

HOUSE No. 4093

Substituted, on motion of Mr. Walsh of Peabody, for a bill with the same title (House No. 3747)
[Local Approval Received]. September 14, 2023.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the home rule charter of the city of Beverly.

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. Chapter 230 of the acts of 1993 is hereby repealed.

2 SECTION 2. The home rule charter of the city of Beverly, which is on file with the office
3 of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General
4 Laws, is hereby repealed and the following shall be the charter of the city of Beverly:

5 Article 1

6 Incorporation; Short Title; Definitions

7 SECTION 1-1 Incorporation.

8 The inhabitants of the city of Beverly, within the territorial limits established by law,
9 shall continue to be a municipal corporation, a body corporate and politic, under the name "City
10 of Beverly."

11 SECTION 1-2 Short title.

12 This instrument shall be known, and may be cited, as the "Beverly Home Rule Charter."

13 SECTION 1-3 Distribution of powers.

14 The administration of the fiscal, prudential and municipal affairs of Beverly, with the
15 government thereof, shall be vested in an executive/administrative branch headed by a mayor,
16 and a legislative branch to consist of a city council. The legislative branch shall never exercise
17 any executive/administrative power and the executive/administrative branch shall never exercise
18 any legislative power.

19 SECTION 1-4 Powers of City.

20 Subject only to express limitations on the exercise of any power or function by a
21 municipal government in the Constitution or general laws of the commonwealth, it is the
22 intention and the purpose of the voters of Beverly through the adoption of this Charter to secure
23 for themselves and their government all of the powers it is possible to secure as fully and as
24 completely as though each such power were specifically and individually enumerated herein.

25 SECTION 1-5 Construction.

26 The powers of the city of Beverly under this Charter are to be construed liberally in favor
27 of the city, and the specific mention of any particular power is not intended to limit the general
28 powers of the city as stated in SECTION 1-4.

29 SECTION 1-6 Intergovernmental relations.

30 Subject only to express limitations in the Constitution or general laws of the
31 Commonwealth, Beverly may exercise any of its powers or perform any of its functions, and
32 may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with

33 the commonwealth or any agency or political subdivision thereof, or with the United States
34 government or any agency thereof.

35 SECTION 1-7 Definitions.

36 Unless another meaning is clearly apparent from the manner in which the word or phrase
37 is used, the following words and phrases as used in this Charter shall have the following
38 meanings:

39 (a) Charter - The word "Charter" shall mean this Charter and any amendment to it
40 hereafter adopted.

41 (b) City - The word "city" shall mean the city of Beverly.

42 (c) City bulletin board - The words "city bulletin board" shall mean the bulletin board
43 in the City Hall on which the city clerk posts official notices of meetings and upon which other
44 official city notices are posted, the bulletin boards at any other locations as may be designated
45 city bulletin boards by the city council and the city website.

46 (d) City agency - The words "city agency" shall mean any multiple-member body,
47 any department, division, or office of the city of Beverly.

48 (e) City officer - The words "city officer," when used without further qualification or
49 description, shall mean a person having charge of an office or department of the city who in the
50 exercise of the powers or duties of such position exercises some portion of the sovereign power
51 of the city.

52 (f) City website – a site established and maintained by the city as its online repository
53 of municipal information on the internet.

54 (g) Department head – The person having responsibility and oversight for the
55 operation and management of a city department.

56 (h) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen
57 happening, occurrence or condition which necessitates immediate action or response.

58 (i) Full Council, full multiple-member body - The words "full council" or "full
59 multiple-member body" shall mean the entire authorized complement of the city council, school
60 committee or other multiple-member body, notwithstanding any vacancy, which might exist.

61 (j) general laws - The words "general laws" (all lowercase letters) shall mean laws
62 enacted by the State Legislature which apply alike to all cities and towns, to all cities, or to a
63 class of two or more cities and/or cities and towns of which Beverly is a member.

64 (k) General Laws - The words "General Laws" (initial letter of each word in
65 uppercase letters) shall mean the General Laws of the Commonwealth of Massachusetts, a
66 codification and revision of statutes enacted on December 22, 1920, and including all
67 amendments thereto subsequently adopted.

68 (l) Initiative measure - The words "initiative measure" shall mean a measure
69 proposed by the voters through the initiative process provided under this Charter.

70 (m) Local newspaper - The words "local newspaper" shall mean a newspaper of
71 general circulation within Beverly, with either a weekly or daily circulation.

72 (n) Majority vote - The words "majority vote," when used in connection with a
73 meeting of a multiple-member body, shall mean a majority of those present and voting, unless
74 another provision is made by ordinance, by law, or by its own rules.

75 (o) Measure - The word "measure" shall mean any ordinance, order, resolution, or
76 other vote or proceeding adopted, or which might be adopted by the city council or the school
77 committee.

78 (p) Multiple-member body - The words "multiple-member body" shall mean any
79 board, commission, committee, subcommittee or other body consisting of two or more persons,
80 whether elected, appointed or otherwise constituted, but not including the city council or the
81 school committee.

82 (q) Referendum measure - The words "referendum measure" shall mean a measure
83 adopted by the city council or the school committee which is protested under the referendum
84 procedures of this Charter.

85 (r) Regular municipal election – the words “regular municipal election” shall mean
86 the biennial election of municipal officers.

87 (s) Voters - The word "voters" shall mean registered voters of the city of Beverly.

88 Article 2

89 Legislative Branch

90 SECTION 2-1 Composition; term of office.

91 (a) Composition - There shall be a city council of 9 members which shall exercise the
92 legislative powers of the city. Three of these members, to be known as "councilors-at-large,"
93 shall be nominated and elected by and from the voters at large. Six of these members, to be
94 known as "ward councilors," shall be nominated and elected by and from the voters of each

95 ward, one such ward councilor to be elected from each of the 6 wards into which the city is
96 divided, in accordance with SECTION 7-5.

97 (b) Term of office - The term of office for all city councilors shall be for 2 years each,
98 beginning on the first Monday of January in the year following their election, and until their
99 successors have been qualified.

100 (c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A
101 ward councilor shall at the time of election be a voter of the ward from which elected; provided,
102 however, if any ward councilor shall during the first 18 months of the term of office remove to
103 another ward in the City, such office shall be deemed vacant and the balance of the unexpired
104 term shall be filled in the manner provided in Section 2-11. If such removal occurs after the first
105 18 months of the term of office, such councilor may continue to serve for the balance of the term
106 to which elected. If a councilor-at-large or a ward councilor removes from the City during the
107 term for which elected, such office shall immediately be deemed vacant and filled in the manner
108 provided in Section 2-11.

109 SECTION 2-2 Council President.

110 (a) Election and term - The candidate for councilor-at-large receiving at the regular
111 municipal election the largest number of votes for the office shall serve as council president
112 during the ensuing term of office.

113 (b) Powers and duties - The council president shall preside at all meetings of the city
114 council, regulate its proceedings and shall decide all questions of order. The council president
115 shall appoint all members of all committees of the city council, whether special or standing. The
116 council president shall have the same powers to vote upon all measures coming before the city

117 council as any other member of the city council. The council president shall perform such other
118 duties consistent with the office as may be provided by Charter, by ordinance or by other vote of
119 the city council.

120 (c) Council Vice-President - As soon as practicable after the councilors-elect have
121 been qualified following each regular municipal election, the members of the city council shall
122 elect from among its members a vice president who shall act as president during the inability to
123 serve of the council president. The powers of an acting council president shall be limited to only
124 those powers which are indispensably essential to perform the duties of acting council president
125 during the inability to serve of the council president.

126 SECTION 2-3 Prohibitions.

127 No member of the city council shall hold any other city office or city employment for
128 which a salary or other emolument is payable from the city treasury. No former member of the
129 city council shall hold any compensated appointed city office or city employment until one year
130 following the date on which such former member's service on the city council has terminated.

131 SECTION 2-4 Compensation; expenses.

132 (a) Salary - The city council may, by ordinance, provide an annual salary for its
133 members. No ordinance increasing or decreasing such salary shall be effective, however, unless
134 it shall have been adopted during the first 12 months of a term of office and it provides that such
135 salary is to take effect with the organization of the city government following the next regular
136 municipal election.

137 (b) Expenses - Subject to appropriation, the council members shall be entitled to
138 reimbursement of their actual and necessary expenses in the performance of their duties.

139 SECTION 2-5 General powers.

140 Except as otherwise provided by general law or by this Charter, all powers of the city
141 shall be vested in the city council which shall provide for their exercise and for the performance
142 of all duties and obligations imposed upon the city by law.

143 SECTION 2-6 Exercise of powers; quorum; rules.

144 (a) Exercise of powers - Except as otherwise provided by general law or by this
145 Charter, the legislative powers of the city council may be exercised in a manner determined by it.

146 (b) Quorum - The presence of 5 members shall constitute a quorum for the
147 transaction of business. Except as otherwise provided by general law or by this Charter, the
148 affirmative vote of 5 members shall be required to adopt any ordinance or appropriation order.

149 (c) Rules of procedure - The city council shall from time to time adopt rules
150 regulating its procedures, which shall be in addition to the following:

151 (i) Regular meetings of the city council shall be held at a time and place fixed by
152 ordinance.

153 (ii) Special meetings of the city council shall be held at the call of the council
154 president, or, on the call of any three or more members, by written notice delivered in hand or to
155 the place of residence of or by electronic mail to each member and which contains a listing of the
156 items to be acted upon. Except in case of an emergency, of which the council president shall be
157 judge, such notice shall be delivered at least 48 hours in advance of the time set for such

158 meeting. A copy of the notice to members shall, forthwith, be posted upon the city bulletin
159 board.

160 (iii) All sessions of the city council, and of every committee or subcommittee thereof,
161 shall at all times be open to the public and to the press, unless another provision is made by law.

162 (iv) A full, accurate, up-to-date account of the proceedings of the city council and of
163 every committee and subcommittee thereof shall be kept, which account shall include a record of
164 each vote taken, and which shall be made available with reasonable promptness following each
165 meeting.

166 SECTION 2-7 Access to information.

167 (a) In general - The city council may make investigations into the affairs of the city
168 and into the conduct and performance of any city agency and for this purpose may subpoena
169 witnesses, administer oaths and require the production of evidence.

170 (b) City officers, members of city agencies, employees - The city council or any
171 committee or subcommittee thereof may require any city officer, member of a city agency or city
172 employee to appear before it to give such information as the city council may require in relation
173 to the municipal services, functions, powers, or duties which are within the scope of
174 responsibility of such person and within the jurisdiction of the city council.

175 (c) Mayor - The city council may require the mayor to provide specific information
176 to it on any matter within the jurisdiction of the city council. The city council may require the
177 mayor to appear before it, in person, to respond to written questions made available to the mayor
178 at the time the request to attend is made to the mayor to provide specific information on the

179 conduct of any aspect of the business of the city. The mayor may bring to such meeting any
180 assistant, department head or other city officer or employee the mayor may deem necessary to
181 assist in responding to the questions posed by the city council.

182 (d) Notice - The city council shall give not less than 5 days' notice to any person it
183 may require to appear before it under the provisions of this section. The notice shall include
184 specific questions on which the city council seeks information and no person called to appear
185 before the city council under this section shall be required to respond to any question not relevant
186 or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by
187 registered or certified mail to the last known place of residence of any such person.

188 SECTION 2-8 Officers elected by City Council.

189 (a) Budget/Management Analyst - The city council shall elect a budget/management
190 analyst to serve for a term of 3 years and until a successor is chosen and qualified. In the case of
191 a vacancy in the position, the city council shall fill such vacancy promptly. The council may
192 advertise for the position and shall post the vacancy in accordance with SECTION 8-12 or retain
193 consultant services for an individual to serve as budget/management analyst. The council may
194 pursue either or both options for selection prior to determining whether the budget/management
195 analyst shall serve as an employee or as a consultant. The budget/management analyst shall
196 perform a legislative oversight and a post-audit function and shall not be involved in the day-to-
197 day administrative detail of the financial operations of the city. The budget/management analyst
198 shall have free access to all books, accounts, bills and vouchers of the city and shall continuously
199 review and examine the same. The budget/management analyst shall make periodic reports
200 thereon to the city council, with such frequency as the city council by ordinance, by rule or by

201 other vote may direct, but not less frequently than quarterly. All officials of the city shall
202 cooperate with the budget/management analyst in the performance of this oversight function.
203 The budget/management analyst shall have such other powers and duties as may be provided by
204 Charter, by ordinance or by other vote of the city council. If the budget/management analyst is an
205 employee, the salary for the position shall never be less than ½ the amount provided for the
206 office of finance director.

