

HOUSE No. 3823

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Kelcourse and Diana DiZoglio

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 amending the charter of the city of Amesbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>5/12/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>5/13/2021</i>

HOUSE No. 3823

By Representative Kelcourse of Amesbury and Senator DiZoglio, a joint petition (accompanied by bill, House, No. 3823) of James M. Kelcourse and Diana DiZoglio (with the approval of the mayor and city council) that the city of Amesbury be authorized to amend the charter of said city. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act amending the charter of the city 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 charter of the city of Amesbury, which is on file in the office of the
2 archivist of the commonwealth, as provided in section 12 of chapter 43B of the general laws, is
3 hereby amended by striking out, in the title, the word “City” and inserting in place thereof the
4 word:- Home Rule.

5 SECTION 2. The title of part one of said charter is hereby amended by striking out the
6 word “PART” and inserting in place thereof the word:- ARTICLE.

7 SECTION 3. The first sentence of subsection 2 of section 1 of said part I of said charter
8 is hereby amended by inserting prior to the words “Amesbury Home Rule Charter” the following
9 words:- City of.

10 SECTION 4. The second sentence of subsection 3 of section 1 of said part I of said
11 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the
12 word:- city.

13 SECTION 5. Subsection 5 of section 1 of said part I of said charter is stricken in its
14 entirety, and subsections 6 and 7 of said section 1 of said part I of said charter shall be
15 renumbered as subsections 5 and 6, respectively.

16 SECTION 6. The title of part II of said charter is hereby amended by striking out the
17 word “PART” and inserting in place thereof the word:- ARTICLE.

18 SECTION 7. The first sentence of subsection 1(c) of section 2 of said part II of said
19 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the
20 word:- city.

21 SECTION 8. The second sentence of said subsection 1(c) of said section 2 of part II of
22 said charter is hereby amended by striking out the word “councillors” and inserting in place
23 thereof the word:- councilors.

24 SECTION 9. The first sentence of subsection 3 of section 2 of part II of said charter is
25 hereby amended by striking out the word “board” and inserting in place thereof the word:-
26 boards.

27 SECTION 10. Said subsection 3 of section 2 of part II of said charter is hereby amended
28 by striking out the words “head librarian” and inserting in place thereof the words:- library
29 director.

30 SECTION 11. Said subsection 3 of section 2 of part II of said charter is hereby amended
31 by striking out the third sentence in its entirety and inserting in place thereof the following:-
32 Unless otherwise provided by this charter, appointments of all city officers, department heads,
33 and members of boards, commissions, and committees shall become effective twenty-one days
34 after submission of a written notice of any appointment to the city clerk, provided however, that
35 the city council may, during such period, by a two-thirds vote of the full city council, reject any
36 such appointment or has sooner voted to affirm it.

37 SECTION 12. The third sentence of subsection 5 of section 2 of part II of said charter is
38 hereby amended by striking out the word “effect” and inserting in place thereof the word:- affect.

39 SECTION 13. The first sentence of subsection 7(b) of section 2 of part II of said charter
40 is hereby amended by striking out the word “councillors” and inserting in place thereof the
41 word:- councilors.

42 SECTION 14. The title of subsection 8 of section 2 of part II of said charter is hereby
43 amended by striking out the word “of” and inserting in place thereof the word: or.

44 SECTION 15. The second sentence of subsection 8(d) of section 2 of part II is hereby
45 amended by striking out the words “his or her” and inserting in place thereof the word:- their.

46 SECTION 16. The third sentence of paragraph 1 of subsection 10 of part II of said
47 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the
48 word:- city.

49 SECTION 17. The first sentence of paragraph 2 of subsection 10 of part II of said charter
50 is hereby amended by striking out the word “municipal” and inserting in place thereof the
51 following word:- city.

52 SECTION 18. The second sentence of paragraph 2 of subsection 10 of part II of said
53 charter is hereby amended by striking out the word “municipal” and inserting in place thereof the
54 word:- city.

55 SECTION 19. The third sentence of paragraph 2 of section 2-10 of said charter is hereby
56 amended by striking out the word “councillor” and inserting in place thereof the word: councilor.

57 SECTION 20. The title of part III of said charter is hereby amended by striking out the
58 word “PART” and inserting in place thereof the word:- ARTICLE.

