

HOUSE No. 3822

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

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 revising the charter for the City of Melrose.

PETITION OF:

NAME:

Paul Brodeur

DISTRICT/ADDRESS:

32nd Middlesex

HOUSE No. 3822

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 3822) of Paul Brodeur (with the approval of the mayor and board of aldermen) relative to the charter of the city of Melrose. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act revising the charter for the City of Melrose.

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 city of Melrose:-

2 ARTICLE 1. INCORPORATION; SHORT TITLE; DEFINITIONS.

3 SECTION 1-1. INCORPORATION.

4 The inhabitants of the city of Melrose, within the territorial limits established by law,
5 shall continue to be a municipal corporation, a body corporate and politic, under the name “city
6 of Melrose”.

7 SECTION 1-2. SHORT TITLE.

8 This act shall be known and may be cited as the city of Melrose Charter.

9 SECTION 1-3. DIVISION OF POWERS.

10 The administration of the fiscal, prudential and municipal affairs of Melrose, with the
11 government thereof, shall be vested in an executive branch headed by a mayor and a legislative
12 branch consisting of a city council. The legislative branch shall never exercise any executive
13 power, and the executive branch shall never exercise any legislative power.

14 SECTION 1-4. POWERS OF THE CITY.

15 Subject only to express limitations on the exercise of any power or function by a
16 municipal government in the constitution or General Laws of the commonwealth, it is the
17 intention and the purpose of the voters of Melrose through the adoption of this charter to secure
18 for themselves and their government all of the powers it is possible to secure as fully and as
19 completely as though each such power were specifically and individually enumerated herein.

20 SECTION 1-5. CONSTRUCTION.

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

24 SECTION 1-6. INTERGOVERNMENTAL RELATIONS.

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

30 SECTION 1-7. DEFINITIONS.

31 The following words shall, unless the context requires otherwise, have the following
32 meanings:-

33 ”City Council”, the entire authorized complement of the city council, notwithstanding
34 any vacancy which might exist.

35 “Business day”, any day on which Melrose city hall is open for the citizens of Melrose to
36 conduct routine business.

37 “Charter”, this charter and any adopted amendments to it.

38 “City”, the city of Melrose.

39 “City agency”, a multiple member body, department, division or office of the city of
40 Melrose.

41 “City bulletin boards”, the official location for public notices designated by the clerk’s
42 office and registered with the attorney general where the public may find official notices of
43 meetings; provided, however, that “city bulletin boards” may include the city’s website and an
44 official physical location within city hall.

45 “City officer”, when used without further qualification or description, a person having
46 charge of an office or department of the city who, in the exercise of the powers or duties of that
47 position, exercises some portion of the sovereign power of the city.

48 “Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition
49 which necessitates immediate action or response.

50 “Full multiple member body”, the entire authorized complement of the city council,
51 school committee or other multiple member body notwithstanding any vacancy which might
52 exist.

53 “Initiative measure”, a measure proposed by the voters through the initiative process
54 provided under this charter.

55 “Local news publication”, a newspaper of general circulation within the city, with either
56 a weekly or daily circulation; provided, however, that if no general circulation publication exists
57 within the city, “local news publication” shall also include online publications to the extent
58 permitted by law.

59 “Majority vote”, when used in connection with a meeting of a multiple member body, a
60 majority of those present and voting unless another provision is made by ordinance, by-law or by
61 the body’s own rules.

62 “Measure”, an ordinance, order, resolution or other vote or proceeding adopted, or that
63 might be adopted, by the city council or the school committee.

64 “Multiple member body”, any board, commission, committee, subcommittee or other
65 body consisting of not less than 2 persons whether elected, appointed or otherwise constituted;
66 provided, however, that “multiple member body” shall not include the city council or the school
67 committee.

68 “Organization or reorganization plan”, a plan submitted by the mayor to the city council
69 which proposes a change in the organization of the administrative structure of the city
70 government or a change in the way a municipal service shall be delivered.

71 “Previous election”, the most recent election to have occurred for the particular position,
72 council or committee that is referenced.

73 “Quorum”, a majority of all members of a multiple member body unless some other
74 number is required by law or by ordinance.

75 “Referendum measure”, a measure adopted by the city council or the school committee
76 that is protested under the referendum procedures of this charter.

77 “Voters”, registered voters of the city of Melrose.

78 ARTICLE 2. LEGISLATIVE BRANCH.

79 SECTION 2-1. COMPOSITION, TERM OF OFFICE.

80 (a) Composition. There shall be a city council of that shall exercise the legislative
81 powers of the city. The board shall consist of 11 members, 4 of whom shall be councilors-at-
82 large who shall be nominated and elected by and from the voters at large and 7 of whom shall be
83 ward councilors who shall be nominated and elected by the voters of each ward, provided,
84 however, that 1 ward councilor shall be elected from each of the 7 wards into which the city is
85 divided under section 7-5.

86 (b) Term of Office. The term of office for all councilors shall be 2 years beginning on
87 the first Monday after the first Tuesday in January in the year following their election and until
88 their successors have been qualified.

89 (c) Eligibility. Any voter shall be eligible to hold the office of councilor-at-large. A ward
90 councilor shall, at the time of election, be a voter of the ward from which the ward councilor is
91 elected but if any ward councilor shall remove to another ward in the city during the first 12

92 months of the term of office, the office shall be deemed vacant and the balance of the unexpired
93 term shall be filled in the manner provided in section 2-11. If such a removal occurs after the
94 first 12 months of the term of office, the ward councilor may continue to serve for the balance of
95 the term for which the ward councilor is elected. If a councilor-at-large or a ward councilor
96 removes from the city during the councilor's term, the office shall immediately be deemed vacant
97 and filled in the manner provided in section 2-11.

98 SECTION 2-2. PRESIDENT.

99 (a) Election and Term. Following each biennial election and as soon as practicable after
100 the councilors-elect have been qualified as provided in section 9-10, the members of the city
101 council shall elect from among its members a president who shall serve for 1 year. The method
102 of election of the president shall be prescribed within the rules of the city council.

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

109 SECTION 2-3. PROHIBITIONS.

110 (a) Holding Other City Office or Position. No member of the city council shall hold any
111 other city office or city employment for which a salary or other emolument is payable from the
112 city treasury. No former member of the city council shall hold any compensated appointed city
113 office or appointed city employment until at least 1 year following the date on which the former

114 member's service on the city council has terminated. This subsection shall not prevent a city
115 officer or employee who has vacated a position in order to serve as a member of the city council
116 from returning to the same office or position of city employment held at the time the position
117 was vacated but no such person shall be eligible for any other municipal position until at least 1
118 year following the termination of service as a member of the city council.

119 (b) Interference with Administration. No city council or member of the city council shall
120 give orders or directions to any officer or employee of the city who is appointed by the mayor,
121 either publicly or privately.

122 SECTION 2-4. COMPENSATION.

123 (a) Compensation. The members of the city council shall receive such salary for their
124 services as may from time to time be set by ordinance. No ordinance increasing the salary of the
125 city council shall be effective unless it shall have been adopted during the first 18 months of the
126 term for which the city council were elected and unless it provides that the salary increase shall
127 take effect upon the organization of the city government following the next municipal election.

128 SECTION 2-5. GENERAL POWERS.

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

132 SECTION 2-6. EXERCISE OF POWERS; QUORUM; RULES.

133 (a) Exercise of Powers. Except as otherwise provided by law or this charter, the
134 legislative powers of the city council may be exercised in a manner determined by it.