207 (b) City Clerk - The city council shall elect a city clerk to serve for a term of 3 years
208 and until a successor is chosen and qualified. The city clerk shall have the powers and duties
209 relating to the keeping of records and vital statistics, the regulation and conduct of elections and
210 the issuance of licenses as are provided to city clerks by general laws and such additional powers
211 and duties as may be provided by general laws, by Charter, by ordinance or by other vote of the
212 city council.

213 (c) Clerk of the Council - The city council shall elect a clerk of the council, who may
214 be the city clerk, to serve for a term of 3 years and until a successor is chosen and qualified. The
215 clerk of the council shall give notice of its meetings to its members and to the public, keep the
216 journal of its proceedings and perform such other duties as may be provided by ordinance or by
217 other vote of the city council.

218 (d) Salaries/Compensation - The officers and employees appointed or elected by the
219 city council shall receive such salaries or other compensation as may from time to time be
220 provided for such offices and employees, by ordinance.

221 (e) Removal/Suspension - Any person appointed or elected by the city council may
222 be removed or suspended by the city council by the use of procedures contained in SECTION 8-
223 14.

224 SECTION 2-9 Ordinances and other measures.

225 (a) Emergency ordinances - No ordinance shall be passed finally on the date it is
226 introduced, except in case of emergency involving the health or safety of the people or their
227 property.

228 No ordinance shall be regarded as an emergency ordinance unless the emergency is
229 defined and declared in a preamble to such ordinance, separately voted upon and receiving the
230 affirmative vote of six or more members of the city council.

231 Emergency ordinances shall stand repealed on the 61st day following their adoption,
232 unless an earlier date is specified in the measure, or unless a second emergency measure adopted
233 in conformity with this section is passed extending it, or unless a measure passed in conformity
234 with the procedures for measures generally has been passed extending it.

235 (b) Measures, in general - The city council may pass a measure through all of its
236 stages at any one meeting, except proposed ordinances, appropriation orders and loan
237 authorizations, provided that no member of the city council shall object; but, if any single
238 member objects, a vote on the measure shall be postponed to the next meeting of the city council.

239 On the first occasion that the question of adopting any measure is put to the city council,
240 except an emergency measure as defined in SECTION 2-9(a), if a single member objects to the
241 taking of a vote, the vote shall be postponed until the next meeting of the city council, regular or

242 special. If, when the matter is next taken up for a vote, 3 or more members object to the taking of
243 the vote, the matter shall be further postponed for not less than an additional 5 days, but no later
244 than the next scheduled council meeting following the passage of the 5 days above. This
245 procedure shall not be used more than once for any measure, notwithstanding any amendments
246 made to the original measure.

247 (c) Publication - Every proposed ordinance, appropriation order or loan
248 authorization, except emergency ordinances as provided in SECTION 2-9(a), shall be posted and
249 published on the city bulletin board, city website and in the local newspaper, and in any
250 additional manner required by this charter, or state or federal law, as well as be made available at
251 the office of the city clerk at least 10 days before final passage. Whenever a proposed ordinance
252 would exceed in length more than 10 column inches of ordinary newspaper notice print, then in
253 lieu of publication of the full text of the ordinance in the local newspaper, the city clerk shall
254 prepare and cause to be published in a local newspaper a summary of the proposed ordinance,
255 including its purpose and provisions, along with notice stating the times and places where the full
256 text of the ordinance may be reviewed by the public. Such summary shall be subject to review by
257 and approval by the city solicitor prior to publication in a local newspaper. After final passage,
258 the full text of any ordinance shall be posted on the city bulletin board and the city website and
259 steps shall be taken by the city clerk to forthwith incorporate such ordinance into the official
260 publication of the complete city ordinances.

261 (d) Council reconsideration - The clerk of the city council shall hold every measure
262 adopted by the city council for a period of 72 hours, Saturdays, Sundays and legal holidays
263 excepted, and if during said time notice of an intent to file a motion to reconsider the matter is
264 filed with the clerk of the council by a member entitled to make such a motion, the measure shall

265 be returned to the city council for further action. If no such statement of intent is filed with the
266 clerk of the council during such period, the clerk shall, at the expiration of the said 72-hour
267 period, forthwith present the matter to the mayor.

268 SECTION 2-10 Council review of certain appointments.

269 The mayor shall submit to the city council the name of each person the mayor desires to
270 appoint to any city office, as a department head or as a member of a multiple-member body, but
271 not including any position which is subject to the civil service law. The city council shall refer
272 each such name as is submitted to it to a standing committee of the city council which shall
273 investigate each such candidate for appointment and may make a report, with recommendations,
274 to the full city council not less than 7 days nor more than 21 days following such referral. The
275 committee may require any person whose name has been referred to it to appear before the
276 committee, or before the city council, to give such information relevant to such appointment as
277 the committee, or the city council, may require.

278 Appointments made by the mayor shall become effective on the 30th day following the
279 date on which notice of the proposed appointment was filed with the clerk of the council, unless
280 the city council shall within the said 30 days vote to reject such appointment, or unless the city
281 council has sooner voted to affirm the appointment. Rejection by the city council shall require a
282 two-thirds vote of the full council, except that an appointment to a multiple-member body may
283 be rejected by a majority vote of the full council. The question on rejection of any appointment
284 made by the mayor shall not be subject to the procedure of Charter objection provided in
285 SECTION 2-9(b) of this Charter.

286 SECTION 2-11 Filling of vacancies.

287 (a) Councilor-at-Large - If a vacancy shall occur in the office of councilor-at-large
288 during the first 18 months of the term for which councilors are elected, the vacancy shall be
289 filled in descending order of votes received by the candidate for the office of councilor-at-large
290 at the preceding regular municipal election who received the largest number of votes without
291 being elected, provided such person remains eligible and willing to serve and provided such
292 person received votes at least equal to 30% of the vote total received by the person receiving the
293 largest number of votes for the office of councilor-at-large at the said election. The city clerk
294 shall certify such candidate to the office of councilor-at-large to serve for the balance of the
295 concluding term.

296 (b) Ward Councilor - If a vacancy shall occur in the office of ward councilor in the
297 first 18 months of the term to which councilors are elected, it shall be filled in the same manner
298 as provided in SECTION 2-11(a) for the office of councilor-at-large except that the list shall be
299 of the candidates for the office of ward councilor in the ward in which the vacancy occurs.

300 (c) Filling of vacancies by City Council - Whenever a vacancy shall occur in the
301 office of councilor-at-large or in that of ward councilor and (1) there is no available candidate to
302 fill such vacancy in the manner provided in SECTION 2-11(a) or (b) and (2) more than 6 months
303 remains on the existing term, the vacancy shall be filled by vote of the remaining members of the
304 city council. The council shall post notice of the vacancy for 14 days, and the council shall
305 include among such candidates for the vacancy any candidates for the now vacant seat in the
306 prior regular municipal election who were not elected and did not meet the criteria of SECTION
307 2-11(a) or (b). The council president shall provide the opportunity for each candidate seeking to
308 fill a vacancy to address the council prior to its vote to fill any vacancy. Persons elected to fill a
309 vacancy by the city council shall serve only until the next regular municipal election, at which

310 time the vacancy shall be filled by the voters and the person elected to fill such vacancy shall
311 forthwith be sworn and shall serve for the remainder of the balance of the concluding term in
312 addition to the term for which elected. Persons serving as city councilors under this section shall
313 not be entitled to have the words "candidate for re-election" printed against their names on the
314 election ballot.

315 (d) If the vacancy shall occur during the last 6 months of the term of office, such
316 vacancy for a ward councilor shall be filled by the person at the next regular municipal election
317 who receives the highest number of votes for the office of ward councilor from that ward. Such
318 vacancy for a councilor-at-large council seat shall be filled by the person at the next regular
319 municipal election who is not presently serving and receives the highest number of votes for
320 councilor-at-large from among the candidates for the office who are not presently serving. Such
321 ward councilor or councilor-at-large shall forthwith be certified by the city clerk to serve for the
322 balance of the concluding term in addition to the term to which elected.

323 Article 3

324 Executive Branch

325 SECTION 3-1 Mayor: qualifications; term of office; compensation.

326 (a) Mayor, qualifications - The chief executive officer of the city shall be a mayor,
327 elected by and from the voters of the city at large. Any voter shall be eligible to hold the office of
328 mayor. The mayor shall devote full time to the office and shall not hold any other elective public
329 office, nor shall the mayor be actively engaged in any other business, occupation or profession
330 during the period of service as mayor.

331 (b) Term of office - The term of office of the Mayor shall be two years beginning on
332 the first Monday of January following the biennial City election at which chosen and until a
333 successor is qualified.

334 (c) Compensation - The city council shall, by ordinance, establish an annual salary
335 for the mayor. No ordinance increasing or decreasing the salary of the mayor shall be effective
336 unless it shall have been adopted in the first 12 months of the term for which the mayor is elected
337 and it provides that such salary is to become effective in January of the year following the next
338 regular municipal election that includes the election of a mayor.

339 SECTION 3-2 Executive powers; enforcement of ordinances.

340 The executive powers of the city shall be vested solely in the mayor, and may be
341 exercised by the mayor either personally or through the several city agencies under the general
342 supervision and control of the office of the mayor. The mayor shall cause the Charter, the laws,
343 the ordinances and other orders for the government of the city to be enforced, and shall cause a
344 record of all official acts of the executive branch of the city to be kept.

345 The mayor shall exercise a general supervision and direction over all city agencies, unless
346 otherwise provided by law, by the Charter or by ordinance. Each city agency shall furnish to the
347 mayor, forthwith upon request, any information, materials or otherwise as the mayor may request
348 and as the needs of the office and the interest of the city may require.

349 The mayor shall be the chief procurement officer for the city responsible for buying,
350 purchasing, renting, leasing, or otherwise acquiring all supplies and all services for all
351 departments and all activities of the city and including all functions that pertain to the obtaining
352 of a supply or a service, including description of requirements, selection and solicitation of

353 sources, preparation and award of all contracts and all phases of contract administration. The
354 mayor may delegate all or any portion of such powers and duties to a subordinate officer, but no
355 such delegation shall in any way absolve the mayor from the ultimate responsibility for all
356 procurement activities.

357 The mayor shall supervise, direct and be responsible for the efficient administration of all
358 city activities and functions placed under the control of the mayor by law, by this Charter, by
359 ordinance or otherwise. The mayor shall be responsible for the efficient and effective
360 coordination of the activities of all agencies of the city of Beverly and for this purpose shall have
361 authority consistent with law to call together for consultation, conference and discussion at all
362 reasonable times all persons serving the city, whether elected directly by the voters, chosen by
363 persons elected directly by the voters, or otherwise.

364 The mayor shall hold no other city office or city employment for which a salary or other
365 emolument is payable from the city treasury. No former mayor shall hold any compensated
366 appointed city office or city employment until one year following the date on which such former
367 mayor's city service has terminated.

368 SECTION 3-3 Appointments by Mayor.

369 The mayor shall appoint, subject to the review of such appointments by the city council
370 as provided in SECTION 2-10, all city officers, department heads and the members of multiple-
371 member bodies for whom no other method of appointment or selection is provided by the
372 Charter, excepting only persons serving under the school committee, and persons serving under
373 the city council. Except as may otherwise be required by the civil service law, appointments
374 made by the mayor shall be for periods not to exceed 3 years; provided, however, the mayor may

375 appoint the head of a department related to the public safety for a term of not less than 3 years
376 nor more than 5 years. The mayor may suspend or remove any person appointed by the mayor in
377 accordance with the procedure established in SECTION 3-4. The decision of the mayor in
378 suspending or removing a department head shall be final.