59 SECTION 21. Section 1 of said chapter 3 of part III of said charter is hereby amended by
60 striking out subsection 1 in its entirety and inserting in place thereof the following subsection:-

61 (a) Composition

62 There shall be a city council composed of nine members that shall exercise the legislative
63 powers of the city. Three members, to be known as councilors-at-large, shall be nominated and
64 elected by and from the voters at large. Six members, to be known as district councilors, shall be
65 nominated and elected by and from the voters of each district, one such district councilor to be
66 elected from each of the six council districts into which the city is divided in accordance with
67 Section 7-4.

68 (b) Eligibility

69 Any voter shall be eligible to hold the office of councilor-at-large. A district councilor
70 shall at the time of election be a voter and resident of the district from which the councilor is
71 elected.

72 A councilor-at-large who shall cease to be a resident of the city during the term for which
73 such councilor was elected shall be deemed to have vacated the office of councilor-at-large and
74 the office shall be considered vacant. If a district councilor moves from one district to another
75 within the first twelve months of the term of office for which such councilor was elected, the
76 office shall be considered vacant. Any district councilor who continues to reside in the city but
77 who moves from the district they represent during the last twelve months of their term of office
78 shall continue to serve for the balance of the term for which the district councilor was elected.
79 Any vacancy in the office of councilor-at-large or district councilor shall be filled in accordance
80 with Section 3-4.

81 (c) Election and Term

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

85 SECTION 22. The first sentence of subsection 2 of said section 3 of part III of said
86 charter is hereby amended by striking out the word “councillors-elect” and inserting in place
87 thereof the word:- councilors-elect.

88 SECTION 23. Subsection 3 of said section 3 of said part III of said charter is hereby
89 amended by striking out the last sentence in its entirety.

90 SECTION 24. The first sentence of subsection 4 of section 3 of part III of said charter is
91 hereby amended by striking out the word “councillor” and inserting in place thereof the word:-
92 councilor.

93 SECTION 25. The last sentence of said subsection 4 of section 3 of said part III of said
94 charter is hereby amended by striking out the word “councillor” and inserting in place thereof the
95 word:- councilor.

96 SECTION 26. The third sentence of subsection 5(b) of said section 3 of part III of said
97 charter is hereby amended by striking out the word “councillors” and inserting in place thereof
98 the word:- councilors.

99 SECTION 27. The third sentence of subsection 5(c) of said section 3 of part III of said
100 charter is hereby amended by striking out the word “that” and inserting in place thereof the
101 word:- than.

102 SECTION 28. The first sentence of subsection 6 of said section 3 of part III of said
103 charter is hereby amended by striking out the word “it” and inserting in place thereof the word-
104 is.

105 SECTION 29. The last sentence of subsection 7(b) said section 3 of said part III of said
106 charter is hereby amended by striking out the word “late” and inserting in place thereof the word:
107 later.

108 SECTION 30. The first sentence of subsection 10 of section 3 of said part III of said
109 charter is hereby amended by striking out the word “councillor” and inserting in place thereof the
110 word: councilor.

111 SECTION 31. Said subsection 10 of section 3 of said part III of said charter is hereby
112 amended by striking out the second sentence in its entirety and inserting in place thereof the
113 following:- No former councilor shall hold any compensated appointive office or employment
114 under the city until one year after the expiration of their service on the city council.

115 SECTION 32. The second paragraph of section 3-11 of said charter is hereby amended
116 by striking out the word “councillors” and inserting in place thereof the word:- councilors.

117 SECTION 33. The title of part four of said charter is hereby amended by striking out the
118 word “PART” and inserting in place thereof, the word:- ARTICLE.

119 SECTION 34. Subsection 1 of section 4 of part IV of said charter is hereby amended by
120 deleting the text thereof and inserting in place thereof the following:- In addition to the mayor
121 and city council, the offices to be filled by the voters shall be a school committee, a planning
122 board, a board of library trustees and such other regional authorities, districts, or committees as
123 may be established by law or inter-local agreement. The members of the school committee,
124 planning board, and board of library trustees shall be nominated and elected by and from the
125 voters at large and their terms of office shall begin on the first business day of January following
126 their election, and continuing until their successors are qualified.

127 SECTION 35. Subsection 6 of section 4 of said part IV of said charter is hereby deleted
128 in its entirety, and the remaining subsections of said section 4 shall be renumbered accordingly.