135 (b) Quorum. The presence of 6 members of the city council shall constitute a quorum for
136 the transaction of business but a smaller number may meet and adjourn from time to time.
137 Except as otherwise provided by law or this charter, the affirmative vote of 8 members shall be
138 required to adopt an ordinance or appropriation order.

139 (c) Rules of Procedure. The city council shall from time to time adopt rules regulating its
140 procedures, which shall include, but not be limited to, a requirement that:

141 (i) regular meetings of the city council shall be held at a time and place fixed by
142 ordinance;

143 (ii) special meetings of the city council be held at the call of the president or at the call of
144 4 or more members, by written notice delivered in hand or via electronic mail or by first class
145 mail to each member; provided, however, that such notice shall contain a listing of the items to
146 be acted upon; provided further, that except in case of an emergency, which shall be determined
147 by the president, such notice shall be delivered not less than 48 hours in advance of the time set
148 for such meeting, excluding Saturdays, Sundays and legal holidays; and provided further, that a
149 copy of the notice to members shall immediately be posted upon the city bulletin boards;

150 (iii) all sessions of the city council and of every committee or subcommittee of the board
151 be open to the public unless another provision has been made by law; and

152 (iv) a full, accurate, up-to-date account of the proceedings of the city council be kept,
153 which shall include a record of each vote taken and which shall be made available with
154 reasonable promptness following each meeting; provided, however, that the minutes of an
155 executive session shall be made available as soon as their publication would not defeat the lawful
156 purposes of the executive session.

157 SECTION 2-7. ACCESS TO INFORMATION.

158 (a) General. The city council may make investigations into the affairs of the city and into
159 the conduct and performance of any city agency.

160 (b) City Officers, Members of City Agencies, Employees. The city council may require
161 any city officer, member of a city agency or city employee to appear before it to give any
162 information that the city council may require in relation to the municipal services, functions,
163 powers or duties which are within the scope of responsibility of that person and within the
164 jurisdiction of the city council. Copies of all notices directed to employees of the school
165 department shall be concurrently provided to the school committee chair.

166 (c) Mayor. The city council may require the mayor to provide specific information to it
167 on any matter within the jurisdiction of the city council. The city council may require the mayor
168 to appear before it, in person, to provide specific information on the conduct of any aspect of the
169 business of the city. The mayor may bring to such meeting any assistant, department head or
170 other city officer or employee that the mayor deems necessary to assist in responding to the
171 questions posed by the city council.

172 (d) Notice. The city council shall give notice to any person it may require to appear
173 before it under this section not less than 48 hours before such appearance is required. The notice
174 shall include specific questions on which the city council seeks information and no person called
175 to appear before the city council under this section shall be required to respond to any question
176 not relevant or related to those presented in advance and in writing.

177 SECTION 2-8. APPOINTMENTS OF THE CITY COUNCIL.

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

183 (b) Clerk of Committees. The city council shall elect a clerk of committees to serve at
184 the pleasure of the city council. The clerk of committees shall perform the duties as may be
185 provided by ordinance or by other vote of the city council.

186 (c) Salary, Compensation. The city clerk and the clerk of committees shall receive such
187 salary or other compensation as provided by ordinance.

188 SECTION 2-9. ORDINANCES AND OTHER MEASURES.

189 (a) Emergency Ordinances. No ordinance shall be passed finally on the date it is
190 introduced, except in case of an emergency involving the health or safety of the people or their
191 property. No ordinance shall be regarded as an emergency ordinance unless the emergency is
192 defined and declared in a preamble to the ordinance, separately voted upon and receives the
193 affirmative vote of 8 or more members of the city council. An emergency ordinance shall be
194 repealed after the expiration of 60 days following its adoption unless an earlier date is specified
195 in the measure or unless a second emergency measure adopted under this section is passed to
196 extend the original emergency ordinance, or unless a measure passed under this section extends
197 the original emergency ordinance.

198 (b) General Measures. The city council may pass a measure through all of its stages at
199 any one meeting, except proposed ordinances, appropriation orders and loan authorizations, if no

200 member of the city council shall object; provided, however, that if a single member objects, a
201 vote on the measure shall be postponed to the next meeting of the city council. If a member
202 objects to the taking of a vote on the first occasion that the question of adopting any measure is
203 put to the city council, except an emergency measure as defined in subsection (a), the vote shall
204 be postponed until the next regular or special meeting of the city council. This procedure shall
205 not be used more than once for any measure notwithstanding any amendments made to the
206 original measure.

207 (c) Posting. Every proposed ordinance, appropriation order or loan authorization, except
208 an emergency ordinance under subsection (a), shall be posted on the city bulletin board and made
209 available in the office of the city clerk not less than 10 days before its final passage.

210 SECTION 2-10. CITY COUNCIL REVIEW OF CERTAIN APPOINTMENTS.

211 The mayor shall submit to the city council the name of each person the mayor desires to
212 appoint to any city office as a department head or as a member of a multiple member body;
213 provided, however, that this provision shall not apply to appointments to any position which is
214 subject to the civil service law. The city council shall refer each name submitted to it to a
215 standing committee of the board which shall review each candidate for appointment and may
216 make a report with recommendations to the full city council not less than 7 but not more than 45
217 days after the referral. The committee may require any person whose name has been referred to it
218 to appear before the committee or before the city council to give any information relevant to the
219 appointment that the committee or the city council may require. Appointments made by the
220 mayor shall become effective upon the expiration of 45 days following the date that notice of the

221 proposed appointment was filed with the city clerk unless rejected by the city council within
222 those 45 days.

223 SECTION 2-11. FILLING OF VACANCIES.

224 (a) Councilor-at-Large. If a vacancy shall occur in the office of councilor-at-large, the
225 vacancy shall be filled in descending order of votes received by the candidate for the office of
226 councilor-at-large at the preceding city election who received the highest number of votes
227 without being elected, and who received not less than 40 per cent of the total votes cast for the
228 highest vote getter for the office of councilor-at-large, provided that such person remains eligible
229 and willing to serve as councilor-at-large. The city clerk shall certify this candidate to the office
230 of councilor-at-large to serve for the balance of the unexpired term.

231 (b) Ward Councilor. If a vacancy shall occur in the office of ward councilor, it shall be
232 filled in the same manner as provided in subsection (a) for the office of councilor-at-large, except
233 that the list shall be of the candidates for the office of ward councilor in the ward in which the
234 vacancy occurs, and the 40 percent requirement shall be calculated from among the total votes
235 cast for the office of ward councilor in said ward where the vacancy occurs; provided, however,
236 that if there be no candidate on such list who remains eligible and willing to serve, the next
237 highest ranking candidate from among the candidates for election to the councilor-at-large who
238 is a resident of the ward in which the vacancy exists, and who received not less than 40 per cent
239 of the total votes cast for ward councilors in that ward shall be certified and shall serve until the
240 next regular election if the candidate remains a resident of the ward and is willing to serve as a
241 ward councilor. The city clerk shall certify the candidate to the office of ward councilor to serve
242 for the balance of the unexpired term.

