

HOUSE No. 3925

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 Newburyport.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>6/21/2021</i>

HOUSE No. 3925

By Representative Kelcourse of Amesbury and Senator DiZoglio, a joint petition (accompanied by bill, House, No. 3925) of James M. Kelcourse (with the approval of the mayor and city council) relative to amending the charter of the city of Newburyport. 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 Newburyport.

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. Section 1-7 of article 1 of the charter of the city of Newburyport, which is
2 on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter
3 43B of the General Laws, is hereby amended by striking out the definitions of “City office” and
4 “City officer” and inserting in place thereof the following 2 definitions:-

5 (4) “City office,” a position having charge of a city department, including, without
6 limitation, the position of city solicitor.

7 (5) “City officer,” when used without further qualification or description, shall mean a
8 person having charge of an office or department of the city who in the exercise of the powers or
9 duties of that position exercises some independent statutory authority, including, without
10 limitation, the city solicitor.

11 SECTION 2. Subsection (c) of section 2-6 of article 2 of said charter is hereby amended
12 by striking out clause (2) and inserting in place thereof the following clause:-

13 (2) Special meetings of the city council shall be held at the call of the president or at the
14 call of any 6 or more members, for any purpose, by causing a notice of the meeting to be
15 delivered (i) in hand or to the place of business or residence of each member of the city council;
16 or (ii) by email to each member of the city council with electronic confirmation of receipt. This
17 notice shall, except in an emergency of which the president shall be the sole judge, be delivered
18 at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for
19 which the meeting is to be held. A copy of each such notice shall immediately be posted in
20 accordance with applicable laws.

21 SECTION 3. Section 2-9 of said article 2 of said charter is hereby amended by striking
22 out subsection (a) and inserting in place thereof the following subsection:-

23 (a) Measures. No measure that is an ordinance or an order shall be passed finally on the
24 date on which it is introduced, except in the case of an emergency. Except as otherwise provided
25 by the charter, every adopted measure shall become effective at the expiration of 10 days after
26 adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be
27 amended or repealed except by another ordinance adopted in accordance with the charter, or as
28 provided in the initiative or referendum procedures.

29 SECTION 4. Said section 2-9 of said article 2 of said charter is hereby further amended
30 by striking out subsection (c) and inserting in place thereof the following subsection:-

31 (c) Charter objection. On the first occasion that the question on adoption of a measure
32 that is an ordinance or an order is put to the city council, if a single member present object to the

33 taking of the vote, the vote shall be postponed until the next meeting of the city council whether
34 regular or special. If 2 members present shall object, such postponement shall be until the next
35 regular meeting; but for an emergency measure at least 4 members present, in all, must object.
36 This procedure shall not be used more than once for any specific matter notwithstanding any
37 amendment to the original matter. A charter objection shall have privilege over all motions but
38 must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

39 SECTION 5. Section 3-1 of article 3 of said charter is hereby amended by striking out
40 subsection (d) and inserting in place thereof the following subsection:-

41 (d) Prohibitions. The mayor shall hold no other city office or city employment for which
42 a salary or other emolument is payable from the city treasurer. No former mayor shall hold any
43 compensated appointed city office or city employment, nor shall they appear personally before
44 any city agency as agent or attorney for anyone other than themselves, their spouse, their parents,
45 their children, or their siblings, until 1 year following the date on which the former mayor's city
46 service has terminated. This provision shall not prevent a city officer or other city employee who
47 has vacated a position in order to serve as mayor from returning to the same office or other
48 position of city employment held at the time the position was vacated, if such position exists, but
49 no such person shall be eligible for any other municipal position until at least 1 year after the
50 termination of service as mayor. This prohibition shall not apply to persons covered under the
51 leave of absence provisions under the civil service law, pursuant to chapter 31 of the General
52 Laws. Except as state law may otherwise expressly permit, a lawyer who has formerly served as
53 mayor shall at no time represent a client in connection with a matter in which the lawyer
54 participated personally and substantially while serving as mayor, unless the city council gives its
55 informed consent, confirmed in writing, to the representation.

56 SECTION 6. Subsection (a) of section 6-5 of article 6 of said charter is hereby amended
57 by striking out the words “April 1” and inserting in place thereof the following words:- May 15.

58 SECTION 7. Subsection (c) of said section 6-5 of said article 6 of said charter is hereby
59 amended by striking out the words “June 1” and inserting in place thereof the following words:-
60 July 1.

61 SECTION 8. The second sentence of subsection (b) of section 9-7 of article 9 of said
62 charter is hereby amended by striking out the words “in the city public library” and inserting in
63 place thereof the following words:- on the city website