129 SECTION 36. Subsection 7 of section 4 of part IV of said charter is hereby amended by
130 striking out the first sentence and inserting in place thereof the following new sentence:- If a
131 vacancy occurs in the membership of the school committee, planning board or board of library

132 trustees, whether by failure to elect or otherwise, the remaining members of said board or
133 committee shall notify the president of the city council who will declare such vacancy to exist.

134 SECTION 37. The penultimate sentence of the third paragraph of said subsection 7 of
135 said section 4 of said part IV of said charter is hereby amended by striking out the word: “shall”.

136 SECTION 38. Said subsection 7 of said section 4 of part IV of said charter is hereby
137 further amended by deleting the last sentence and inserting in place thereof the following:-
138 Should the remaining members of the school committee, planning board, or board of library
139 trustees fail to declare a vacancy, the city council shall be the sole judge of whether a vacancy
140 exists in the office of any elected office under this section and may declare any such elected
141 office vacant by a majority vote of the council.

142 SECTION 39. Section 4 of part IV of said charter is hereby further amended by deleting
143 the text of subsection 8 and inserting in place thereof the following:- No elected member of the
144 school committee, board of library trustees, or planning board shall hold any compensated
145 appointive office or employment under the city until one year after the expiration of the term of
146 office of such elected member. This provision shall not prevent a city officer or employee who
147 has been granted a leave of absence, by their appointing authority, from such duties in order to
148 serve as a member of such elected office from returning to such employment or office following
149 service as an elected member of the school committee, board of library trustees or planning
150 board.

151 SECTION 40. Said section 4 of part IV of said charter is hereby amended by inserting, at
152 the end, a new subsection, as follows:- Section 4-9 Eligibility for Health Insurance
153 Notwithstanding chapter 32B of the General Laws, and excluding the mayor and city councillors,

154 officials of the city of Amesbury elected under subsection 4-1 who receive a salary or a stipend
155 shall not be eligible for participation in the city's contributory health and life insurance plan.
156 Officials elected under this section who receive a salary or a stipend and who elect to pay 100
157 per cent of the cost of the official's participation in the city's health and life insurance benefit
158 plan, plus any administrative costs that may be assessed by the city council, may be considered
159 eligible to participate.

160 SECTION 41. The title of part 5 of said charter is hereby amended by striking out the
161 word "PART" and inserting in place thereof the word:- ARTICLE.

162 SECTION 42. The title of subsection 3 of section 5 of part V of said charter is hereby
163 amended by striking out the word "of" and inserting in place thereof the word:- on.

164 SECTION 43. The second sentence of subsection 3(a) of said section 5 of said part V of
165 said charter is hereby amended by striking out the word "if" and inserting in place thereof the
166 word:- of.

167 SECTION 44. The second sentence of subsection 4(b) of said section 5 of part V of said
168 charter is hereby amended by striking out the word "date" and inserting in place thereof the
169 word:- data.

170 SECTION 45. The second sentence of subsection 4(c) of said section 5 of said part V of
171 said charter is hereby amended by striking out the word "resources" and inserting in place
172 thereof the word:- sources.

173 SECTION 46. The first sentence of subsection 5 of said section 5 of said part V of said
174 charter section 5-5 of said charter is hereby amended by striking out the word “accounts” and
175 inserting in place thereof the word:- accountants.

176 SECTION 47. The second sentence of said subsection 5 of said section of said part V of
177 said charter is hereby amended by striking out the word “east” and inserting in place thereof the
178 word:- least.

179 SECTION 48. Part VI of said charter is hereby amended by striking out the title in its
180 entirety and inserting in place thereof the following words:- ARTICLE VI Administration of
181 City Government.

182 SECTION 49. Subsection 1(a)(1) of section 6 of part VI of said charter is hereby
183 amended by striking it in its entirety and inserting in place thereof the following new
184 subsection:- The city council may, by ordinance passed by two-thirds of the full city council
185 membership, reorganize, consolidate, create, merge, divide or abolish any city division,
186 department or agency, in whole or in part, establish such new city agencies as deemed necessary
187 or advisable, and prescribe the functions and the administrative procedures to be followed by all
188 such agencies.

189 SECTION 50. The first sentence of subsection 3(b) of said section 6 of said part VI of
190 said charter is hereby amended by striking out the word “municipal” and inserting in place
191 thereof the word:- city.