243 (c) Filling of Vacancies by City Council. If a vacancy shall occur in the office of
244 councilor-at-large or in that of ward councilor and there is no available candidate to fill the
245 vacancy in the manner provided in subsection (a) or (b), the remaining members of the city
246 council shall elect a person to fill the vacancy. A person elected by the city council to fill a
247 vacancy shall serve until the next regular election, at which time the vacancy shall be filled by
248 the voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve
249 for the remainder of the unexpired term in addition to the term for which elected. Persons serving
250 as councilors under this section shall not be entitled to have the words “candidate for re-election”
251 printed against their names on the election ballot.

252 ARTICLE 3. EXECUTIVE BRANCH.

253 SECTION 3-1. MAYOR: QUALIFICATIONS; TERM OF OFFICE;
254 COMPENSATION; PROHIBITIONS.

255 (a) Mayor, Qualifications. The chief executive officer of the city shall be a mayor who
256 shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of
257 mayor. The mayor shall devote full time to the office and shall not hold any other elective public
258 office.

259 (b) Term of Office. The term of office of the mayor shall be 4 years beginning on the
260 first Monday after the first Tuesday in January following the biennial city election where the
261 mayor is chosen and shall continue until a successor is qualified.

262 (c) Compensation. The city council shall, by ordinance, establish an annual salary for the
263 mayor. No ordinance altering the salary of the mayor shall be effective unless it shall have been
264 adopted before the expiration of 18 months following the beginning of the term for which

265 councilors are elected and it provides that the salary is to become effective in January of the year
266 following the next biennial city election.

267 (d) Prohibitions. The mayor shall hold no other city office or city employment for which
268 a salary or other emolument is payable from the city treasury. No former mayor shall hold any
269 compensated appointed city office or city employment until 1 year following the date on which
270 the former mayor's city service has terminated. Nothing in this subsection shall prevent a city
271 officer or employee who has vacated a position in order to serve as mayor from returning to the
272 same office or position of city employment held at the time the position was vacated; provided,
273 however, that no such person shall be eligible for any other municipal position until at least 1
274 year after the termination of service as mayor. Nothing in this subsection shall apply to persons
275 covered under the leave of absence provisions of section 37 of chapter 31 of the General Laws.

276 SECTION 3-2. EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.

277 The executive powers of the city shall be vested solely in the mayor and may be
278 exercised by the mayor either personally or through the several city agencies under the general
279 supervision and control of the office of the mayor. The mayor shall cause this charter, the laws,
280 ordinances and other orders for the government of the city to be enforced and shall cause a
281 record of all official acts of the executive branch of the city government to be kept. The mayor
282 shall exercise general supervision and direction over all city agencies unless otherwise provided
283 by law or by this charter. Each city agency shall furnish to the mayor, immediately upon request,
284 any information, materials or otherwise as the mayor may request and as the needs of the office
285 of mayor and the interest of the city may require. The mayor shall supervise, direct and be
286 responsible for the efficient administration of all city activities and functions placed under the

287 control of the mayor by law or by this charter. The mayor shall be responsible for the efficient
288 and effective coordination of the activities of all agencies of the city and for this purpose may,
289 consistent with law, call together for consultation, conference and discussion at reasonable times
290 all persons serving the city, whether elected directly by the voters, chosen by persons elected
291 directly by the voters or otherwise. The mayor shall be, by virtue of the office, a member of
292 every appointed multiple member body of the city. The mayor may, as an ex officio member,
293 attend any meeting of an appointed multiple member body of the city, at any time, including
294 executive sessions, to participate in the discussions, to make motions and to exercise every other
295 right of a regular member of such body, but not including the right to vote.

296 SECTION 3-3. APPOINTMENTS BY THE MAYOR.

297 The mayor shall appoint, subject to the review of such appointments by the city council
298 under section 2-10, all city officers and department heads and the members of multiple member
299 bodies for whom no other method of appointment or selection is provided by this charter. All
300 appointments to multiple member bodies shall be in accordance with section 5-1. Upon the
301 expiration of the term of a member of a multiple member body, a successor shall be appointed in
302 like manner. The mayor shall fill a vacancy for the remainder of the unexpired term of a member
303 of a multiple member body. All persons classified as department heads shall, subject to the
304 consent of the mayor, appoint, promote and discipline all assistants, subordinates and other
305 employees of the agency for which that person is responsible. All appointments and promotions
306 made by the mayor shall be made on the basis of merit and fitness demonstrated by examination,
307 past performance or by other evidence of competence and suitability. Each person appointed to
308 fill an office or position shall be a person especially fitted by education, training and previous
309 work experience to perform the duties of the office or position for which chosen.

310 SECTION 3-4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

311 (a) City Officers and Department Heads. The mayor may, in writing, remove or suspend
312 any city officer, or the head of any city department appointed by the mayor. In addition, the
313 mayor may file a written statement with the city clerk setting forth in precise detail the specific
314 reasons for the removal or suspension. A copy of the written statement shall be delivered in
315 hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or
316 department head. The city officer or department head may make a written reply by filing such a
317 reply statement with the city clerk not more than 10 days after the date the statement of the
318 mayor has been filed; provided, however, that this reply shall have no effect upon the removal or
319 suspension unless the mayor shall so determine. The decision of the mayor in suspending or
320 removing a city officer or a department head shall be final and all authority and responsibility for
321 such suspension or removal shall be vested solely in the mayor.

322 (b) Other City Employees. Unless some other procedure is specified in a collective
323 bargaining agreement or by civil service law, a department head may suspend or remove any
324 assistant, subordinate or other employee of the agency for which the department head is
325 responsible. The decision of the department head to suspend or remove any assistant, subordinate
326 or other employee shall be subject to review by the mayor. A person for whom a department
327 head has determined a suspension or removal is appropriate may seek review of such a
328 determination by filing a petition for review, in writing, with the office of the mayor not more
329 than 10 days following receipt of notice of the determination. The decision of the mayor shall be
330 final and all authority and responsibility for suspension or removal shall be vested solely in the
331 mayor. Nothing in this subsection shall be construed to prevent any other review as may be
332 provided by law.

333 SECTION 3-5. TEMPORARY APPOINTMENTS TO CITY OFFICES.

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

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

345 (signed)

346 Mayor

347 (b) Persons serving as temporary officers under this section shall have only those powers
348 of the office essential to the performance of the duties of the office during the period of the
349 temporary appointment. Notwithstanding any general or special law to the contrary, no
350 temporary appointment shall be for more than 120 days; provided, however, that 1 extension of
351 not more than 60 days of a temporary appointment may be made when a permanent vacancy
352 exists in the office.

353 SECTION 3-6. COMMUNICATIONS; SPECIAL MEETINGS.

354 (a) Communications to the City Council. The mayor shall, from time to time, by written
355 communication, recommend to the city council for its consideration such measures as, in the
356 judgment of the mayor, the needs of the city require. The mayor shall, from time to time, by
357 written communication, keep the city council fully informed of the financial and administrative
358 condition of the city and shall specifically indicate in such reports any fiscal, financial or
359 administrative problems of the city.

360 (b) Special Meetings of the City Council. The mayor may, at any time, call a special
361 meeting of the city council for any purpose by causing a notice of the meeting to be delivered in
362 hand or via electronic mail or by first class mail to each member of the city council. This notice
363 shall, except in an emergency, as determined by the mayor, be delivered not less than 48 hours
364 before the time scheduled for the special meeting to be held, excluding Saturdays, Sundays and
365 legal holidays, and shall specify any purpose for which the meeting is to be held. A copy of each
366 notice shall be immediately posted on the city bulletin board.

367 SECTION 3-7. APPROVAL OF MAYOR.

368 Every order, ordinance, resolution or vote adopted or passed by the city council relative
369 to the affairs of the city, except memorial resolutions, the selection of city officers by the city
370 council and any matters relating to the internal affairs of the city council, shall be presented to
371 the mayor for approval. If the mayor approves a measure, the mayor shall sign it. If the mayor
372 disapproves of a measure, the mayor shall return the measure, with the specific reasons for such
373 disapproval attached to it, in writing, to the city council. The city council shall enter the
374 objections of the mayor on its records and shall reconsider the measure not less than 10 but not
375 more than 30 days from the date of its return. If the city council shall again pass the order,

376 ordinance, resolution or vote by a 2/3 vote of the full board, it shall then take effect
377 notwithstanding the objections of the mayor. If the mayor has neither signed a measure nor
378 returned it to the city council within 10 days following the date it was presented to the mayor, the
379 measure shall take effect.

380 SECTION 3-8. TEMPORARY ABSENCE OF THE MAYOR.

381 (a) Acting Mayor. Whenever, by reason of sickness, absence from the city or other
382 cause, the mayor shall be unable to perform the duties of the office, the president of the city
383 council shall be the acting mayor.

384 (b) Powers of Acting Mayor. The acting mayor shall have only those powers of the
385 mayor that are essential to the conduct of the business of the city in an orderly and efficient
386 manner and on which action may not be delayed. The acting mayor shall have no authority to
387 make any permanent appointment or removal from city service unless the disability of the mayor
388 shall continue for more than 60 days, nor shall an acting mayor approve or disapprove of any
389 measure adopted by the city council unless the time within which the mayor must act would
390 expire before the return of the mayor. During any period in which a member of the city council is
391 serving as acting mayor, that councilor shall not vote as a member of the city council

392 SECTION 3-9. DELEGATION OF AUTHORITY BY MAYOR.

393 The mayor may authorize any subordinate officer or employee of the city to exercise any
394 power or perform any function or duty which is assigned by this charter, or otherwise, to the
395 mayor and the mayor may rescind or revoke any such authorization previously made; provided,
396 however, that all acts performed under any such delegation of authority during a period of
397 authorization shall be and remain the acts of the mayor. Nothing in this section shall authorize a

398 mayor to delegate the mayor's powers and duties as a school committee member, the power of
399 appointment to city office or employment or to sign or return measures approved by the city
400 council.

401 SECTION 3-10. VACANCY IN OFFICE OF MAYOR.

402 (a) Special Election. If a vacancy occurs in the office of mayor during the first 2 years of
403 the term for which the mayor was elected, whether by reason of death, resignation, removal from
404 office, incapacity or otherwise, the city council shall immediately, in the manner provided in
405 section 7-1, order a special election to be held not more than 120 days following the date on
406 which the vacancy was created, to fill the vacancy for the balance of the then unexpired term. If a
407 regular city election is to be held not more than 180 days following the date the vacancy was
408 created, a special election shall not be held and the position shall be filled by vote at such regular
409 election.

410 (b) President of City Council to Serve As Mayor. If a vacancy in the office of mayor
411 occurs in the third or fourth year of the term for which the mayor is elected, whether by reason of
412 death, resignation, removal from office or otherwise, the president of the city council shall
413 become the mayor. Upon the qualification of the president of the city council as the mayor under
414 this section, a vacancy shall exist in that seat on the city council which shall be filled in the
415 manner provided in section 2-11. A president serving as mayor under this subsection shall not be
416 entitled to have the words "candidate for re-election" printed against their name on the election
417 ballot if they are seeking the office of mayor.

418 (c) Powers, Term of Office. A person who assumes the office of mayor under this
419 section shall have all the powers of the mayor. A person elected under subsection (a) shall serve

420 for the balance of the unexpired term at the time of election to the office. A person chosen under
421 subsection (b) shall serve until the time of the next regular election at which time the person
422 elected to fill the office for the ensuing term of office shall, in addition, serve for the balance of
423 the then unexpired term.

424 ARTICLE 4. SCHOOL COMMITTEE.

425 SECTION 4-1. COMPOSITION, TERM OF OFFICE.

426 (a) Composition. There shall be a school committee, which shall consist of 7 members.
427 Six members shall be nominated and elected by and from the voters of the city at large. The
428 mayor shall, by virtue of office, serve as the seventh member of the school committee with all of
429 the same powers and duties as the members elected by the voters as school committee members.

430 (b) Term of Office. The term of office for the 6 school committee members elected by
431 the voters shall be for 4 years, beginning on the first Monday after the first Tuesday in January in
432 the year following their election and until their successors have been qualified. The terms of
433 office shall be so arranged that 3 such terms are to be filled at each biennial election.

434 (c) Eligibility. A school committee member shall, at the time of election, be a voter. If a
435 school committee member removes from the city during the term for which elected, the office
436 shall immediately be deemed vacant and filled in the manner provided in section 4-6.

437 SECTION 4-2. SCHOOL COMMITTEE CHAIR.

438 (a) Election and Term. Following each biennial city election, as soon as practicable after
439 the school committee members-elect have been qualified as provided in section 9-10, the school

440 committee shall organize by electing 1 of the persons elected to the office of school committee
441 member to serve as school committee chair.

442 (b) Powers and Duties. The school committee chair, or a designee, shall preside at all
443 meetings of the school committee, regulate its proceedings and decide all questions of order. The
444 school committee chair shall appoint all members of all committees of the school committee,
445 whether special or standing. The school committee chair shall have the same powers to vote
446 upon all measures coming before the school committee as any other member of the school
447 committee. The school committee chair shall perform such other duties consistent with the office
448 as may be provided by this charter or by vote of the school committee in accordance with the by-
449 laws and policies of the school committee.

450 SECTION 4-3. PROHIBITIONS.

451 No member of the school committee shall hold any other city office or city employment
452 for which a salary or other emolument is payable from the city treasury. No former member of
453 the school committee shall hold any compensated appointed city office or city employment until
454 at least 1 year after the date on which the member's service on the school committee has
455 terminated. This provision shall not prevent a city officer or other city employee who has vacated
456 a position in order to serve as a member of the school committee from returning to the same
457 office or position of city employment held at the time the position was vacated but no such
458 person shall be eligible for any other municipal position until at least 1 year after the termination
459 of service as a member of the school committee.

460 SECTION 4-4. COMPENSATION.

461 The city council may, by ordinance, establish an annual salary for members of the school
462 committee. No vote increasing the salary of school committee members shall be effective unless
463 it shall have been adopted during the first 18 months of the term for which the school committee
464 members were elected and unless it provides that the salary is to take effect upon the
465 organization of the city government following the next municipal election. Notwithstanding any
466 general or special law to the contrary, members elected to the school committee shall not be
467 eligible to participate in the city's group health or life insurance programs.