379 All persons categorized as department heads shall, subject to the consent of the mayor,
380 appoint all assistants, subordinates and other employees of the agency for which such person is
381 responsible. The department head may suspend or remove any assistant, subordinate or other
382 employee of the agency for which such person is responsible in accordance with the procedures
383 established in SECTION 8-14.

384 SECTION 3-4 Removal or suspension of certain officials.

385 (a) In general - The mayor may, in writing, remove or suspend any city officer,
386 member of a multiple-member body, or the head of any city department appointed by the mayor
387 by filing a written statement, with the city clerk, setting forth in precise detail the specific
388 reasons for such removal or suspension. A copy of the written statement shall be delivered in
389 hand, or mailed by certified mail, postage prepaid, to the last known address of the said city
390 officer, member of a multiple-member body, or head of a department. The said city officer,
391 member of a multiple-member body, or head of a department may make a written reply by filing
392 such a reply statement, with the city clerk, within 10 days following the date the statement of the
393 mayor has been filed; but such reply shall have no effect upon the removal or suspension unless
394 the mayor shall so determine. The said city officer, member of a multiple-member body, or head
395 of a department may request permission to appear at a public meeting of the city council to read
396 the written reply concerning removal or suspension. If permission for said city officer, member

397 of a multiple-member body, or head of a department to attend a meeting of the city council is
398 granted for such purpose, the mayor may attend the same meeting to read the statement of
399 removal or suspension filed by the mayor in the first instance. The city council shall have no
400 authority to vote or otherwise express its views concerning such removal or suspension.

401 (b) Public safety - The mayor may, in writing, remove or suspend the head of any city
402 department relating to the public safety appointed by the mayor by filing a written statement,
403 with the city clerk, setting forth in precise detail the specific reasons for such removal or
404 suspension. A copy of the written statement shall be delivered in hand, or mailed by certified
405 mail, postage prepaid, to the last known address of the said head of a department. The said city
406 officer or head of a department may make a written reply by filing such a reply statement, with
407 the city clerk, within 10 days following the date the statement of the mayor has been filed; but
408 such reply shall have no effect upon the removal or suspension unless the mayor shall so
409 determine. The said city officer or head of a department may request permission to appear at a
410 public meeting of the city council to contest the decision of the mayor concerning a removal
411 from office and to read the written reply filed with the city clerk concerning such removal. If
412 permission for said head of a department to attend a meeting of the city council is granted for
413 such purpose, the mayor may attend the same meeting to read the statement of removal filed by
414 the mayor in the first instance. The city council shall have the authority to vote to approve or
415 disapprove of the action of the mayor, but it shall have no other power to otherwise express its
416 views concerning such removal or suspension. The removal shall not take effect unless at least 5
417 members of the city council shall vote to confirm the action of the mayor.

418 SECTION 3-5 Temporary appointments to City offices.

419 Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs
420 of the city require that such office be filled, the mayor may designate the head of another city
421 agency or a city officer or city employee, or some other person to perform the duties of the office
422 on a temporary basis until such time as the position can be filled as otherwise provided by law,
423 by the Charter or by ordinance. The mayor shall file a certificate in substantially the following
424 form, with the city clerk, whenever a person is designated under this section:

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

430 (signed)

431 Mayor

432 Persons serving as temporary officers under the authority of this section shall have only
433 those powers of the office indispensably essential to the performance of the duties of the office
434 during the period of such temporary appointment and no others. In the case of a temporary
435 vacancy, no temporary appointment shall be for more than 60 days and not more than (1) 30-day
436 renewal of a temporary appointment may be made. When a permanent vacancy exists in the
437 office, the initial appointment shall be for not more than 60 days, and not more than (3) 30-day
438 renewals of such appointment may be made following the initial appointment.

439 SECTION 3-6 Communications; special meetings.

440 (a) Communications to the City Council - Within 6 weeks following the start of each
441 fiscal year, the mayor shall submit to the city council, and make available for public distribution,
442 a complete report on the financial and administrative activities of the city for the preceding fiscal
443 year. The mayor shall, from time to time throughout the year, by written communications,
444 recommend to the city council for its consideration such measures as, in the judgment of the
445 mayor, the needs of the city require. The mayor shall, from time to time throughout the year, but
446 at least quarterly, by written communications, keep the city council fully informed of the
447 financial and administrative condition of the city and shall specifically indicate in any such
448 reports any fiscal, financial or administrative problems of the city.

449 (b) Special meetings of the City Council - The mayor may at any time call a special
450 meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered
451 in hand or to the residence of or by electronic mail to each member of the city council. Such
452 notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at
453 least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for
454 which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the city
455 bulletin board.

456 SECTION 3-7 Approval of Mayor; exception (veto).

457 Every order, ordinance, resolution or vote adopted or passed by the city council relative
458 to the affairs of the city, except memorial resolutions, the selection of city officers by the city
459 council and any matters relating to the internal affairs of the city council, shall be presented to
460 the mayor for approval. If the mayor approves of the measure, the mayor shall sign it; if the
461 mayor disapproves of the measure, the mayor shall return the measure, with the specific reason

462 or reasons for such disapproval attached thereto, in writing, to the city council. The city council
463 shall enter the objections of the mayor on its records, and not sooner than 10 days, nor after 30
464 days from the date of its return to the city council, shall again consider the same measure. If the
465 city council, notwithstanding such disapproval, by the mayor, shall again pass the order,
466 ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in
467 force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither
468 signed a measure nor returned it to the city council within 10 days following the date it was
469 presented to the mayor, the measure shall be deemed approved and in force.

470 SECTION 3-8 Temporary absence of Mayor.

471 (a) Acting Mayor - Whenever, the mayor shall be unable to perform the duties of the
472 office for a period of 5 days or more, the president of the city council shall be the acting mayor.
473 If the city council president is unwilling or unable to serve, the councilor-at-large with the
474 second highest number of votes in the most recent regular municipal election shall serve as
475 acting mayor, and if said councilor is unwilling or unable to serve, the councilor-at-large with the
476 third highest number of votes in the most recent regular municipal election shall serve as acting
477 mayor. If none of the councilors-at-large are willing or able to serve as mayor, the council shall
478 elect from among its membership a councilor to serve as acting mayor.

479 The mayor shall, by a letter filed with the city council and a copy filed with the city clerk,
480 designate a qualified city officer or city employee to exercise the powers and perform the duties
481 of the office during the temporary absence of the mayor for periods of less than 5 days and to
482 serve only when the needs of the city require and only to the extent necessary under the then
483 circumstances.

484 (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the
485 mayor as may be necessary to the conduct of the business of the city in an orderly and efficient
486 manner and which may not be delayed. The acting mayor shall have no authority to make any
487 permanent appointment or removal from city service unless the mayor's inability to serve shall
488 extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted
489 by the city council unless the time within which the mayor must act would expire before the
490 return of the mayor. During any period in which any member of the city council is serving as
491 acting mayor, such councilor shall not vote as a member of the city council.

492 SECTION 3-9 Vacancy in office of Mayor.

493 (a) Special election - If a vacancy in the Office of mayor occurs in the first 15 months
494 of the term for which the mayor is elected, except for a vacancy as the result of a recall, the city
495 council shall forthwith order a special election, to be held within 90 days following the date the
496 vacancy is created, to fill such vacancy for the balance of the concluding term.

497 (b) Council election - If a vacancy in the Office of mayor occurs in the last nine
498 months of the term for which the Mayor is elected, whether by reason of death, resignation,
499 removal from office, or otherwise, the president of the city council shall become the mayor. If
500 the city council president is unwilling or unable to serve, the vacancy shall be filled in the
501 manner set forth in SECTION 3-8(a). Upon the qualification of the President of the city council
502 other councilor-at-large, or ward councilor as the mayor, under this section, a vacancy shall exist
503 in that council seat on the city council, which shall be filled in the manner provided in SECTION
504 2-11.

505 (c) Vacancy as a result of a recall election – If a mayoral vacancy exists as a result of
506 a recall election, the vacancy shall be filled by a special election as provided in SECTION 7-
507 14(g) if such election can be held within the requirements of SECTION 7-14(f) of this charter.

508 (d) Powers; term of office - The mayor elected under SECTION 3-9(a) or (b) shall
509 have all the powers of the mayor. A person elected pursuant to SUBSECTION (a), above, shall
510 serve for the balance of the concluding term at the time of election to the office. A person chosen
511 pursuant to SUBSECTION (b), above, shall serve until the time of the next regular municipal
512 election at which time the person elected as mayor shall forthwith be certified by the city clerk
513 and shall serve for the balance of the concluding term, in addition to the term to which such
514 person was elected.

515 Article 4

516 School Committee

517 SECTION 4-1 School Committee.

518 (a) Composition; term of office - There shall be a School Committee which shall
519 consist of seven members. Six of these members, to be known as "ward School Committee
520 members," shall be nominated and elected by and from the voters of each ward, one such ward
521 School Committee member to be elected from each of the six wards into which the City is
522 divided, in accordance with Section 7-5. The Mayor shall serve as the seventh member of the
523 School Committee. The term of office for all School Committee members shall be for 2 years
524 each, beginning on the first Monday of January in the year following their election, and until
525 their successors have been qualified.

526 (b) Eligibility - A ward School Committee member shall at the time of election be a
527 voter of the ward from which elected; provided, however, if any ward School Committee
528 member shall, during the first 18 months of the term of office, remove to another ward in the
529 City, such office shall be deemed vacant and the balance of the unexpired term shall be filled in
530 the manner provided in Section 4-1(f). If such removal occurs after the first 18 months of the
531 term of office, such School Committee member may continue to serve for the balance of the term
532 for which elected. If a ward School Committee member removes from the City during the term
533 for which elected, such office shall immediately be deemed vacant and filled in the manner
534 provided in Section 4-1(f).

535 (c) Powers and duties - The school committee shall have all powers which are
536 conferred on school committees by general laws and such additional powers and duties as may
537 be provided by the Charter, by ordinance, or otherwise and not inconsistent with said grant of
538 powers conferred by general laws. The powers and duties of the school committee shall include
539 the following:

540 1) To elect a Superintendent of the schools who shall be charged with the day-to-day
541 administration of the school system, subject only to policy guidelines and directives adopted by
542 the school committee;

543 2) To make all reasonable rules and regulations for the management of the public
544 school system and for conducting the business of the school committee as the general laws so
545 provide;

546 3) To adopt and administer an annual operating budget for the School Department,
547 subject to appropriation by the city council.

548 4) The school committee shall have general charge and superintendence of all school
549 buildings and grounds, shall furnish all school buildings with proper fixtures, furniture and
550 equipment and shall provide ordinary maintenance of all school buildings and grounds; provided,
551 however, the city council may, by ordinance, provide for the establishment of a central municipal
552 maintenance department which may include maintenance of school buildings and grounds.
553 Whenever the school committee shall determine that additional classrooms are necessary to meet
554 the educational needs of the community, at least one member of the school committee, or
555 designee of the school committee, shall serve on the agency, board or committee to which the
556 planning or construction of such new, remodeled or renovated school building is delegated.

557 (d) Prohibitions - No member of the school committee shall hold any other city office
558 or city employment for which a salary or other emolument is payable from the city treasury. No
559 former member of the school committee shall hold any compensated appointed city office or city
560 employment until 1 year following the date on which such member's service on the school
561 committee has terminated.

562 (e) Salary - The city council may, by ordinance, provide an annual salary for the
563 members of the school committee. No ordinance increasing such salary shall be effective,
564 however, unless it shall have been adopted during the first 12 months of a term of office and it
565 provides that such salary is to take effect with the organization of the city government following
566 the next regular municipal election.