192 SECTION 51. Subsection 3(b) of said chapter 6 of said part VI of said charter is hereby
193 further amended, by striking out, in the first sentence of the second paragraph, the word “the”
194 prior to the word:- auditing.

195 SECTION 52. The title of part seven of said charter is hereby amended by striking out
196 the word “PART” and inserting in place thereof the word “ARTICLE.”

197 SECTION 53. The second sentence of subsection 1 of section 7 of part VII of said charter
198 is hereby amended by striking out the word “municipal” and inserting in place thereof the word:-
199 city.

200 SECTION 54. The first sentence of subsection 2(a) of section 7 of part VII of said charter
201 is hereby amended by striking out the words “councillor-at-large” inserting in place thereof the
202 words:- councilor-at-large.

203 SECTION 55. The first sentence of said subsection 2(a) of said section 7 of part VII of
204 said charter is hereby further amended by striking out the word “councillor” and inserting in
205 place thereof the word:- councilor.

206 SECTION 56. The first sentence of subsection 4 of said section 7 of said part VII of said
207 charter is hereby amended by inserting prior to the word “known” the word:- of.

208 SECTION 57. Subsection 4 of said section 7 of said part VII of said charter is hereby
209 further amended by inserting, at the end of said section, the following new sentence:- Every 10
210 years in years ending with 1, the city council shall review these districts to ensure their
211 uniformity in number of inhabitants.

212 SECTION 58. Subsection 5 of said section 7 of said part VII of said charter is hereby
213 amended by striking out the word “municipal” and inserting in place thereof the word:- city.

214 SECTION 59. The title of part 8 of said charter is hereby amended by striking out the
215 word “PART” and inserting in place thereof the word:- ARTICLE.

216 SECTION 60. Subsections 2 through 8 of section 8 of part VIII of said charter are hereby
217 amended by striking out the text and titles thereof and inserting in their place, the following:-

218 Section 8-2 Citizen Initiative Measures

219 (a) Commencement of Proceedings. Initiative procedures shall be started by the filing of
220 an initiative petition with the city clerk or clerk of the school committee. The petition shall be
221 addressed to the city council or to the school committee, shall contain a request for the passage
222 of a particular measure which shall be set forth in full in the petition and shall be signed by at
223 least 250 voters. The petition shall be accompanied by an affidavit signed by 10 voters and
224 containing their residential stating that those voters will constitute the petitioners' committee and
225 be responsible for circulating the petition and filing it in proper form.

226 (b) Referral to City Attorney. The city clerk or the clerk of the school committee shall,
227 immediately following receipt of a proposed petition, deliver a copy of the petition to the city
228 attorney. The city attorney shall, within 15 days following receipt of a copy of the petition, in
229 writing, advise the city council or the school committee and the city clerk whether the measure
230 as proposed may lawfully be proposed by the initiative process and whether, in its present form,
231 it may lawfully be adopted by the city council or the school committee. If the opinion of the city
232 attorney is that the measure is not in proper form, the reply shall state the reasons for this
233 opinion, in full. A copy of the opinion of the city attorney shall be mailed to the members of the
234 petitioners' committee.

235 (c) Submission to City Clerk. If the city attorney determines that the petition is in a
236 proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall
237 print at the top of each blank form a fair, concise summary of the proposed measure, as

238 determined by the city attorney, together with the names and addresses of the petitioners'
239 committee who signed the originating petition. The city clerk shall notify the petitioners'
240 committee that the blank forms are issued. Within 30 days following the date of the notice, the
241 petition shall be returned and filed with the city clerk signed by at least 10 percent of the total
242 number of registered voters as of the date of the most recent regular city election. Signatures to
243 an initiative petition need not all be on 1 paper, but all papers pertaining to any single measure
244 shall be fastened together and shall be filed as a single instrument, with the endorsement on it of
245 the name and address of the person designated as filing the papers. With each signature on the
246 petition there shall also appear the street and number of the residence of each signer. Within 10
247 days following the filing of the petition, the registrars of voters shall ascertain the number of
248 voters that signed the petition and the percentage that number is of the total number of voters as
249 of the date of the most recent regular city election. The registrars of voters shall attach to the
250 petition a certificate showing the results of its examination and shall return the petition to the city
251 clerk or the clerk of the school committee, depending on how the petition is addressed. A copy of
252 the registrars of voters' certificate shall also be mailed to the members of the petitioners'
253 committee.

254 (d) Action on Petitions. Within 60 days following the date a petition has been returned to
255 the city clerk or the clerk of the school committee, the city council or the school committee shall
256 act with respect to each initiative petition by passing it without change, by passing a measure
257 which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure
258 which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative
259 measure. If the city council or the school committee fails to act within 60 days following the date
260 the measure is returned to it, the measure shall be deemed to have been rejected on the sixtieth

261 day. If an initiative measure is rejected, the city clerk or the clerk of the school committee shall
262 promptly give notice of that fact to the petitioners' committee by certified mail.

263 (e) Supplementary Petitions. Within 60 days following the date an initiative petition has
264 been rejected, a supplemental initiative petition may be filed with the city clerk or the clerk of
265 the school committee, but only by persons constituting the original petitioners' committee. The
266 supplemental initiative petition shall be signed by a number of additional voters equal to at least
267 5 percent of the total number of registered voters as of the date of the most recent regular city
268 election. The signatures on the initial petition filed under subsection (c) and the signatures on the
269 supplemental petition filed under this subsection, taken together, shall contain the signatures of
270 at least 15 percent of the total number of registered voters as of the date of the most recent
271 regular city election. If the number of signatures to this supplemental petition is found to be
272 sufficient and certified by the registrars of voters, the registrars shall prepare and submit such
273 certifications to the city clerk, and the city council shall call a special election to be held on a
274 date not less than 35 nor more than 90 days following the date of the certificate of the registrars
275 of voters that a sufficient number of registered voters have signed the supplemental initiative
276 petition and shall submit the proposed measure, without alteration, to the voters for
277 determination, but if a city election is to be held within 120 days following the date of the
278 certificate, the city council may omit calling the special election and cause the question to appear
279 on the election ballot at the approaching election for determination by the voters.

280 (f) Publication. The full text of an initiative measure which is submitted to the voters
281 shall be published in at least 1 local newspaper not less than 7 nor more than 14 days preceding
282 the date of the election at which the question is to be voted upon. Additional copies of the full

283 text shall be available for distribution to the public in the office of the city clerk, and also posted
284 on the city bulletin board.

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

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

288 (Here insert the fair, concise summary of the proposed measure, as determined by the city
289 attorney as referenced in subsection (c)).

290 __ YES __ NO

291 (h) Time of Taking Effect

292 Subject to section 8-6, if a majority of the votes cast on the question is in the affirmative,
293 the measure shall be deemed to be effective immediately, unless a later date is specified in the
294 measure.

295 Section 8-3 Citizen Referendum Procedures

296 (a) Petition, Effect on Final Vote. If, within 21 days following the date on which the city
297 council or the school committee has voted finally to approve any measure, a petition signed by a
298 number of voters equal to at least 12 percent of the total number of voters as of the date of the
299 most recent regular city election and addressed to the city council or to the school committee,
300 protesting against the measure or any part of it is filed with the clerk of the school committee or
301 city clerk, the effective date of that measure shall be temporarily suspended. The school
302 committee or the city council shall immediately reconsider its vote on the measure or part of it
303 and, if the measure is not rescinded, the city council shall provide for the submission of the

304 question for a determination by the voters either at a special election, which it may call at its
305 convenience, within such time as may be requested by the school committee or at the next
306 regular city election; provided, however, that pending this submission and determination, the
307 effect of the measure shall continue to be suspended.

308 (b) Certain Initiative Provisions to Apply. The petition described in this section shall be
309 termed a referendum petition and section 8-2(c), as the section relates to the filing and
310 certification of signatures, shall apply to such referendum petitions, except that the words
311 "measure or part thereof protested against" shall be deemed to replace the word "measure" and
312 the word "referendum" shall be deemed to replace the word "initiative". Subject to section 8-6,
313 the measure or part thereof protested against shall be null and void unless a majority of those
314 voting on the question shall vote in favor of the measure or part thereof protested against at the
315 election.

316 Section 8-4 Ineligible Measures

317 None of the following shall be subject to the initiative or the referendum procedures:

318 (1) proceedings relating to the internal organization or operation of the city council or of
319 the school committee;

320 (2) an emergency measure adopted under the charter;

321 (3) the city budget or any appropriation contained therein or the school committee budget
322 or any appropriation contained therein;

323 (4) any appropriation for the payment of the city's debt or debt service;

324 (5) any appropriation of funds to implement a collective bargaining agreement;

325 (6) proceedings relating to the appointment, removal, discharge, employment, promotion,
326 transfer, demotion or other personnel action;

327 (7) any proceedings repealing or rescinding a measure or part of it which is protested by
328 referendum procedures;

329 (8) any proceedings providing for the submission or referral to the voters at an election;
330 and

331 (9) resolutions and other votes constituting ordinary, routine matters not suitable as the
332 subject of a referendum petition.

333 Section 8-5 Recall

334 (a) Application

335 Any holder of an elected office in the city, with more than 6 months remaining in the
336 term of office to which the officer was elected, may be recalled therefrom by the voters of the
337 city in the manner provided in this section. No recall petition shall be filed against an officer
338 within 6 months after taking office.

339 (b) Recall Petition

340 A recall petition may be initiated by the filing of an affidavit containing the name of the
341 officer sought to be recalled and a statement of the grounds for recall, provided that the affidavit
342 is signed by at least 300 voters for the office of mayor; 200 voters for any office elected at large,
343 and at least 75 voters for a district councilor, all such signatures from voters of the district. The
344 city clerk shall thereupon deliver to those voters making the affidavit, copies of petition blanks
345 demanding such recall, copies of which printed forms the city clerk shall keep available. The

346 blanks shall be issued by the city clerk, with signature and official seal attached thereto. The
347 blanks shall be dated, shall be addressed to the city council and shall contain the names of all the
348 persons to whom the blanks are issued, the number of blanks so issued, the name of the person
349 whose recall is sought, the office from which removal is sought and the grounds of recall as
350 stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the
351 office of the city clerk. Said recall petition shall be returned and filed with the city clerk within
352 28 days after the filing of the affidavit, and shall have been signed by at least 20 percent of the
353 voters of the city for any officer elected at large and signed by at least 20 percent of the voters of
354 the district for an officer elected by district. The city clerk shall submit the petition to the
355 registrars of voters and the registrars shall, within 5 days, certify thereon the number of
356 signatures which are names of voters.

357 (c) Recall Election

358 If the petition shall be found and certified by the registrars of voters to be sufficient, the
359 city clerk shall submit such certificate to the city council within 5 days, and the city council shall
360 give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if
361 the officer does not resign within 5 days thereafter, order an election to be held on a date fixed by
362 the city council not less than 64 days and not more than 90 days after the date of the city clerk's
363 certificate that a sufficient petition has been filed; provided, however, that if any other city
364 election is to occur within 120 days after the date of the certificate, the city council shall
365 postpone the holding of the recall election to the date of such other election. If a vacancy occurs
366 in said office after a recall election has been ordered, the election shall not proceed as provided
367 in this section.

368 (d) Office Holder

369 The incumbent shall continue to perform the duties of the office until the recall election.
370 If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the
371 unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and
372 the office vacant. The vacancy created thereby shall be filled under articles 2, 3, and 4 of this
373 charter for filling vacancies in such office. A person chosen to fill the vacancy caused by a recall
374 shall hold office until the next regular city election. Should the person be a candidate in the
375 subsequent election, that person will not be allowed to have "candidate for re-election" appear on
376 the ballot at such election.

377 (e) Ballot Proposition

378 The form of the question to be voted upon shall be substantially as follows:

379 "Shall [here insert the name and title of the elective officer whose recall is sought] be
380 recalled?"

381 ___ Yes ___ No

382 If a majority of the votes cast upon the question of recall is in the affirmative, such
383 elected officer shall be recalled.

384 (f) Repeat of Recall

385 In the case of an officer subjected to a recall election and not recalled thereby, no recall
386 petition shall be filed against such officer until at least 270 days after the election at which the
387 officer's recall was submitted to the voters of the city.

388 (g) Office Holder Recalled

389 No person who has been recalled from an office or who has resigned from office while
390 recall proceedings were pending against such person, shall be appointed to any city office within
391 2 years after such recall or such resignation.

392 Section 8-6 Required Voter Participation

393 For any measure to be effective under initiative or referendum procedure(s), at least 20
394 percent of the voters shall vote at an election upon which an initiative or referendum question is
395 submitted to the voters.