468 SECTION 4-5. SCHOOL COMMITTEE POWERS AND DUTIES.

469 The school committee shall have all powers which are conferred on school committees
470 by the General Laws and such additional powers and duties as may be provided by this charter,
471 by ordinance or otherwise and not inconsistent with the grant of powers conferred by the General
472 Laws. The powers and duties of the school committee shall include, but not be limited to, the
473 following:

474 (i) election of a superintendent of the schools who shall be charged with the
475 administration of the school system, subject only to policy guidelines and directives adopted by
476 the school committee;

477 (ii) upon the recommendation of the superintendent, establishing and appointing
478 assistant or associate superintendents as provided in section 59 of chapter 71 of the General
479 Laws;

480 (iii) making all reasonable rules and regulations for the management of the public
481 school system and for conducting the business of the school committee as may be deemed
482 necessary or desirable; and

483 (iv) adopting and overseeing the administration of an annual operating budget for the
484 school department, subject to appropriation by the city council. The school committee shall have
485 general charge and superintendence of all school buildings and grounds and shall furnish all
486 school buildings with proper fixtures, furniture and equipment.

487 The school committee shall provide ordinary maintenance of all school buildings and
488 grounds unless a central municipal maintenance department, which may include maintenance of
489 school buildings and grounds, is established in accordance with law. Whenever the school
490 committee shall determine that additional classrooms are necessary to meet the educational needs
491 of the community, at least 1 member of the school committee, or a designee of the school
492 committee, shall serve on the agency, board or committee to which the planning or construction
493 of such new, remodeled or renovated school building is delegated.

494 SECTION 4-6. FILLING OF VACANCIES.

495 (a) Runner-Up to Succeed to Office. If a vacancy shall occur in the office of school
496 committee member, the vacancy shall be filled, in descending order of votes received, by the
497 candidate for the office of school committee member at the preceding city election who received
498 the highest number of votes without being elected if such person remains eligible and willing to
499 serve as a school committee member. The city clerk shall certify this candidate to the office of
500 school committee to serve for the balance of the then unexpired term.

501 (b) Filling of Vacancies By School Committee. Whenever a vacancy shall occur in the
502 office of school committee member and there is no available candidate to fill the vacancy in the
503 manner provided in subsection (a), the vacancy shall be filled by a majority vote of the
504 remaining members of the school committee. A person elected to fill a vacancy by the school

505 committee shall serve only until the next regular election at which time the vacancy shall be
506 filled by the voters and the person chosen to fill the vacancy shall immediately be sworn and
507 shall serve for the remainder of the unexpired term in addition to the term for which elected.
508 Persons serving as school committee members under this section shall not be entitled to have the
509 words “candidate for re-election” printed against their names on the election ballot.

510 ARTICLE 5. ADMINISTRATIVE ORGANIZATION.

511 SECTION 5-1. ORGANIZATION OF CITY AGENCIES.

512 The organization of the city into operating agencies for the provision of services and the
513 administration of the government shall be accomplished only through an administrative order
514 filed with the city council by the mayor. No administrative order shall originate with the city
515 council. The mayor may, subject only to express prohibitions in a general law or this charter,
516 propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish
517 new city agencies as deemed necessary, but no function assigned by this charter to a particular
518 city agency shall be discontinued or assigned to any other city agency unless this charter
519 specifically so provides. The mayor may from time to time prepare and submit to the city council
520 administrative orders that establish operating divisions for the orderly, efficient or convenient
521 conduct of the business of the city. These administrative orders shall be accompanied by a
522 message of the mayor which explains the benefits expected to ensue and advises the city council
523 if any provision of an administrative order shall require amendments, insertions, revisions, repeal
524 or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the
525 city council shall hold at least 1 public hearing on the proposal giving notice by publication in a
526 local news publication, which notice shall describe the scope of the proposal and the time and

527 place at which the public hearing will be held which shall be not less than 7 and not more than 14
528 days following publication. An organization or reorganization plan shall become effective at the
529 expiration of 60 days following the date the proposal is submitted to the city council unless the
530 city council shall, by a majority vote, within such period vote to disapprove the plan. The city
531 council shall not vote to amend or alter the plan.

532 SECTION 5-2. MERIT PRINCIPLE.

533 All appointments and promotions of city officers and employees shall be made on the
534 basis of merit and fitness as demonstrated by examination, past performance or other evidence of
535 competence and suitability.

536 ARTICLE 6. FINANCE AND FISCAL PROCEDURES.

537 SECTION 6-1. FISCAL YEAR.

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

540 SECTION 6-2. ANNUAL BUDGET POLICY.

541 The mayor shall call a joint meeting of the city council and school committee before the
542 commencement of the budget process to review the financial condition of the city, revenue and
543 expenditure forecasts and other relevant information prepared by the mayor in order to develop a
544 coordinated budget.

545 SECTION 6-3. SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE.

546 Not less than 45 days before the beginning of the fiscal year, the mayor shall submit to
547 the city council a proposed operating budget for all city agencies, which shall include the school
548 department, for the ensuing fiscal year with an accompanying budget message and supporting
549 documents. The budget message submitted by the mayor shall explain the operating budget in
550 fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed
551 fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed
552 operating budget and indicate any major variations from the current operating budget, fiscal
553 policies, revenues and expenditures, together with reasons for these changes. The proposed
554 operating budget shall provide a complete fiscal plan of all city funds and activities and shall be
555 in the form the mayor deems desirable. The school budget, as adopted by the school committee,
556 shall be submitted to the mayor within a reasonable time before the submission of the proposed
557 operating budget to the city council. The mayor shall notify the school committee of the date by
558 which the budget of the school committee shall be submitted to the mayor. The mayor and the
559 school committee chair shall coordinate the dates and times of the school committee's budget
560 process under the General Laws.

561 SECTION 6-4. ACTION ON THE OPERATING BUDGET.

562 (a) Public Hearing. The city council shall publish in at least 1 local news publication of
563 general circulation in the city a notice of the proposed operating budget as submitted by the
564 mayor. The notice shall state: (i) the times and places where copies of the entire proposed
565 operating budget are available for inspection by the public; and (ii) the date, time and place, not
566 less than 14 days after its publication, when a public hearing on the proposed operating budget
567 will be held by the city council.

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

577 SECTION 6-5. CAPITAL IMPROVEMENT PROGRAM.

578 The mayor shall submit a capital improvement program to the city council every 3 years
579 and not less than 120 days before the start of the fiscal year in which the program report is due.
580 The capital improvement program shall include: (i) a clear and concise general summary of its
581 contents; (ii) a list of all capital improvements proposed to be undertaken during the next ensuing
582 5 years, with supporting information as to the need for each capital improvement; (iii) cost
583 estimates, methods of financing and recommended time schedules for each improvement; and
584 (iv) the estimated annual cost of operating and maintaining each facility and piece of major
585 equipment involved.

586 The mayor shall annually revise this information with regard to the capital improvements
587 still pending or in the process of being acquired, improved or constructed.

588 SECTION 6-6. INDEPENDENT AUDIT.

589 The city council shall annually provide for an outside audit of the books and accounts of
590 the city to be made by a certified public accountant, or a firm of certified public accountants,
591 which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its
592 officers. The mayor shall annually provide to the city council a sum of money sufficient to
593 satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the
594 city council. The award of a contract to audit shall be made by the city council annually, not later
595 than September 15. The clerk of committees shall coordinate the work of the individual or firm
596 selected. The report of the audit shall be filed in final form with the city council not later than
597 March 1 in the year following its award.

598 SECTION 6-7. EXPENDITURES IN EXCESS OF APPROPRIATIONS.

599 Except as otherwise provided by law, no official of the city of Melrose shall knowingly
600 and intentionally expend in any fiscal year any sums in excess of the appropriations duly made in
601 accordance with law or involve the city in any contract for the future payment of money in
602 excess of these appropriations and any such expenditure or involvement shall be in strict
603 compliance with section 31 of chapter 44 of the General Laws. Any official who violates this
604 section shall be personally liable to the city for any amounts so expended to the extent that the
605 city does not recover these amounts from the person to whom the sums were paid.

606 ARTICLE 7. ELECTIONS.

607 SECTION 7-1. CITY ELECTIONS: GENERAL, PRELIMINARY FOR OFFICE OF
608 MAYOR.

609 The regular general city election shall be held on the first Tuesday following the first
610 Monday in November in each odd-numbered year. A preliminary election for the purpose of

611 nominating candidates for mayor shall be held on the third Tuesday in September in each odd-
612 numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the
613 city council, reschedule this election to the fourth Tuesday in September to avoid a conflict with
614 any civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor
615 is to be held, a preliminary election shall be conducted, if necessary, 28 days before the date
616 established for the special election.

617 SECTION 7-2. NON-PARTISAN ELECTIONS.

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

620 SECTION 7-3. PRELIMINARY ELECTION, MAYOR.

621 (a) Ballot Position. The order in which names of candidates appear on the ballot shall be
622 determined by a drawing, by lot, conducted by the city clerk, which shall be open to the public.

623 (b) Determination of Candidates. The 2 persons receiving at a preliminary election the
624 highest number of votes for nomination for mayor shall be the sole candidates for that office
625 whose names shall be printed on the official ballots to be used at the regular general city election
626 at which the office is to be voted upon and no acceptance of a nomination shall be necessary to
627 its validity. If the preliminary election results in a tie vote among candidates for nomination
628 receiving the lowest number of votes which, but for the tie vote, would entitle a person receiving
629 the same to have the person's name printed on the official ballots for the election, all candidates
630 participating in the tie vote shall have their names printed on the official ballots even though the
631 ballots will have a number of candidates exceeding twice the number to be elected.

632 (c) Condition Making Preliminary Unnecessary. If at the expiration of time for filing
633 statements the number of candidates for mayor to be voted upon at any preliminary election is
634 not greater than 2, then no preliminary election shall be held. The candidates whose statements
635 have been filed with the city clerk shall be deemed to have been nominated to the office, their
636 names shall be voted upon for the office at the succeeding general election and the city clerk
637 shall not print their names on the ballots to be used at the preliminary election.

638 SECTION 7-4. BALLOT POSITION, REGULAR CITY ELECTION.

639 The order in which names of candidates appear on the ballot for each office shall be
640 determined by a drawing, by lot, conducted by the city clerk. The drawing shall be open to the
641 public and conducted not less than 30 days before the date of the election.

642 SECTION 7-5. WARDS.

643 The territory of the city shall be divided into 7 wards so established as to consist of as
644 nearly an equal number of inhabitants as is possible to achieve based on compact and contiguous
645 territory, bounded as far as possible by the center line of known streets or ways or by other well-
646 defined limits. Each ward shall be composed of voting precincts established in accordance with
647 the General Laws. The city council shall, from time to time but not less than once every 10 years,
648 review these wards to insure their uniformity in number of inhabitants.

649 SECTION 7-6. APPLICATION OF THE GENERAL LAWS.

650 Except as otherwise expressly provided in this charter and authorized by law, all city
651 elections shall be governed by the laws of the commonwealth relating to the right to vote, the
652 registration of voters, the nomination of candidates, the conduct of preliminary, general and

653 special elections, the submission of charters, charter amendments and other propositions to the
654 voters, the counting of votes, the recounting of votes and the determination of results.

655 ARTICLE 8. CITIZEN PARTICIPATION MECHANISMS.

656 SECTION 8-1. FREE PETITION.

657 The city council or the school committee shall hold a public hearing and act on every
658 petition addressed to the board that is signed by 50 or more voters, along with their addresses,
659 and that seeks the passage of a measure. The hearing shall be held by the city council or the
660 school committee or, in either case, by a committee or subcommittee thereof, and the action by
661 the city council or the school committee shall be taken not later than 6 weeks after the petition
662 was filed with the city clerk or the school committee. Hearings on 2 or more petitions filed under
663 this section may be held at the same time and place. The city clerk or the school committee shall
664 mail notice of the hearing to the 10 persons whose names appear first on the petition not less than
665 7 days before the hearing. Notice by publication of all such hearings shall be at public expense.

666 SECTION 8-2. CITIZEN INITIATIVE MEASURES.

667 (a) Commencement. Initiative procedures shall be started by the filing of a proposed
668 initiative petition with the city clerk or the executive secretary of the school committee. The
669 petition shall: (i) be addressed to the city council or to the school committee; (ii) contain a
670 request for the passage of a particular measure which shall be set forth in full in the petition; and
671 (iii) be signed by not less than 500 voters and their addresses. Not less than 50 signatures shall be
672 certified from each ward. The petition shall be accompanied by an affidavit signed by 10 voters
673 and containing their residential address stating they will constitute the petitioners' committee and

674 be responsible for circulating the petition and filing it in proper form, as well as designating 1
675 member as its clerk.

676 (b) Referral to City Solicitor. The city clerk or the executive secretary of the school
677 committee shall, immediately following receipt of a proposed petition, deliver a copy of the
678 petition to the city solicitor. The city solicitor shall, not more than 15 days following receipt of a
679 copy of the petition, advise the city council or the school committee in writing whether the
680 measure as proposed may lawfully be proposed by the initiative process and whether, in its
681 present form, it may be lawfully adopted by the city council or the school committee. If the
682 opinion of the city solicitor is that the measure is not in proper form, the reply shall state the
683 reasons for this opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the
684 person designated as clerk of the petitioners' committee.

685 (c) Submission to City Clerk. If the opinion of the city solicitor is that the petition is in a
686 proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall
687 print at the top of each blank form a fair, concise summary of the proposed measure, as
688 determined by the city solicitor, together with the names and addresses of the first 10 voters who
689 signed the originating petition. Not more than 30 days following the date the blank forms are
690 issued by the city clerk, the petitions shall be returned and filed with the city clerk, signed by not
691 less than 15 per cent of the total number of voters as of the date of the most recent city election.
692 Signatures to an initiative petition may be on more than 1 sheet of paper but all papers pertaining
693 to any 1 measure shall be fastened together and shall be filed as a single instrument, with the
694 endorsement on it of the name and residence address of the person designated as filing the same.
695 With each signature on the petition, there shall also appear the street and number of the residence
696 of each signer. Not more than 10 days following the filing of the petition, the board of registrars

697 of voters shall ascertain by what number of voters the petition has been signed and what
698 percentage that number is of the total number of voters as of the date of the most recent city
699 election. The board of registrars of voters shall attach to the petition a certificate showing the
700 results of its examination and shall return the petition to the city clerk or to the secretary of the
701 school committee, depending on how the petition is addressed. A copy of the board of registrars
702 of voters' certificate shall also be mailed to the person designated as clerk of the petitioners'
703 committee.

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

715 (e) Supplementary Petitions. Not more than 60 days following the date an initiative
716 petition has been rejected, a supplemental initiative petition may be filed with the city clerk or
717 the secretary of the school committee, but only by persons constituting the original petitioners'
718 committee. The supplemental initiative petition shall be signed by a number of additional voters
719 that is not less than 5 per cent of the total number of voters as of the date of the most recent city

720 election. The signatures on the initial petition filed under subsection (c) and the signatures on the
721 supplemental petition filed under this subsection, taken together, shall contain the signatures of
722 not less than 20 per cent of the total number of voters in the city. If the number of signatures to
723 this supplemental petition is found to be sufficient by the city clerk, the city council shall call a
724 special election to be held on a date fixed by it not less than 35 nor more than 90 days following
725 the date of the certificate of the city clerk that a sufficient number of voters have signed the
726 supplemental initiative petition and shall submit the proposed measure, without alteration, to the
727 voters for determination; provided, however, that if any other city election is to be held not more
728 than 120 days following the date of the certificate, the city council may omit the calling of such
729 special election and cause the question to appear on the election ballot at the approaching
730 election for determination by the voters.

731 (f) Publication. The full text of any initiative measure which is submitted to the voters
732 shall be published in not less than 1 local news publication not less than 7 but not more than 14
733 days preceding the date of the election at which the question is to be voted upon. Additional
734 copies of the full text shall be available for distribution to the public in the office of the city
735 clerk.

736 (g) Form of Question. The ballots used when voting on a measure proposed by the voters
737 under this section shall contain a question in substantially the following form:

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

739 (Here insert a fair, concise summary prepared by the petitioners and approved by the city
740 solicitor.)

741 YES

742 NO

743 (h) Time of Taking Effect. If a majority of the votes cast on the question is in the
744 affirmative, the measure shall be deemed to be effective immediately unless a later date is
745 specified in the measure.

746 SECTION 8-3. CITIZEN REFERENDUM PROCEDURES.

747 (a) Petition, Effect on Final Vote. If, not more than 21 days following the date on which
748 the city council or the school committee has voted finally to approve of any measure, a petition
749 signed by a number of voters equal to at least 12 per cent of the total number of voters as of the
750 date of the most recent general city election and addressed to the city council or to the school
751 committee as the case may be protesting against the measure or any part of it is filed with the
752 secretary of the school committee or city clerk, the effective date of such measure shall be
753 temporarily suspended. The school committee or the city council shall immediately reconsider its
754 vote on the measure or part of it and, if the measure is not rescinded, the city council shall
755 provide for the submission of the question for a determination by the voters either at a special
756 election, which it may call at its convenience, or within such time as may be requested by the
757 school committee or at the next regular city election but, pending this submission and
758 determination, the effect of the measure shall continue to be suspended.

759 (b) Certain Initiative Provisions to Apply. The petition described in this section shall be
760 termed a referendum petition and the applicable provisions of section 8-2 as they relate to the
761 filing and certification of signatures shall apply to such referendum petitions, except that the
762 words “measure or part thereof protested against” shall be deemed to replace the word “measure”
763 and the word “referendum” shall be deemed to replace the word “initiative”. The measure or part

764 protested against shall be null and void unless a majority of those voting on the question shall
765 vote in favor of the measure or part protested against at the election.

766 SECTION 8-4. INELIGIBLE MEASURES.

767 None of the following shall be subject to the initiative or referendum procedures: (i)
768 proceedings relating to the internal organization or operation of the city council or the school
769 committee; (ii) an emergency measure adopted under this charter; (iii) the city budget or the
770 school committee budget as a whole; (iv) any appropriation for the payment of the city's debt or
771 debt service; (v) an appropriation of funds to implement a collective bargaining agreement; (vi)
772 proceedings relating to the appointment, removal, discharge, employment, promotion, transfer,
773 demotion or other personnel action; (vii) any proceedings repealing or rescinding a measure or
774 part of it which is protested by referendum procedures; (viii) any proceedings providing for the
775 submission or referral to the voters at an election; (ix) memorial resolutions and other votes
776 constituting ordinary, routine matters not suitable as the subject of an initiative or referendum
777 petition; (x) setting of property tax rate; and (xi) setting of water and sewer rates.

778 SECTION 8-5. SUBMISSION OF OTHER MATTERS TO VOTERS.

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

784 SECTION 8-6. CONFLICTING PROVISIONS.

785 If 2 or more measures passed at the same election contain conflicting provisions, only the
786 1 receiving the greatest number of affirmative votes shall take effect.

787 ARTICLE 9. GENERAL PROVISIONS.

788 SECTION 9-1. CHARTER CHANGES.

789 This charter may be replaced, revised or amended in accordance with any procedure
790 made available under the state constitution or by laws enacted in accordance with the state
791 constitution.

792 SECTION 9-2. SEVERABILITY.

793 The provisions of this charter are severable. If any provision of this charter is held
794 invalid, the other provisions shall not be affected by such invalidity. If the application of this
795 charter to any person or circumstance is held invalid, the application of this charter and its
796 provisions to other persons and circumstances shall not be affected thereby.

797 SECTION 9-3. SPECIFIC PROVISION TO PREVAIL.

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

800 SECTION 9-4. RULES AND REGULATIONS.

801 A copy of all rules and regulations adopted by a city agency shall be placed on file in the
802 office of the city clerk and shall be available for review by any person who requests such
803 information at a reasonable time. Unless an emergency exists as determined by the mayor, no

804 rule or regulation adopted by a city agency shall become effective less than 5 days following the
805 date it is so filed.

806 SECTION 9-5. PERIODIC REVIEW OF CHARTER.

807 Not later than July 1, at 10-year intervals, in each year ending in a 9, the mayor, city
808 council and school committee shall provide for a review to be made of the city charter. This
809 review shall be made by a special committee to consist of 9 members, all of whom shall be
810 voters of the city, 4 of whom shall be appointed by the mayor and 4 of whom shall be appointed
811 by the city council president and 1 of whom shall be appointed by the school committee chair. At
812 least 2 of the persons appointed by the city council president shall be members of the city
813 council. The individual appointed by the school committee chair shall be a current or former
814 member of the school committee. The special committee shall file its report with the city clerk
815 not later than May 1 in the year following the year in which the order to invoke the committee
816 was approved. The recommendations of the special committee shall appear on the city council's
817 agenda for action not later than June 15 in that year and if not so scheduled by the city clerk the
818 matter shall come before the city council for action at its next meeting held following June 15 in
819 that year and no other business shall be in order until such report has been acted upon, by roll
820 call vote.

821 SECTION 9-6. UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER
822 BODIES.

823 (a) Meetings. All appointed multiple member bodies of the city shall meet regularly at
824 the times and places that they by their own rules prescribe. Special meetings of any multiple
825 member body shall be held on the call of the chairman or by 1/3 of the members of the body by

826 written notice delivered in hand or via electronic mail or by first class mail to the place of
827 residence of each member not less than 48 hours in advance of the time set, excluding Saturdays,
828 Sundays and legal holidays, which shall contain notice of the subjects to be acted upon. A copy
829 of the notice shall also be posted on the city bulletin board. Except as may otherwise be
830 authorized by law, all meetings of all multiple member bodies shall be open to the public.

831 (b) Rules and Journals. Each appointed multiple member body shall determine its own
832 rules and order of business and shall provide for keeping a journal of its proceedings. These rules
833 and journals shall be a public record and certified copies shall be placed on file in the office of
834 the city clerk and in the Melrose Public Library.

835 (c) Voting. If requested by a member, a vote of an appointed multiple member body shall
836 be taken by a call of the roll and the vote of each member shall be recorded in the journal but, if
837 the vote is unanimous, only that fact need be recorded.

838 (d) Quorum. A majority of the members of an appointed multiple member body shall
839 constitute a quorum but a smaller number may meet and adjourn from time to time. Unless some
840 other provision is made by the multiple member body's own rules while a quorum is present,
841 except on procedural matters, a majority of the full membership of the body shall be required to
842 adopt a vote representing an exercise of the powers of the multiple member body.

843 SECTION 9-7. NUMBER AND GENDER.

844 Words importing the singular number may extend and be applied to several persons or
845 things, words importing the plural number may include the singular and words importing the
846 masculine gender shall include the feminine gender.

847 SECTION 9-8. REFERENCES TO GENERAL LAWS.

848 All references to General Laws contained in this charter: (i) the General Laws of the
849 commonwealth; (ii) laws enacted that apply alike to all cities and towns; (iii) laws enacted that
850 apply alike to all cities; and (iv) laws enacted that apply to a class of not less than 2 cities or
851 towns or combination thereof provided that the city is a member of the class. References to the
852 General Laws shall include any amendments or revisions to such chapters or sections or to the
853 corresponding chapters and sections of any rearrangement, revision or recodification of such
854 laws enacted or adopted subsequent to the adoption of this charter.

855 SECTION 9-9. COMPUTATION OF TIME.

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

862 SECTION 9-10. OATH OF OFFICE OF MAYOR, CITY COUNCIL AND SCHOOL
863 COMMITTEE.

864 A mayor-elect, the city council members-elect and the school committee members-elect
865 shall, on the first Monday after the first Tuesday in January of each even-numbered year, meet
866 and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor
867 by the city clerk or by a judge of a court of record or by a justice of the peace. The oath may be
868 administered to the members of the city council and the school committee by the mayor, after the

869 mayor has been duly sworn, or by any of the above-named officials. A certificate that any oath
870 has been taken shall be entered in the journal of the city council. In case of the absence of the
871 mayor or mayor-elect, as the case may be, or any member-elect of the city council or school
872 committee on the day the oath of office is administered, the oath may at any time thereafter be
873 administered to that person. A certificate of each oath subsequently taken shall be entered in the
874 journal of the city council. After the oath has been administered to the city council present, the
875 board shall organize by electing from among its number a person to serve as the president as
876 provided in section 2-2. If the city clerk is unable to preside during this election, the city council
877 member senior in years of service on the city council shall preside during this election. If 2 or
878 more members are equally senior in years of service on the city council, the member senior both
879 in years of service and age shall preside. The president shall be sworn by the city clerk or, in the
880 case of the absence of the city clerk, by any person qualified to take oaths or affirmations. After
881 the oath has been administered to the school committee members present, they shall organize by
882 electing from among their number a person to serve as the chair as provided in section 4-2. If the
883 city clerk is unable to preside during this election the member senior in years of service on the
884 school committee shall preside during the election. If 2 or more members are equally senior in
885 years of service on the school committee, the member senior both in years of service and age
886 shall preside. The chair and the vice-chair shall be sworn by the city clerk or, in the case of the
887 absence of the city clerk, by any person qualified to take oaths or affirmations.

888 SECTION 9-11. CERTIFICATE OF ELECTION OR APPOINTMENT.

889 Every person who is elected, including those elected by the city council, or appointed to
890 an office of the city, shall receive a certificate of such election or appointment from the city
891 clerk. Except as otherwise provided by law, every person who is elected, including those elected

892 by the city council or appointed to an office of the city before performing any act under this
893 appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties. A
894 record of this oath shall be kept by the city clerk.

895 SECTION 9-12. LIMITATION ON OFFICE HOLDING.

896 No person shall simultaneously hold more than 1 full-time city office or position of
897 employment. Any hours worked in any part-time position shall not be the same or otherwise
898 conflict with the hours worked in a full-time position.

899 SECTION 9-13. ENFORCEMENT OF CHARTER PROVISIONS.

900 It shall be the duty of the mayor to see that this charter is faithfully followed and
901 complied with by all city agencies and city employees. Whenever it appears to the mayor that
902 any city agency or city employee is failing to follow any provision of this charter, the mayor
903 shall, in writing, cause notice to be given to that agency or employee directing compliance with
904 this charter. If it shall appear to the city council that the mayor is not following the provisions of
905 this charter it shall, by resolution or order, direct the attention of the mayor to those charter
906 provisions with which the board believes the mayor has failed to comply. The procedures made
907 available in chapter 231A of the General Laws may be used to determine the rights, duties, status
908 or other legal relations arising under this charter, including any question of construction or
909 validity which may be involved in such determination.

910 ARTICLE 10. TRANSITIONAL PROVISIONS.

911 SECTION 10-1. CONTINUATION OF EXISTING LAWS.

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

920 SECTION 10-2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

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

924 SECTION 10-3. TRANSFER OF RECORDS AND PROPERTY.

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

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

929 All official bonds, recognizances, obligations, contracts and other instruments entered
930 into or executed by or to the city before the adoption of this charter and all taxes, assessments,
931 fines, penalties and forfeitures, incurred or imposed, due or owing to the city, shall be enforced
932 and collected and all writs, prosecutions, actions and causes of action, except as otherwise

933 provided in this charter, shall continue without abatement and remain unaffected by this charter.
934 No legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of
935 this charter.

936 SECTION 10-5. DISPOSITION OF CERTAIN SPECIAL LAWS.

937 (a) Certain Special Laws Recognized and Retained. The following special acts are
938 hereby especially recognized and retained: (i) chapter 124 of the acts of 1936; (ii) chapter 39 of
939 the acts of 1962; (iii) chapter 150 of the acts of 1984; and (iv) chapter 71 of the acts of 1992.

940 (b) Certain Special Laws Recognized and Retained, in part. The following special acts
941 which amended the original city charter of 1899, relating to the organization of the city's
942 government, are recognized and retained, in part, as follows: so much of chapter 144 of the acts
943 of 1920 and chapter 78 of the acts of 1926 as relates to the establishment of the committee in
944 charge of the care of Memorial Hall, until such time as the mayor may act pursuant to article 5 of
945 this charter.

946 SECTION 10-6. FAITHFUL PERFORMANCE.

947 On the first Tuesday following the first Monday in January of each even-numbered year,
948 the persons elected as mayor, members of the city council and members of the school committee
949 shall be sworn to the faithful performance of their duties.

950 SECTION 2. (a) Notwithstanding any general or special law to the contrary, all city
951 officers and employees of the city of Melrose shall continue to perform their duties in the same
952 manner and to the same extent as they have performed the same prior to the effective date of this

953 act; provided, however, that elections for certain officers shall take place in accordance with this
954 section.

955 (b) The first election of officers under the home rule charter appearing in section 1 shall
956 be held on the first Tuesday following the first Monday in November, 2019 for the purpose of
957 electing a mayor, a city council and members of the school committee; provided, however, that
958 at that election, the 3 school committee candidates receiving the highest number of votes shall be
959 declared elected to a 4-year term; and provided further, that a preliminary election for the
960 purpose of nominating candidates to be elected mayor at said election shall be held on the third
961 Tuesday of September, 2019, if necessary, as provided in article 7 of the home rule charter
962 appearing in section 1.

963 SECTION 3. Chapter 286 of the acts of 2018 is hereby repealed.

964 SECTION 4. This act shall take effect upon its passage.