567 (f) Filling of vacancies - If a vacancy shall occur in the office of ward school
568 committee member during the first 18 months of the term for which school committee members
569 are elected, the vacancy shall be filled in descending order of votes received by the candidate for

570 the office of ward school committee member from such ward at the preceding regular municipal
571 election who received the largest number of votes without being elected, provided such person
572 remains eligible and willing to serve and provided such person received votes at least equal to
573 30% of the vote total received by the person receiving the largest number of votes for the office
574 of ward school committee member in such ward. If there be no such candidate eligible and
575 willing to serve, the vacancy shall be filled by a majority vote of the remaining members of the
576 school committee and the city council sitting in joint convention, from among the voters of such
577 ward. If the vacancy shall occur during the last 6 months of the term of office, such vacancy shall
578 be filled by the person at the regular municipal election who receives the highest number of votes
579 for the office of ward school committee member from such ward. Such person shall forthwith be
580 certified and shall serve for the balance of the concluding term in addition to the term for which
581 such person was elected. The city clerk shall certify such candidate to the office of ward school
582 committee member to serve for the balance of the then concluding term as well as the term to
583 which elected.

584 SECTION 4-2 School Committee President.

585 (a) Election and term - The school committee shall organize by electing one of the
586 ward school committee members to serve as school committee president during the ensuing term
587 of office.

588 (b) Powers and duties - The school committee president shall preside at all meetings
589 of the school committee, regulate its proceedings and shall decide all questions of order. The
590 school committee president shall appoint all members of all committees of the school committee,
591 whether special or standing. The school committee president shall have the same powers to vote

592 upon all measures coming before the school committee as any other member of the school
593 committee. The school committee president shall perform such other duties consistent with the
594 office as may be provided by Charter, by ordinance or by other vote of the school committee.

595 SECTION 4-3 School Committee budget.

596 The mayor and city council shall annually provide an amount of money sufficient for the
597 support of the public schools as required by the General Laws. In acting on appropriations for
598 educational costs, the city council shall vote on the total amount of appropriations requested, and
599 shall not allocate appropriations among accounts or place any restrictions on such appropriations.
600 The vote of the city council shall establish the total appropriation for the support of the schools,
601 but may not limit the authority of the school committee to determine expenditures within the
602 total appropriations.

603 Article 5

604 Administrative Organization

605 SECTION 5-1 Organization of City agencies.

606

607 Administrative Code - The mayor may from time to time prepare and submit to the city
608 council plans of organization or reorganization which establish operating divisions for the
609 orderly, efficient or convenient conduct of the business of the city; provided, however, that no
610 function assigned by this charter to a particular city agency may be discontinued or assigned to
611 any other city agency unless this charter specifically so provides. The mayor may, through the
612 administrative code, and subject only to express prohibitions in a general law or this charter,

613 reorganize, consolidate or abolish any city agency, in whole or in part; establish such new city
614 agencies as are deemed necessary; and for such purpose may transfer the duties and powers and,
615 so far as is consistent with the use for which the funds were voted by the city, transfer the
616 appropriation of one city agency to another.

617 Whenever the mayor proposes such a plan any proposed changes to the administrative
618 code shall be accompanied by a message from the mayor which explains the expected benefits
619 and advises the city council if changes proposed shall require amendments, insertions, or
620 revisions, repeal or otherwise of existing ordinances. The city council shall hold 1 or more public
621 hearings on the proposal, giving notice by publication in a local newspaper and on the city
622 website, which notice shall describe the scope of the proposal and the time and place at which
623 the hearing will be held, not less than 7 days nor more than 14 days following said publication.

624 An organization or reorganization plan shall become effective at the expiration of 60 days
625 following the date the proposal is submitted to the city council unless the city council shall, by a
626 majority vote, within such period vote to disapprove the plan. The city council may vote only to
627 approve or to disapprove the plan and may not vote to amend or to alter it.

628 SECTION 5-2 Publication of Administrative Code.

629 For the convenience of the public, the administrative code and any amendments to it shall
630 be printed as an integral part of the ordinances of the city of Beverly.

631 SECTION 5-3 Merit principle.

632 All appointments and promotions of city officers and employees shall be made on the
633 basis of merit and fitness demonstrated by examination, past performance, or by other evidence

634 of competence and suitability. Each person appointed to fill an office or position shall be a
635 person especially fitted by education, training and previous work experience to perform the
636 duties of the office or position for which chosen.

637 SECTION 5-4 Department of Municipal Finance.

638 (a) Establishment; scope - There shall be a Department of Municipal Finance
639 responsible for the performance of all of the fiscal and financial activities of the city. The
640 Department of Municipal Finance shall assume all of the duties and responsibilities related to
641 municipal finance activities which shall include treasury, collection, accounting and assessing;
642 and it may have such additional powers, duties and responsibilities with respect to municipal
643 finance related functions and activities as the city may from time to time provide, by ordinance.

644 (b) Director of Municipal Finance - The Department of Municipal Finance shall be
645 under the direct control and supervision of a director of municipal finance who shall be
646 appointed by and who shall be responsible to the mayor. The mayor shall also appoint the
647 person, or persons, with management and oversight responsibility for treasury and/or collection
648 functions. The director of municipal finance shall be a person especially fitted by education,
649 experience and training to perform the duties of the office. The director of municipal finance
650 shall be responsible for the supervision and coordination of all activities of the Department of
651 Municipal Finance in accordance with the general laws, city ordinances, the administrative code
652 and any accompanying rules and regulations. The mayor may specify that the director of
653 municipal finance shall serve, ex officio, as the city treasurer, collector, treasurer-collector or
654 city accountant.

655 SECTION 5-5 Department of Planning and Development.

656 (a) Establishment; scope - There shall be a Department of Planning and Development
657 responsible for the coordination of all the planning and development related activities of the city.
658 The Department of Planning and Development shall be responsible for the coordination of all of
659 the duties and responsibilities related to planning and development activities which, prior to the
660 adoption of the Home Rule Charter, were performed by or under the authority of the planning
661 board, Board of Appeals, and the conservation commission; and it may have such additional
662 powers, duties and responsibilities with respect to the coordination of planning and development
663 related functions and activities as the city may from time to time provide, by ordinance, and
664 which may include the coordination of all land acquisition and land management proposals,
665 economic development planning, the preparation of a comprehensive or master plan and
666 maintenance of a centralized source of records, reports, statistical data and other planning and
667 development related materials.

668 (b) Director of Planning and Development - The Department of Planning and
669 Development shall be under the direct control and supervision of a director of planning and
670 development, who shall be appointed by and who shall be responsible to the mayor. The director
671 of planning and development shall be a person especially fitted by education, experience and
672 training to perform the duties of the office. The director of planning and development shall be
673 responsible for the supervision and coordination of all activities of the Department of Planning
674 and Development in accordance with the general laws, city ordinances, administrative code and
675 rules and regulations.

676 SECTION 5-6 Planning and construction of buildings and other facilities.

677 (a) Composition, mode of appointment and term of office - There shall be a
678 permanent Buildings and Other Facilities Planning and Construction Committee (which may be
679 referred to as the "Planning and Construction Committee") consisting of 7 members. Six of the
680 Committee members shall be appointed by the mayor for terms of 3 years each so arranged that
681 the term of 2 members shall expire each year. In making appointments to the Committee, the
682 mayor shall seek persons having experience in the fields of architecture, engineering,
683 construction, real estate or law. The seventh member of the Committee shall be designated by the
684 school committee and may, but need not, be a member of the school committee.

685 (b) Powers and duties - The Buildings and Other Facilities Planning and Construction
686 Committee shall be responsible for monitoring the physical condition of all municipal buildings
687 and other facilities. The Committee shall meet from time to time with representatives of
688 municipal agencies to evaluate the need for additions, renovations or remodeling of any existing
689 building or facility or for the construction of new buildings or other facilities. The Committee
690 shall file written reports, at least annually, with the mayor in which it shall make
691 recommendations as to the need for any project or projects.

692 Whenever any construction work on any municipal building or other facility is
693 authorized, the Buildings and Other Facilities Planning and Construction Committee shall be
694 responsible for all work in connection with the project, including site planning, surveying,
695 engineering studies, architectural plans and specifications and the supervision of construction.

696 SECTION 5-7 Department of Human Resources.

697 (a) Establishment, scope - There shall be a Department of Human Resources which
698 shall be responsible for all personnel and employee-related functions and activities of the city

699 government and its administration. The Department of Human Resources shall assume all of the
700 duties and responsibilities related to human resources activities which, prior to the adoption of
701 the Home Rule Charter, were performed by or under the authority of the city Auditor, the city
702 treasurer, and the heads of city agencies; and it may have such additional powers, duties and
703 responsibilities with respect to human resources related functions and activities as the city may
704 from time to time provide, by ordinance. The functions of the Department shall include the
705 following:

706 1. Plan, administer and direct all phases of all municipal personnel plans and
707 collective bargaining agreements, including job description, position classification, sick and
708 vacation day administration, accident prevention programs, employee grievance procedures,
709 physical examination processing, testing, review and evaluation of work records and all other
710 record keeping related to city employees.

711 2. Develop new and revised personnel policies and practices to maintain and keep
712 current the existing high standards for municipal personnel and ensure compliance with federal,
713 state and local laws, rules and regulations regarding personnel and employment.

714 3. Review and evaluate all requests for new or additional personnel made by city
715 agencies and make recommendations to the mayor.

716 4. Advise and assist all agency heads and employees in all aspects of municipal
717 personnel matters, including but not limited to recruitment, discipline, promotion, transfer,
718 training, wages, insurance and other benefits of employment.

719 (b) Director of Human Resources - The Department shall be headed by a director of
720 human resources appointed by the mayor and who shall be responsible to the mayor. The director

721 of human resources shall be a person especially fitted by education, experience and training to
722 perform the duties of the office. The director of human resources shall be responsible for the
723 supervision and coordination of all activities of the Department of Human Resources and
724 development in accordance with the general laws, city ordinances, administrative code and rules
725 and regulations.

726 SECTION 5-8 Department of Municipal Inspections.

727 (a) Establishment; scope - There shall be a Department of Municipal Inspections
728 which shall be responsible for the coordination of all inspection functions performed by any city
729 officer, employee or agent. The Department of Municipal Inspections shall be responsible for the
730 coordination of all of the inspection functions conducted by the city, including, but not limited
731 to, those required under the zoning or any other city ordinance, the provisions of the Code of
732 Massachusetts Regulations relating to buildings, electrical wiring, plumbing, gas fitting,
733 sanitation, wetlands, fire protection and fire safety, hazardous materials, local regulations
734 adopted by the board of health, conservation commission, historic districts commission, planning
735 board and every other local inspection as may be otherwise authorized or conducted. The
736 Department of Municipal Inspections shall have such additional powers, duties and
737 responsibilities with respect to the coordination of municipal inspection functions as the city may
738 from time to time provide by ordinance and which may include the maintenance of all records
739 relating to inspections in a central place through a common index, a single application process
740 which would indicate all inspections which might be necessary for a particular project and
741 provide for a consolidated, coordinated review and processing of each such application.

742 (b) Director of Municipal Inspections - The Department of Municipal Inspections
743 shall be under the direct control and supervision of a director of municipal inspections, who shall
744 be appointed by the mayor and who shall be responsible to the mayor. The director of municipal
745 inspections shall be a person especially fitted by education, experience and training to perform
746 the duties of the office. The director of municipal inspections shall be responsible for the
747 supervision and coordination of all activities of the Department of Municipal Inspections in
748 accordance with the general laws, city ordinances, administrative code and rules and regulations.
749 The director of municipal inspections shall, in addition to the coordination responsibilities
750 assigned by this provision, also perform the duties of Building Inspector or any other position
751 within the Department as the mayor may from time to time specify.

752 Article 6

753 Finance and Fiscal Procedures

754 SECTION 6-1 Fiscal year.

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

757 SECTION 6-2 School Committee budget.

758 (a) Public hearing - At least 7 days before the meeting at which the school committee
759 is scheduled to vote on its final budget request, the school committee shall cause to be published
760 in a local newspaper and posted on the Beverly Public Schools website and the city website a
761 general summary of its proposed budget. The summary shall specifically indicate any major
762 variations from the current budget, and the reasons for such changes. It shall further indicate the

763 times and places at which complete copies of its proposed budget are available for examination
764 by the public, and the date, time and place when and where a public hearing will be held by the
765 school committee on the proposed budget. Following the public hearing, the school committee
766 shall take its final vote on its proposed budget.

767 (b) Submission to Mayor - The budget as adopted by the school committee shall be
768 submitted to the mayor at least 21 days before the date the mayor is required to submit a
769 proposed city budget to the city council to allow the mayor sufficient time within which to
770 consider the effect the School Department's requested appropriation will have upon the total city
771 operating budget the mayor is required to submit under this Article.

772 SECTION 6-3 Submission of budget and budget message.

773 Within the time fixed by law, before the start of the fiscal year of the city, the mayor shall
774 submit to the city council a proposed operating budget for the ensuing fiscal year with an
775 accompanying budget message and supporting documents. The mayor shall simultaneously
776 provide for the publication in a local newspaper of a notice and a general summary of the
777 proposed budget, and shall post such notice and summary on the city website, as well as the
778 complete proposed budget. The summary shall specifically indicate any major variations from
779 the current operating budget and the reason for such changes. The notice shall further indicate
780 the times and places at which complete copies of the proposed operating budget for the city are
781 available for examination by the public.

782 SECTION 6-4 Budget message.

783 The budget message of the mayor shall explain the budget for all city agencies both in
784 fiscal terms and in terms of work programs. It shall outline proposed financial policies of the city

785 for the ensuing fiscal year, describe important features of the budget, indicate any major
786 variations from the current fiscal year in financial policies, expenditures and revenues together
787 with the reasons for such changes, summarize the city's debt position and include other material
788 as the mayor deems desirable.

789 SECTION 6-5 Budget.

790 The proposed operating budget shall provide a complete financial plan for all city funds
791 and city activities for the ensuing fiscal year. Except as may otherwise be required by general
792 law, or this Charter, it shall be in the form which the mayor deems desirable. In the presentation
793 of the budget, the mayor shall utilize modern concepts of fiscal presentation so as to furnish an
794 optimum level of information and the best financial control. The budget shall show in detail all
795 estimated income from the proposed property tax levy and from all other sources and all
796 proposed expenditures, including debt service, for the following year. The budget shall be
797 arranged to show the actual and estimated income and expenditures for the previous, current and
798 ensuing fiscal years and shall indicate in separate sections:

799 (a) Proposed expenditures for current operations during the ensuing fiscal year,
800 detailed by city agency in terms of work programs, staffing, and the method of financing such
801 expenditures;

802 (b) Proposed capital expenditures during the ensuing fiscal year, detailed by city
803 agency, and the proposed method of financing each such capital expenditure;

804 (c) The relationship of each proposed capital expenditure to the capital improvement
805 program required to be submitted under SECTION 6-8; and

806 (d) Estimated surplus revenue and budgetary fund balances at the end of the current
807 fiscal year, including estimated balances in any special accounts established for specific
808 purposes.

809 SECTION 6-6 Action on budget.

810 (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget, the
811 city council shall post on the city website and provide for the publication in a local newspaper of
812 a notice stating the time and place, not less than 7 days nor more than 14 days following such
813 publication, at which it will hold a public hearing on the proposed operating budget as submitted.

814 (b) Review - The city council shall consider, in open public meetings, the detailed
815 expenditures proposed for each city agency and may confer with representatives of each such
816 agency in connection with its review and consideration. The city council may require the mayor,
817 or any other city agency, to furnish it with such additional information as it may deem necessary
818 to assist it in its review and consideration of the proposed operating budget.

819 (c) Action by City Council - The city council shall adopt the budget, with or without
820 amendments, within the time frame as is provided by general law. In amending the budget, the
821 city council may delete or decrease any programs or amounts except expenditures required by
822 law, or for debt service. If the city council fails to take any action with respect to any item in the
823 proposed budget within the period as provided by general law, such amount shall, without any
824 action by the city council, become a part of the appropriations for the ensuing fiscal year and
825 shall be available for the purposes specified. The final budget shall be posted on the city's
826 website.

827 SECTION 6-7 Supplementary budgets; other appropriations.

828 (a) Intradepartmental transfers - With the approval of the mayor, funds appropriated
829 for one line item within the appropriation made for a particular municipal agency may be
830 transferred to another line item within the same municipal agency. Whenever such a transfer is
831 authorized by the mayor, notice of the transfer, and the circumstances under which such transfer
832 was deemed advisable, shall be filed with the clerk of the city council.

833 (b) Interdepartmental transfers - With the approval of the city council, funds
834 appropriated for the use of one municipal agency may be transferred to the use of another
835 municipal agency. Requests to the city council for the transfer of funds from one municipal
836 agency to another shall be made by the mayor, in writing, and shall include a statement setting
837 forth the reason the additional funds are needed by the agency to which it is proposed they be
838 transferred and shall be accompanied by a certificate signed by the agency from which the
839 appropriation is proposed to be taken that such transfer will not prevent that agency from
840 performing its vital functions. A copy of this request shall, forthwith, be posted on the city
841 bulletin board and on the city website. The city council shall, by its rules, provide a procedure
842 governing interdepartmental transfer requests which shall include at least two readings and a
843 public hearing by the city council. Such rule shall specify the circumstances under which notice
844 by publication in a newspaper shall be required and circumstances under which simple posting
845 on the city bulletin board and city website shall be sufficient.

846 (c) Supplementary appropriations - Whenever the mayor shall submit to the City
847 Council a request for a new appropriation of any sum of money, either as a supplement to some
848 item in the annual operating budget or for an item, or items, not included in the annual operating
849 budget as adopted, the city council shall not act upon such request until it has (1) given notice by
850 posting on the city's website and publication in a local newspaper of the request, and (2) held a

851 public hearing concerning such request. The publication of the notice and the public hearing
852 shall be generally in conformity with the provisions of SECTION 6-6(a) concerning the
853 proposed annual operating budget.

854 SECTION 6-8 Capital improvement program.

855 The mayor shall submit a capital improvement program to the city council at least 150
856 days before the start of each fiscal year. It shall include:

857 (a) A clear and concise general summary of its contents;

858 (b) A list of all capital improvements proposed to be undertaken during the next
859 ensuing 5 years, with supporting information as to the need for each capital improvement;

860 (c) Cost estimates, methods of financing and recommended time schedules for each
861 improvement; and

862 (d) The estimated annual cost of operating and maintaining each facility and piece of
863 major equipment involved.

864 This information is to be annually revised by the mayor with regard to the capital
865 improvements still pending or in the process of being acquired, improved or constructed.

866 SECTION 6-9 Independent audit.

867 The city council shall select a certified public accountant or firm of certified public
868 accountants to annually conduct an outside audit of the books and accounts of the city. Such
869 accountant or firm shall have no personal interest, direct or indirect, in the fiscal affairs of the
870 city or any of its officers. The council will be assisted in its effort by an audit committee to be

871 composed of the council's property and finance committee chair, who will serve as chair of the
872 audit committee, the city's finance director, the city accountant, a resident chosen by the city
873 council president with experience in public finance, or public accounting and auditing, and the
874 budget/management analyst for the council. The audit committee will assist the council in
875 preparing the Request for Qualifications (RFQ), perform due diligence in the dissemination of
876 the RFQ, evaluate responses, conduct any necessary firm interviews and make a
877 recommendation to the council. The audit committee shall meet following the conclusion of each
878 annual audit to evaluate the performance and effectiveness of the audit firm. The city council
879 shall assure the conduct of the outside audit and shall annually request a sum of money sufficient
880 to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, at the
881 time of the city clerk's submission of its proposed budget for the upcoming fiscal year to the
882 mayor. The city council shall submit the award of the audit and proposed contract to the mayor
883 to be signed. The award of a contract to audit shall be made by the city council on or before
884 September 15 of each year. The report of the audit shall be filed in final form with the city
885 council not later than March 31 in the year following its award. At least every 5 years, the city
886 council shall conduct the procurement process as described in this SECTION to retain these
887 auditing services.

888 Article 7

889 Elections; and Election Related Matters

890 SECTION 7-1 Regular municipal elections: general, preliminary.

891 The regular municipal election shall be held on the first Tuesday following the first
892 Monday in November in each odd-numbered year.

893 On the sixth Tuesday preceding every regular municipal election there shall be a
894 preliminary election for the purpose of nominating candidates.

895 SECTION 7-2 Nonpartisan elections.

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

898 SECTION 7-3 Preliminary election.

899 (a) Signature requirements - The number of signatures of voters required to place the
900 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:
901 for the office of mayor not less than 100 such signatures; provided, however, that not more than
902 25 signatures from any one ward shall be counted in the minimum number of required
903 signatures; for the office of councilor-at-large not less than 100 such signatures; provided,
904 however, that not more than 25 signatures from any 1 ward shall be counted in the minimum
905 number of required signatures; for the office of ward councilor and ward school committee
906 member not less than 50 such signatures, all of which shall be from the ward from which the
907 nomination is sought.

908 (b) Ballot position - The order in which names of candidates appear on the ballot for
909 each office shall be determined by a drawing, by lot, conducted by the city clerk, which shall be
910 open to the public.

911 (c) Determination of candidates - No more than twice the number of candidates to be
912 elected to the same office receiving at a preliminary election the highest number of votes for
913 nomination for any office shall be the sole candidates for that office whose names shall be

914 printed on the official ballots to be used at the regular municipal election at which such office is
915 to be voted upon, and no acceptance of a nomination shall be necessary to its validity.

916 If the preliminary election results in a tie vote among candidates for nomination receiving
917 the lowest number of votes which, but for said tie vote, would entitle a person receiving the same
918 to have their name printed on the official ballots for the election, all candidates participating in
919 said tie vote shall have their names printed on the official ballots, although in consequence
920 thereof there be printed on such ballots the names of candidates exceeding twice the number to
921 be elected.

922 (d) Condition making preliminary unnecessary - If at the expiration of time for filing
923 statements of candidates to be voted upon at any preliminary election not more than twice as
924 many such statements have been filed with the city clerk for an office as candidates are to be
925 elected to such office, the candidates whose statements have been filed with the city clerk shall
926 be deemed to have been nominated to such office, and their names shall be voted upon for such
927 office at the succeeding general election, and the city clerk shall not print their names on the
928 ballots to be used at said preliminary election and no other nomination to such office shall be
929 made. If in consequence it shall appear that no names for 1 or more offices are to be printed upon
930 the official ballots to be used at a preliminary election for any particular office or offices of the
931 city, no preliminary election shall be held for such office or offices.

932 SECTION 7-4 Ballot position, regular municipal election.

933 The order in which names of candidates appear on the ballot for each office shall be
934 determined by a drawing, by lot, conducted by the city clerk, which shall be open to the public.

935 SECTION 7-5 Wards.

936 The territory of the city shall be divided into 6 wards so established as to consist of
937 compact and contiguous territory, bounded insofar as possible by the center line of known streets
938 or ways or by other well-defined limits. Each such ward shall be composed of voting precincts
939 otherwise established in accordance with general laws. The city council shall from time to time,
940 but at least once in each 10 years, review such wards to insure their uniformity in number of
941 inhabitants.

942 SECTION 7-6 Application of state General Laws.

943 Except as expressly provided in this Charter and authorized by law, all regular municipal
944 elections shall be governed by the laws of the commonwealth relating to the right to vote, the
945 registration of voters, the nomination of candidates, the conduct of preliminary, general and
946 special elections, the submission of charters, charter amendments and other propositions to the
947 voters, the counting of votes, the recounting of votes, and the determination of results.

948 SECTION 7-7 Petitions to Council or School Committee.

949 The city council or the school committee shall hold a public hearing and act with respect
950 to every petition that is addressed to it, which is signed by 100 voters, or more, and seeks the
951 passage of a measure. The hearing shall be held by the city council or the school committee, or,
952 in either case, by a committee or subcommittee thereof, and the action by the city council or the
953 school committee shall be taken not later than 90 days after the petition is filed with the clerk of
954 the council or the secretary of the school committee as may be appropriate. Hearings on 2 or
955 more petitions filed under this SECTION may be held at the same time and place. The clerk of
956 the council or the secretary of the school committee shall mail notice of the hearing to the 10
957 persons whose names appear first on the petition at least 5 days before the hearing. Notice, by

958 publication, of all such hearings shall be at public expense, and shall include both newspaper
959 publication and posting on the city website.

960 SECTION 7-8 Citizen initiative measures.

961 (a) Commencement - Initiative procedures shall be started by the filing of a proposed
962 initiative petition with the city clerk or the secretary of the school committee. The petition shall
963 be addressed to the city council or to the school committee, shall contain a request for the
964 passage of a particular measure which shall be set forth in full in the petition, and shall be signed
965 by at least 250 voters. At least 25 signatures must be certified from each ward. The petition shall
966 be accompanied by an affidavit signed by 10 voters and containing their residential address
967 stating those voters will constitute the petitioners committee and be responsible for circulating
968 the petition and filing it in proper form. Signatures to an initiative petition need not all be on 1
969 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be
970 filed as a single instrument, with the endorsement thereon of the name and residence address of
971 the person designated as filing the same. With each signature on the petition there shall also
972 appear the street and number of the residence of each signer.

973 (b) Referral to City Solicitor - The city clerk or the secretary of the school committee
974 shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the
975 board of registrars of voters. If the board of registrars of voters determines that a petition has
976 been signed by at least 250 voters, the petition shall be transmitted forthwith to the city solicitor.
977 The city solicitor shall, within 30 days following receipt of a copy of the petition, in writing,
978 advise the city council or the school committee and the city clerk whether the measure as
979 proposed may lawfully be proposed by the initiative process and whether, in its present form, it

980 may lawfully be adopted by the city council or the school committee. If the opinion of the city
981 solicitor is that the measure is not in proper form, the reply shall state the reasons for this
982 opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the members of the
983 petitioners committee.

984 (c) Submission to City Clerk – If the city solicitor determines that the petition is in a
985 proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall
986 print at the top of each blank form a fair, concise summary of the proposed measure, as
987 determined by the city solicitor, together with the names and addresses of the first 10 voters who
988 signed the originating petition. The city clerk shall notify the petitioners committee that the blank
989 forms are issued. Within 60 days following the date of the notice, the petition shall be returned
990 and filed with the city clerk signed by at least 10 per cent of the total number of voters as of the
991 date of the most recent regular municipal election. Signatures to an initiative petition need not all
992 be on 1 paper, but all papers pertaining to any single measure shall be fastened together and shall
993 be filed as a single instrument, with the endorsement on it of the name and address of the person
994 designated as filing the papers. With each signature on the petition there shall also appear the
995 street and number of the residence of each signer. Within 10 days following the filing of the
996 petition, the registrars of voters shall ascertain the number of voters that signed the petition and
997 the percentage that number is of the total number of voters as of the date of the most recent
998 regular municipal election. The registrars of voters shall attach to the petition a certificate
999 showing the results of its examination and shall return the petition to the city clerk or the
1000 secretary of the school committee, depending on how the petition is addressed. A copy of the
1001 registrars of voters' certificate shall also be mailed to the members of the petitioners committee.

1002 (d) Action on Petitions - Within 30 days following the date a petition has been
1003 returned to the city clerk or the secretary of the school committee, the city council or the school
1004 committee after publication in accordance with the provisions of SECTION 2-9(c), shall act with
1005 respect to each initiative petition by passing it without change, by passing a measure which is
1006 stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is
1007 in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the
1008 city council or the school committee fails to act within 30 days following the date the measure is
1009 returned to it, the measure shall be deemed to have been rejected on such 30th day. If an
1010 initiative measure is rejected, the city clerk or the secretary of the school committee shall
1011 promptly give notice of that fact to the petitioners committee, by certified mail.

1012 (e) Supplementary Petitions - Within 45 days following the date an initiative petition
1013 has been rejected, a supplemental initiative petition may be filed with the city clerk or the
1014 secretary of the school committee, but only by persons constituting the original petitioners
1015 committee. The supplemental initiative petition shall be signed by a number of additional voters
1016 equal to at least 5 percent of the total number of voters as of the date of the most recent regular
1017 municipal election, and shall be examined by the board of registrars of voters who shall issue a
1018 certificate as provided in subsection (c) within 10 days of the submission of the supplemental
1019 petitions. The signatures on the initial petition filed under subsection (c) and the signatures on
1020 the supplemental petition under this subsection, taken together, shall contain the signatures of at
1021 least 15 percent of the total number of voters as of the date of the most recent regular municipal
1022 election. If the number of signatures to this supplemental petition is found to be sufficient by the
1023 registrars of voters and a certificate issued as described above is submitted to the city clerk, the
1024 city council shall call a special election to be held on a date not less than 45 days nor more than

1025 90 days following the date of the certificate of the board of registrars of voters that a sufficient
1026 number of voters have signed the supplemental initiative petition and shall submit the proposed
1027 measure, without alteration, to the voters for determination; provided, however, if a regular
1028 municipal election is to be held within 120 days following the date of the certificate, the city
1029 council may omit calling the special election and cause the question to appear on the election
1030 ballot at the approaching regular municipal election for determination by the voters.

1031 (f) Publication - The full text of an initiative measure which is submitted to the voters
1032 shall be published in at least 1 local newspaper not less than 7 days nor more than 14 days
1033 preceding the date of the election at which such question is to be voted upon. Additional copies
1034 of the full text shall be available for distribution to the public in the office of the city clerk and
1035 shall be posted on the city website.

1036 (g) Form of Question - The ballots used when voting on a measure proposed by the
1037 voters under this section shall contain a question in substantially the following form:

1038 Shall the following measure which was proposed by an initiative petition take effect?
1039 (Here insert the fair, concise summary of the proposed measure as determined by the city
1040 solicitor as referenced in subsection (c)).

1041 [] YES

1042 [] NO

1043 (h) Time of taking effect – Subject to the requirements of SECTION 7-13, if a
1044 majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be
1045 effective immediately, unless a later date is specified in the measure .

1046 SECTION 7-9 Citizen referendum procedures.

1047 (a) Petition, effect on final vote - If, within 21 days following the date on which the
1048 city council or the school committee has voted finally to approve any measure, a petition signed
1049 by a number of voters equal to at least 15 per cent of the total number of voters as of the date of
1050 the most recent regular municipal election and addressed to the city council, or to the school
1051 committee, protesting against the measure or any part of it is filed with the secretary of the
1052 school committee or city clerk, the effective date of that measure shall be temporarily suspended.
1053 The school committee or the city council shall immediately reconsider its vote on the measure or
1054 part of it, and if the measure is not rescinded, the city council shall provide for the submission of
1055 the question for a determination by the voters either at a special election, which it may call at its
1056 convenience, within such time as may be requested by the school committee, or at the next
1057 regular municipal election; provided, however, that pending this submission and determination,
1058 the effect of the measure shall continue to be suspended.

1059 (b) Certain initiative provisions to apply - The petition described in this section shall
1060 be termed a referendum petition and, as applicable, SECTION 7-8(a), (b), (c), (f) and (g) insofar
1061 as the section relates to the filing and certification of signatures, and the ballot question shall
1062 apply to such referendum petitions, except that the words "measure or part of it protested
1063 against" shall be deemed to replace the word "measure" in said sections wherever it may occur
1064 and the word "referendum" shall be deemed to replace the word "initiative" wherever it may
1065 occur in said sections. Subject to the requirements of SECTION 7-13, the measure or part thereof
1066 protested against shall be null and void unless a majority of those voting on the question shall
1067 vote in favor of the measure or part of it protested against at the election.

1068 SECTION 7-10 Ineligible measures.

1069 None of the following shall be subject to the initiative or the referendum procedures:

1070 (1) Proceedings relating to the internal organization or operation of the city council or
1071 of the school committee;

1072 (2) An emergency measure adopted in conformity with the Charter;

1073 (3) The city budget or the school committee budget as a whole;

1074 (4) Revenue loan orders;

1075 (5) Any appropriation for the payment of the city's debt or debt service;

1076 (6) An appropriation of funds to implement a collective bargaining agreement;

1077 (7) Proceedings relating to the election, appointment, removal, discharge,
1078 employment, promotion, transfer, demotion, or other personnel action;

1079 (8) Any proceedings repealing or rescinding a measure or part thereof which is
1080 protested by referendum procedures; and

1081 (9) Any proceedings providing for the submission or referral to the voters at an
1082 election.

1083 SECTION 7-11 Submission of other matters to voters.

1084 The city council may of its own motion, and shall at the request of the school committee
1085 if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the
1086 voters at any regular municipal election for adoption or rejection any measure in the same

1087 manner and with the same force and effect as are hereby provided for submission by petitions of
1088 voters.

1089 SECTION 7-12 Conflicting provisions.

1090 If 2 or more measures passed at the same election contain conflicting provisions, only the
1091 1 receiving the greatest number of affirmative votes shall take effect.

1092 SECTION 7-13. Required Voter Participation.

1093 For any measure to be effective under the initiative procedure and for any measure to be
1094 declared null and void under the referendum procedure, at least 20% of the voters as of the most
1095 recent regular municipal election must vote at an election that includes on the ballot submission
1096 to the voters of 1 or more initiative or referendum questions.

1097 SECTION 7-14 Recall elections.

1098 (a) Application - Any person holding an elected city office may be recalled from such
1099 office by the voters in accordance with the procedures made available in this SECTION.

1100 (b) Recall petition.

1101 (1) Office elected by voters at large - Four hundred or more voters may file with the
1102 board of registrars of voters an affidavit containing the name of the officer sought to be recalled
1103 and a statement of the grounds for recall. The signatures on such affidavit shall contain the
1104 names of at least 60 voters in each of the wards into which the city is divided for the purpose of
1105 elections.

1106 (2) Office elected by voters by ward - One hundred or more voters may file with the
1107 board of registrars of voters an affidavit containing the name of the officer sought to be recalled
1108 and a statement of the grounds for recall. The signatures on such affidavit shall contain the
1109 names only of voters in the ward from which the officer was elected.

1110 (3) At large, or by ward - If the affidavit is found to be valid, the city clerk shall
1111 thereupon deliver to the first 10 persons named on said affidavit, petition blanks demanding said
1112 recall, printed forms of which shall be kept available. The blanks may be completed by printing
1113 or by typewriting; they shall be addressed to the city council; they shall contain the names and
1114 residence addresses of the 10 persons to whom they are issued and they shall contain the grounds
1115 for recall as stated in the affidavit; they shall demand the election of a successor to the office;
1116 and they shall be dated and signed by the city clerk.

1117 The recall petitions shall be returned to the office of the board of registrars of voters
1118 within 28 days following the date they are issued, signed by not less than 20% of the total
1119 number of voters (of the ward or district or of the city as is appropriate) as of the date of the most
1120 recent regular municipal election.

1121 The sheets constituting a petition need not all be filed at the same time. For the purposes
1122 of this SECTION, such a petition shall be deemed filed whenever the persons responsible for its
1123 filing notify the board of registrars of voters, in writing, that the filing is complete. Before
1124 receiving such notice, the board of registrars of voters may, but shall not be required to, certify
1125 signatures on the sheets already filed.

1126 The board of registrars of voters shall, within 10 days following the date the petition
1127 forms are filed, certify the number of signatures thereon which are the names of voters and the

1128 percentage that number represents of the total number of voters as of the date of the most recent
1129 regular municipal election.

1130 (c) Recall election - If the petitions are certified by the board of registrars of voters to
1131 contain a sufficient number of signatures, they shall forthwith submit the same, with their
1132 certificate, to the city council. Upon receipt of the certified petition forms, the city council shall
1133 forthwith give written notice to the officer whose recall is sought of the validity of such petitions.
1134 If the officer whose recall is sought does not resign the office within 5 days following delivery of
1135 the said notice, or by leaving at the last known place of residence, the city council shall order a
1136 special election to be held on a date fixed by it not less than 65 days nor more than 90 days after
1137 the date of its notice to the officer whose recall is sought.

1138 (d) Ballot question - Ballots used at the recall election shall state the proposition in
1139 substantially the following form: "Shall (insert name of officer) be recalled from the office of
1140 (insert name of office held)?"

1141 [] YES

1142 [] NO

1143 (e) Officeholder - The person whose recall is sought shall continue to hold the office
1144 and to perform the duties until the recall election. If a majority of the votes cast on the question
1145 as stated above is in the affirmative, the officer shall be deemed to be recalled and the office
1146 shall be deemed to be vacant upon the certification of the election results. If a majority of the
1147 votes cast on the said question is in the negative, the person whose recall was sought shall
1148 continue in the office until the expiration of the term for which elected, but subject to recall as
1149 provided in SECTION 7-14(f), below.

1150 (f) Restriction on recall petition - No recall petition shall be filed against any officer
1151 until at least 6 months following the commencement of a term of office, nor, in the case of an
1152 officer subjected to a recall election and not recalled thereby, during the remainder of the current
1153 term of office. A recall election shall not be held if less than 9 months of the term of office of the
1154 person whose recall is sought remain at the time of the certification of the petition forms.

1155 (g) Filling of vacancy - If the Office of mayor is declared vacant as the result of a
1156 recall election, the city council shall forthwith call a special election to be held on a date fixed by
1157 it not less than 65 days nor more than 90 days following the date of the recall election. The
1158 person elected at such special election shall serve for the balance of the unexpired term
1159 remaining at the time of election.

1160 Vacancies in any other office shall be filled in accordance with the procedures for filling
1161 the same as provided in SECTION 2-11 and SECTION 4-1(f)

1162 No person recalled from an office under the terms of this section shall be eligible to be a
1163 candidate to fill any vacancy created by such recall.

1164 Article 8

1165 General Provisions

1166 SECTION 8-1 Charter Changes and Charter Review.

1167 (a) In general - This Charter may be replaced, revised or amended in accordance with
1168 any procedure made available under the State Constitution, or by general laws enacted in
1169 accordance with the State Constitution.

1170 (b) Periodic review - The city council shall provide, in every year ending in a zero,
1171 for a review of the Charter by a special or standing committee of the council and 4 additional
1172 persons to be appointed by the council president. The said committee shall file a report within
1173 the said year recommending any changes in the Charter that it may deem to be necessary or
1174 desirable.

1175 SECTION 8-2 Severability.

1176 The provisions of this Charter are severable. If any provision of this Charter is held
1177 invalid, the other provisions shall not be affected thereby. If the application of this Charter, or
1178 any of its provisions, to any person or circumstance is held invalid, the application of this Charter
1179 and its provisions to other persons and circumstances shall not be affected thereby.

1180 SECTION 8-3 Specific provision to prevail.

1181 To the extent that any specific provision of this Charter may conflict with any other
1182 provision expressed in general terms, the specific provision shall prevail.

1183 SECTION 8-4 Rules and regulations.

1184 A copy of all rules and regulations adopted by city agencies shall be placed on file in the
1185 office of the city clerk and shall be available for review by any person who requests such
1186 information at any reasonable time. No rule or regulation adopted by any city agency shall
1187 become effective until 7 days following the date it is so filed.

1188 SECTION 8-5 Review of ordinances.

1189 The city council shall provide, in each year ending in a 2 or in a 7, for a review of all
1190 ordinances of the city for the purpose of determining if any amendments or revisions may be

1191 necessary or desirable. Such review shall be conducted under the supervision of the city solicitor,
1192 or, if the city council so directs, by special counsel appointed for that purpose. A report, with
1193 recommendations, shall be submitted within the said year.

1194 SECTION 8-6 Uniform procedures applicable to multiple-member bodies.

1195 (a) Meetings - All multiple-member bodies of the city shall meet regularly at such
1196 times and places as they may, by their own rules, prescribe, unless some other provision is made
1197 by ordinance or by law. Special meetings of any multiple-member body shall be held on the call
1198 of the chairperson or by 1/3 of the members thereof, by written notice delivered in hand or to the
1199 place of residence of or by electronic mail to each member which contains the item or list of
1200 items to be acted upon. Except in case of an emergency, such notice shall be delivered at least 48
1201 hours in advance of the time set for such meeting. A copy of such notice to members shall,
1202 forthwith, be posted upon the city bulletin board and city website.

1203 (b) Rules and journals - Each multiple-member body shall determine its own rules
1204 and order of business, unless otherwise provided by this Charter, by law, or by ordinance, and
1205 shall provide for keeping minutes of its proceedings. These rules and the minutes of meetings
1206 shall be public records, and certified copies of them shall be kept available in the office of the
1207 city clerk. For the convenience of the public, copies of these records shall also be kept at the
1208 Beverly Public Library; provided, however, such copies kept at the public library are not to be
1209 construed in any way as being the official records.

1210 (c) Voting - If requested by any member, any vote of any multiple-member body
1211 shall be taken by a call of the roll and the vote of each member shall be recorded in the journal;
1212 provided, however, that if the vote is unanimous only that fact need be recorded.

1213 (d) Quorum - A majority of the members of a multiple-member body shall constitute
1214 a quorum.

1215 SECTION 8-7 Number.

1216 Words importing the singular number may extend and be applied to several persons or
1217 things; words importing the plural number may include the singular.

1218 SECTION 8-8 Computation of time.

1219 In computing time under the Charter, if 7 days or less, "days" shall refer to calendar days
1220 not including Saturdays, Sundays or legal holidays. If more than 7 days, every day shall be
1221 counted.

1222 SECTION 8-9 References to General Laws.

1223 All references to General Laws contained in the Charter refer to the General Laws of the
1224 Commonwealth of Massachusetts and are intended to refer to and to include any amendments or
1225 revisions to such chapters or sections, or to the corresponding chapters and sections of any
1226 rearrangement, recodification, or revision of such statutes enacted or adopted subsequent to the
1227 adoption of this Charter.

1228 SECTION 8-10 Certificate of election or appointment.

1229 Every person who is elected, including those elected by the city council, or appointed to
1230 an office of the city shall receive a certificate of such election or appointment from the city clerk.

1231 Except as otherwise provided by law, before performing any act under an appointment or
1232 election, all such persons shall take and subscribe to an oath of office and be sworn to the faithful
1233 performance of their duties.

1234 SECTION 8-11 Oath of office of Mayor, Councilors, and School Committee members.

1235 The mayor-elect, councilors-elect, and school committee members-elect shall, on the first
1236 Monday in January of each even-numbered year at 12:00 noon, meet and be sworn to the faithful
1237 discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a
1238 judge of a court of record, or by a Justice of the Peace. The oath may be administered to the
1239 members of the city council and the school committee by the mayor, after the mayor has been
1240 duly sworn, or by any of the above named officials. A certificate that said oath or oaths have
1241 been taken shall be entered in the journal of the city council.

1242 In case of the absence of the mayor-elect, or any member-elect of the city council or
1243 school committee on said day, the oath of office may at any time thereafter be administered to
1244 such person who for any reasons shall not have taken the oath on the day named. A certificate of
1245 each oath subsequently taken shall be entered in the journal of the city council.

1246 After the oath has been administered to the councilors present, they shall organize, with
1247 the member elected at large receiving the highest number of votes at the preceding regular
1248 municipal election, as president, as provided in SECTION 2-2. The president shall be sworn by
1249 the city clerk, or, in the case of the absence of the city clerk, by any person qualified to take
1250 oaths or affirmations.

1251 After the oath has been administered to the school committee members present, the
1252 committee shall organize by choosing a school committee president, as provided in SECTION 4-

1253 2. The president shall be sworn by the city clerk, or, in the case of the absence of the city clerk,
1254 by any person qualified to take oaths or affirmations.

1255 SECTION 8-12 Notice of vacancies.

1256 Whenever a vacancy shall occur in any city office or in the employment of the city, or,
1257 when by reason of a retirement, or resignation, or the expiration of a fixed term, or otherwise a
1258 vacancy can be anticipated, the mayor or other appointing authority shall forthwith cause public
1259 notice of such vacancy or impending vacancy to be publicly posted on the city bulletin board and
1260 on the city website for not less than 10 days. Each such notice shall contain a brief description of
1261 the duties of the office or position and shall indicate a list of necessary or desirable qualifications
1262 for the office or position. Any person who desires to be considered for an appointment to fill
1263 such vacancy may, within 10 days following the date the notice is posted, or such longer period
1264 as may be indicated in such announcement, file with the appointing authority a statement setting
1265 forth with reasonable clarity and specificity the qualifications of such person for such
1266 appointment. No permanent appointment to fill any position shall be effective until at least 14
1267 days have elapsed following such posting to permit the reasonable consideration of all such
1268 applicants. This section shall not apply to positions covered under the civil service law and rules
1269 or if in conflict with the provisions of a collective bargaining agreement.

1270 SECTION 8-13 Loss of office, excessive absence.

1271 If any person appointed to serve as a member of a multiple-member body shall fail to
1272 attend 3 or more consecutive meetings, or all of the meetings held during 4 calendar months, or
1273 1/2 or more of all of the meetings of such body held in 1 calendar year, the remaining members
1274 of the multiple-member body shall, by a majority vote of their members, notify the appointing

1275 authority. Such notice to the appointing authority shall include the notice from the chair of the
1276 multiple-member body to the person meeting the criteria above given in hand, or mailed, postage
1277 prepaid, by registered or certified mail, return receipt requested, of the body's intent to notify the
1278 appointing authority of the incidence of absence at least 10 days before providing notice to the
1279 appointing authority, and the response, if any, received from the person so notified. Only the
1280 appointing authority may determine if the seat is to be declared vacant.

1281 SECTION 8-14 Removals and suspensions.

1282 Any city officer, member of a multiple-member body, department head or employee of
1283 the city and not subject to the provisions of SECTION 3-4 the civil service law, or covered by
1284 the terms of a collective bargaining agreement which provides a different method, and whether
1285 appointed for a fixed or an indefinite term, may be suspended or removed from office by the
1286 appointing authority. Any such person may be suspended from office by the appointing
1287 authority for an initial period of 15 days, subject to an additional 15-day extension if deemed
1288 necessary by the appointing authority.

1289 Nothing in this section shall be construed as granting a right to such a hearing to a person
1290 who has been appointed for a fixed term when that term of office expires and such person is not
1291 reappointed for another term of office.

1292 The appointing authority, when removing any such person, shall act in accordance with
1293 the following procedure:

1294 (a) City Council Appointments – The city council, may, in writing, suspend and/or
1295 remove any person appointed or elected by the city council by notice to the employee stating the
1296 reason for the suspension and/or removal and advising the employee of the opportunity to

1297 request to appear at a meeting of the council. This notice to said employee shall be delivered in
1298 hand, mailed by certified mail, postage prepaid, to the last known address of said employee, or
1299 emailed to said employee. At the same time, the city council shall file a written statement with
1300 the Department of Human Resources, stating that such person is suspended and/or removed and
1301 the effective date of said suspension or removal.

1302 The employee may make a written reply by filing such reply statement with the
1303 Department of Human Resources and the city council president within 5 days following the date
1304 the statement of the city council has been filed. In the reply, the employee may request
1305 permission to appear at a public meeting of the city council to read the written reply concerning
1306 suspension and/or removal. Such meeting must occur within 10 days of the employee's request
1307 unless otherwise agreed by the city council president and the employee.

1308 At the meeting, the employee shall be allowed to read their rebuttal statement or reply to
1309 the notice of suspension and/or removal. The city council president may read the notice of
1310 suspension and/or removal. The city council shall notify the employee of whether the decision
1311 has been upheld, rescinded, or modified no later than 10 days after the council meeting is
1312 adjourned. If such notification is not provided within such time, the decision to suspend and/or
1313 remove shall remain in effect. If no meeting is requested, the decision of the city council is final
1314 6 days after delivery of the notice to the employee.

1315 (b) Any employee of the city, not subject to provisions (a) above, may be suspended
1316 and/or removed by the appointing authority in accordance with the following procedure. The
1317 appointing authority shall receive approval from the mayor before proceeding with any such
1318 suspension and/or removal. Upon receiving such approval, the appointing authority shall provide

1319 notice of the suspension and/or removal to said employee by stating the reason for the
1320 suspension and/or removal, and advising the employee of the opportunity to request a meeting
1321 with the mayor. This notice to said employee shall be delivered in hand, mailed by certified mail,
1322 postage prepaid, to the last known address of said employee, or emailed to said employee. At the
1323 same time, the appointing authority shall file a written statement with the Department of Human
1324 Resources stating that such employee is suspended and/or removed and the effective date of said
1325 suspension and/or removal.

1326 Within 2 days of delivery of the notice of suspension and/or removal, the employee may
1327 request in writing a meeting with the mayor. Such meeting must be held within 5 days of receipt
1328 of the employee's request, unless otherwise agreed by the mayor and the employee. At the
1329 meeting, the employee shall be allowed to reply verbally and/or in writing to the notice of
1330 suspension and/or removal. The appointing authority and the Director of Human Resources may
1331 be present at the meeting at the discretion of the mayor. Upon the direction of the mayor, the
1332 appointing authority shall issue a final decision upholding, rescinding, or modifying the
1333 suspension and/or removal no later than 5 days after the meeting. If such notification is not
1334 provided within such time, the decision to suspend or remove shall remain in effect. If no
1335 meeting is requested by the employee within 2 days of delivery of the notice of suspension
1336 and/or removal, the decision of the appointing authority is final.

1337 Article 9

1338 Transitional Provisions

1339 SECTION 9-1 Continuation of existing laws.

1340 All general laws, special laws, city ordinances, city council votes, and rules and
1341 regulations of or pertaining to the city that are in force when this Charter takes effect, and not
1342 specifically or by implication repealed hereby, shall continue in full force and effect until
1343 amended or repealed, or rescinded by due course of law, or until they expire by their own
1344 limitation.

1345 SECTION 9-2 Continuation of government and administration.

1346 All city agencies shall continue to perform their duties until re-elected, re-appointed, or
1347 until successors to their respective positions are duly appointed or elected, or until their duties
1348 have been transferred and assumed by another city agency.

1349 SECTION 9-3 Transfer of records and property.

1350 All records, property and equipment whatsoever of any city agency, or part thereof, the
1351 powers and duties of which are assigned in whole or in part to another city agency, shall be
1352 transferred forthwith to such agency.

1353 SECTION 9-4 Continuation of personnel.

1354 Any person holding a City office, or a position in the administrative service of the City,
1355 or any person holding full-time employment under the City, shall retain such office, or position,
1356 or employment, and shall continue to perform the duties of such office, position or employment
1357 until provision shall have been made for the performance of those duties by another person or
1358 agency; provided, however, no person in the permanent full-time service of the City shall forfeit
1359 their pay grade, or time in service of the City. All such persons shall be retained in a capacity as
1360 similar to the capacity in which they were serving at the time this Charter is adopted as is

1361 practicable and any reduction in the personnel needs of the City shall be accomplished through a
1362 policy of attrition, unless specific provision is otherwise made in this article.

1363 SECTION 9-5 Effect on obligations, taxes, etc.

1364 All official bonds, recognizances, obligations, contracts, and other instruments entered
1365 into or executed by or to the City before the adoption of this Charter, and all taxes, assessments,
1366 fines, penalties, forfeitures, incurred or imposed, due or owing to the City, shall be enforced and
1367 collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise
1368 provided, shall continue without abatement and remain unaffected by the Charter; and no legal
1369 act done by or in favor of the City shall be rendered invalid by reason of the adoption of this
1370 Charter.

1371 SECTION 9-6 Disposition of certain special laws.

1372 (a) Certain special laws recognized and retained — The following special acts are
1373 hereby especially recognized and retained:

1374 An act passed by the legislature of the Colony of Massachusetts Bay on November 7,
1375 1668 (old style calendar), providing, in part, That Basse River be henceforth a towneship of
1376 themselves . . . and that it be called Beverly.

1377 And an act passed on May 28, 1679 (old style calendar) in which the Boundaries between
1378 Beverly, Salem and Wenham are established and clarified.

1379 And an act passed by the legislature of the Province of the Massachusetts Bay on
1380 September 13, 1753, entitled, AN ACT FOR SETTING OFF THE INHABITANTS, AS ALSO

1381 ESTATES OF THE PROPRIETORS, OF THAT PART OF THE PRECINCT OF SALEM AND
1382 BEVERLY, SO-CALLED, WHICH IS PART OF SALEM, TO THE TOWN OF BEVERLY.

1383 And an act passed by the legislature of the Commonwealth of Massachusetts in 1857,
1384 Chapter 90, entitled, AN ACT TO SET OFF A PART OF THE TOWN OF BEVERLY, AND
1385 ANNEX THE SAME TO THE TOWN OF DANVERS.

1386 (b) Certain special laws recognized and retained, in part — The following special acts
1387 which were enacted for the purpose of enabling and authorizing the City to exercise certain
1388 powers or functions, which prior to the enactment of Article 89 of the Amendments to the State
1389 Constitution may not otherwise have been available to the City, are hereby recognized, so much
1390 of these acts which might grant a power to the City which it otherwise might not have are hereby
1391 retained, but all such powers shall be exercised in a manner consistent with the Charter:

1392 1885, Chapter 294 AN ACT TO FURNISH THE TOWN OF BEVERLY WITH
1393 WATER AND TO INCREASE THE SUPPLY THEREOF

1394 1927, Chapter 8 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1395 ESTABLISH A TRUST FUND TO PROVIDE MEDICAL TREATMENT FOR THE PUBLIC
1396 SCHOOL CHILDREN OF SAID CITY

1397 1953, Chapter 552 AN ACT PROVIDING THAT THE CITY OF BEVERLY MAY
1398 IMPROVE CERTAIN WATER COURSES FOR THE PROTECTION OF PUBLIC HEALTH

1399 1960, Chapter 113 AN ACT AUTHORIZING THE ESTABLISHMENT OF A
1400 SEPARATE ACCOUNT IN THE TREASURY OF THE CITY OF BEVERLY CONSISTING

1401 OF RECEIPTS OF ITS RECREATION COMMISSION AND PROVIDING FOR
1402 EXPENDITURES THEREFROM WITHOUT FURTHER APPROPRIATION

1403 1968, Chapter 313 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1404 REVOKE ITS ACCEPTANCE OF THE LAW APPLICABLE TO TENEMENT HOUSES IN
1405 CITIES

1406 1969, Chapter 308 AN ACT AUTHORIZING THE ESTABLISHMENT OF A
1407 SEPARATE ACCOUNT IN THE TREASURY OF THE CITY OF BEVERLY CONSISTING
1408 OF RECEIPTS OF ITS YOUTH ACTIVITIES COMMISSION AND PROVIDING FOR
1409 EXPENDITURES THEREFROM WITHOUT FURTHER APPROPRIATION

1410 1974, Chapter 735 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1411 ENTER INTO A CERTAIN CONTRACT WITH GORDON COLLEGE FOR SEWAGE
1412 DISPOSAL

1413 1983, Chapter 250 AN ACT RELATIVE TO THE LICENSING AND KEEPING OF
1414 DOGS IN THE CITY OF BEVERLY

1415 1986, Chapter 366 AN ACT FURTHER AUTHORIZING THE CITY OF BEVERLY
1416 TO ENTER INTO A CERTAIN CONTRACT WITH GORDON COLLEGE FOR SEWAGE
1417 DISPOSAL

1418 1994, CHAPTER 30 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1419 AMORTIZE THE REVENUE DEFICIT OVER A PERIOD OF THREE YEARS

1420 1994, Chapter 228 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1421 ENTER INTO A CONTRACT FOR THE DISPOSAL OF SEWAGE

1422 (c) Certain obsolete borrowing authorizations, repealed — The following special acts
1423 which authorized the City to borrow certain sums of money, for certain purposes, are hereby
1424 recognized as obsolete and are to stand repealed:

1425 1874, Chapter 168 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
1426 ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS DEBIT

1427 1881, Chapter 231 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
1428 REFUND ITS INDEBTEDNESS

1429 1893, Chapter 250 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
1430 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF
1431 CONSTRUCTION A SYSTEM OF SEWERAGE

1432 1893, Chapter 259 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
1433 CANCEL CERTAIN OF ITS BONDS NOW HELD IN ITS SINKING FUND

1434 1894, Chapter 29 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
1435 ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS WATER LOAN

1436 1896, Chapter 271 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1437 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR PARK PURPOSES

1438 1898, Chapter 398 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1439 INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES

1440 1900, Chapter 288 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1441 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF
1442 CONSTRUCTING A SYSTEM OF SEWERAGE

1443 1901, Chapter 475 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1444 INCUR INDEBTEDNESS FOR SCHOOL PURPOSES

1445 1902, Chapter 421 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1446 INCUR INDEBTEDNESS FOR SCHOOL PURPOSES

1447 1903, Chapter 182 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1448 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF
1449 EXTENDING ITS SYSTEM OF SEWERAGE

1450 1903, Chapter 183 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1451 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF
1452 EXTENDING ITS WATER SUPPLY SYSTEM

1453 1903, Chapter 263 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1454 INCUR INDEBTEDNESS FOR SCHOOL, AND STREET PURPOSES

1455 1905, Chapter 132 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1456 INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR WATER SUPPLY PURPOSES

1457 1905, Chapter 143 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1458 INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES

1459 1906, Chapter 110 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1460 INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES, BEYOND THE STATUTORY
1461 LIMIT

1462 1906, Chapter 388 AN ACT TO DETERMINE THE INDEBTEDNESS OF THE
1463 CITY OF BEVERLY INCURRED FOR WATER SUPPLY PURPOSE

1464 1913, Chapter 298 AN ACT RELATIVE TO SEWER LOANS OF THE CITY OF
1465 BEVERLY

1466 1914, Chapter 321 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1467 INCUR INDEBTEDNESS FOR THE IMPROVEMENT OF ITS HARBOR AND SHORES

1468 1914, Chapter 768 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1469 INCUR INDEBTEDNESS FOR THE PURPOSE OF RELAYING CERTAIN WATER MAINS

1470 1915, Chapter 266 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1471 INCUR INDEBTEDNESS FOR THE PURPOSE OF RELAYING CERTAIN WATER MAINS

1472 1921, Chapter 453 AN ACT AUTHORIZING THE CITY OF BEVERLY TO INCUR
1473 INDEBTEDNESS FOR A HIGH SCHOOL BUILDING

1474 1948, Chapter 500 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1475 BORROW MONEY FOR FIRE STATION AND SIGNAL STATION BUILDING PURPOSES

1476 1949, Chapter 120 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1477 BORROW MONEY FOR SCHOOL PURPOSES

1478 1950, Chapter 642 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1479 BORROW MONEY FOR SCHOOL PURPOSES

1480 (d) Certain other obsolete special laws repealed — The following special laws which
1481 were enacted for special purposes and were limited in time by their own provisions are hereby
1482 recognized as obsolete and are to stand repealed, but all acts taken under the authority of the said
1483 special laws is hereby preserved:

1484 1910, Chapter 505 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE
1485 CITY COUNCIL OF THE CITY OF BEVERLY

1486 1912, Chapter 544 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1487 DISCONTINUE THE USE FOR PLAYGROUND PURPOSES OF A CERTAIN PARCEL OF
1488 LAND NEAR THE POOR FARM IN THAT CITY

1489 1914, Chapter 650 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1490 PENSION GEORGE O. OBEAR

1491 1920, Chapter 275 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1492 CONTRIBUTE A SUM OF MONEY TO THE FEDERAL GOVERNMENT TO BE USED IN
1493 THE IMPROVEMENT OF BEVERLY HARBOR

1494 1922, Chapter 87 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A
1495 SUM OF MONEY TO THE ESTATE OF PATRICK GALLAGHER FOR TAXES
1496 ERRONEOUSLY ASSESSED AND COLLECTED

1497 1922, