisions

943 Section 10-1 Continuation of Existing Laws

944 All ordinances, resolutions, rules, regulations, and votes of the city council, which are in force at
945 the time this act is adopted, not inconsistent with the provisions of this charter, shall continue in
946 full force until amended or repealed.

947 Where provisions of this charter, as amended, conflict with city ordinances, rules, regulations,
948 orders, special acts and acceptances of laws of the Commonwealth, the provisions of this charter
949 shall govern. All provisions of city ordinances, rules, regulations, orders and administrative
950 actions not superseded by this charter shall remain in force.

951 Section 10-2 Existing Officials and Employees

952 Any person holding a town office or employment under the town shall retain such office or
953 employment and shall continue to perform the duties of the office until provision shall have been
954 made in accordance with this charter for the performance of the said duties by another person or
955 agency. No person in the permanent full-time service or employment of the town shall forfeit
956 pay grade or time in service. Each such person shall be retained in a capacity as similar to the
957 person's former capacity as is practical.

958 Section 10-3 Continuation of Government

959 All town officers, boards, commissions or agencies shall continue to perform their duties until
960 reappointed or until successors to their respective positions are fully appointed or elected or until
961 their duties have been transferred and assumed by another town office, board, commission or
962 agency.

963 Section 10-4 Continuation of Obligations

964 All official bonds, obligations, contracts and other instruments entered into or executed by or to
965 the town before the adoption of this act, and all taxes, special assessments, fines, penalties,
966 forfeitures incurred or imposed, due or owing to the town, shall be enforced and collected, and
967 all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall
968 continue and remain unaffected by this act. No legal act done by or in favor of the town shall be
969 rendered invalid by the adoption of this act.

970 Section 10-5 Transfer of Records and Property

971 All records, property and equipment whatsoever of any office, board, commission, committee or
972 agency or part thereof, the powers and duties of which are assigned in whole or in part to another
973 town office, board, commission, or agency shall be transferred forthwith to such office, board,
974 commission or agency.

975 Section 2: This act shall be submitted for acceptance to the voters of the town of Amesbury at
976 the next regular or special town election in the form of the following question which shall be
977 placed on the official ballot: "Shall an act passed by the general court in the year 2011 entitled,
978 'An Act Relative to the Charter of the Town of Amesbury', be accepted?"

979 Below the question shall appear a fair and concise summary of the proposed charter prepared by
980 the Town, particularly with regard to how it differs from the current charter, prepared by the
981 town attorney. The Town shall hereby be authorized, but not required, to mail to the residence of
982 all voters in the town the proposed charter set forth in section 1 of this act and the existing
983 charter (or a single document identifying the proposed amendments), the related ballot question
984 and summary, and a brief explanation of the process for consideration of the same.

985 If a majority of the votes cast in answer to the question is in the affirmative, section 1 of this act
986 shall thereupon take effect, but not otherwise.

987 Section 3: Notwithstanding section 42C of chapter 54 of the General Laws or any other general
988 or special law to the contrary, if this act is not in effect on or before October 4, 2011, inclusion
989 on the November 8, 2011 election ballot of the question set forth in section 1 of this act,
990 including all acts taken in reliance thereon and with respect thereto, shall be ratified, validated
991 and confirmed as if this act had been in place prior thereto.

992 Section 4: Sections 2 through 4 of this act shall take effect upon passage.