396 Section 8-7 Submission of Proposed Measure to Voters

397 The city council may on its own motion and shall, upon request of the school committee,
398 if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the
399 voters at a regular city election for adoption or rejection a measure in the same manner and with
400 the same force and effect as are provided for submission by initiative or referendum petitions.

401 Any measure adopted pursuant to initiative procedures shall not be subject to amendment
402 or repeal by the city council for a period of 6 months after the election at which said measure
403 was adopted.

404 Notwithstanding any general or special law to the contrary, the city council may place
405 one or more non-binding public opinion advisory questions on the ballot for either a regular or
406 special city election under the procedures established by the laws of the commonwealth.

407 Section 8-8 Conflicting Provisions

408 If 2 or more measures passed at the same election contain conflicting provisions, only the
409 1 receiving the greatest number of affirmative votes shall take effect.

410 SECTION 61. The title of part IX of the charter of the city of Amesbury is hereby
411 amended by striking out the word “PART” and inserting in place thereof the word:- ARTICLE.

412 SECTION 62. Subsection 4(d) of section 9 of part IX of said charter is hereby amended
413 by striking out the entire subsection and replacing it with the following words:- The phrase ‘city
414 bulletin board’ shall mean the display on the city’s website established and maintained by the
415 city as its online repository of city information, or the display at any other location(s) as may be
416 designated from time to time by the City Council.

417 SECTION 63. Subsection 4 of section 9 of part IX of said charter is hereby further
418 amended by inserting, after subsection 4(g) the following:-,

419 (h) Measures - All matters to come before the Council which are inherently legislative in
420 nature, including ordinances, charter amendments, free petitions, appropriations, loan orders,
421 lease approvals, acceptance of statutes, petitions to the General Court, tax classification votes,
422 contract approvals or property transactions (real and personal).

423 (i) “Full council”, “full school committee” or “full multiple-member body” - the entire
424 authorized complement of the council, school committee or other multiple-member body
425 notwithstanding any vacancy which might exist.

426 (j) Majority vote - when used in connection with a meeting of the council, school
427 committee or a multiple-member body, shall mean a majority of those present and voting, unless
428 another provision is made by general law or ordinance.

429 (k) Multiple-member body - any board, commission, committee, subcommittee or other
430 body consisting of two or more persons whether elected, appointed or otherwise constituted, but
431 not including the council, the school committee, or executive ad hoc or working groups advisory
432 to the mayor.

433 (l) Ordinance - any rule, law or regulation adopted by the municipality in accordance
434 with this charter.

435 (m) Referendum - a measure adopted by the council or the school committee that is
436 protested under the referendum procedures of this charter.

437 (n) Resolution - a formal expression of opinion or a ceremonial declaration voted by the
438 council not requiring the signature of the mayor and having no force of law.

439 SECTION 64. Subsection (5)(a) of said section 9 of said part IX of said charter is hereby
440 amended by deleting the text in its entirety and inserting in place thereof the following new
441 section:-

442 Except subcommittees of the city council and as otherwise provided by law or this
443 charter, all boards, commissions and committees shall consist of three or more members
444 appointed by the mayor for terms of three years each, so arranged that the term of one-third of
445 the members, or as nearly the number as may be possible, shall expire each year. Appointments
446 made hereunder shall begin on March 1 and shall expire on the last day of February of the third
447 year following appointment; provided, however, that any person appointed hereunder shall serve
448 until their successor is appointed and qualified, or until their sooner vacating of office. Failure to
449 reappoint at the end of an expired term shall not constitute removal from office. All members of
450 boards, commissions, and committees shall serve without compensation or benefits and shall be

451 sworn into office within four weeks of their appointment; notwithstanding the prior clause,
452 however, members of the school committee shall receive such compensation as may be included
453 in the budget and appropriated by the city council from time to time. All board, commission or
454 committee members must take the oath of office prior to entering upon the duties of their office.

455 All appointed multiple-member body members shall be residents of the city. However,
456 the provisions of this subsection with respect to residency may be waived by majority vote of the
457 city council upon recommendation of the mayor. The mayor's recommendation shall set out the
458 reason(s) why said waiver is in the best interest of the city.

459 SECTION 65. The second sentence of subsection 5(b) of said section 9 of said part IX of
460 said charter is hereby amended by striking out the word "nor" and inserting in place thereof the
461 word:- or.

462 SECTION 66. Said subsection 5(b) of said section 9 of part IX of said charter is hereby
463 further amended by striking out the seventh sentence in its entirety and inserting in place thereof
464 the following sentence:- If any member of an appointed board, commission or committee fails to
465 attend one half of the meetings held by such board, commission or committee during a calendar
466 year, upon notice to the mayor from the City Council, board, commission or committee affected,
467 the mayor shall within thirty (30) days of said notice determine, based on their own
468 investigation, of which a public record shall be kept, whether to retain said member or to declare
469 the seat vacant and to fill the vacancy.

470 SECTION 67. Subsection 5(c) of said section 9 of part IX of said charter is hereby
471 amended by inserting, at the end of the section, two new sentences as follows:- The provisions of
472 the subsection may be waived by majority vote of the city council upon recommendation of the

473 mayor. The mayor's recommendation shall set out the reason(s) why said waiver is in the best
474 interests of the city.

475 SECTION 68. Subsection 9 of said section 9 of part IX of said charter is hereby amended
476 by striking out the phrase "Beginning in 2018 and" and the word "thereafter" and inserting the
477 follow clause at the beginning of the first sentence:- No later than the first day in April.

478 SECTION 69. The title of part X of said charter is hereby amended by striking out the
479 word "PART" and inserting in place thereof the word:- ARTICLE.

480 SECTION 70. The first sentence of subsection 2 of said section 10 of part X of said
481 charter shall hereby be amended by striking out the word "town" in both places in which it
482 appears and inserting in place thereof, in each instance, the word:- city.

483 SECTION 71. The second sentence of subsection 2 of said section 10 of said part X of
484 said charter shall hereby be amended by deleting the word "town" and inserting in place thereof
485 the following word:- city.

486 SECTION 72. Subsection 3 of said section 10 of part X of said charter shall hereby be
487 amended by striking out the word "town" in both places in which it appears and inserting in
488 place thereof, in each instance, the word:- city.

489 SECTION 73. The first sentence of subsection 4 of said section 10 of said part X of said
490 charter hereby be amended by deleting the word "town" in each instance in which it appears and
491 inserting in place thereof, in each instance, the word:- city.

492 SECTION 74. The second sentence of said subsection 4 of said section 10 of said part X
493 of said charter shall hereby be amended by deleting the word “town” and inserting in place
494 thereof the following word:- city.

495 SECTION 75. Subsection 5 of said section 10 of said part X of said charter is hereby
496 amended by striking out the word “town” and inserting in place thereof the word:- city.

497 SECTION 76. Upon the effective date of this act, the changes made in subsections 1, 6,
498 7, and 8 of section 4 of part IV of said charter deleting, in each place in which it appears,
499 reference to the elected housing authority thereby abolishes said elected housing authority and
500 creates an appointed housing authority consistent with the provisions of section 5 of chapter
501 121B of the general laws; provided, however, that all persons elected to the housing authority as
502 of the effective date of this act shall continue to serve for a time equivalent to the remainder of
503 their respective elected term or sooner vacating of office. As vacancies arise, whether by
504 expiration of term or otherwise, the mayor shall fill such vacancies consistent with the provisions
505 of section 5 of chapter 121B of the General Laws and this section, so that the term of one
506 member expires each year, and thereafter all members shall be appointed in accordance with
507 subsection 3 of section 2 of said part II of the said charter and consistent with the provisions of
508 section 5 of chapter 121B as it may be amended from time to time.

509 SECTION 77. To implement the provisions of section 40 of this act, any incumbent
510 compensated elected official elected under section 4-1 of said charter then participating in the
511 city participatory health and benefits program shall be entitled to continue to so participate in the
512 same manner for the remainder of their unexpired term.

513 SECTION 78. To implement the provisions of section 64 of this act, the terms of all
514 appointees holding office on the effective date of this act, that would otherwise expire prior to
515 the last day of February in the third year following appointment, shall nevertheless continue until
516 said last day of February that year, and the terms of appointees holding office on the effective
517 date of this act that would otherwise expire following the last day of February in the third year of
518 appointment shall instead expire on said last day of February.

519 SECTION 79. This act shall take effect upon its passage, but no earlier than January 1,
520 2022.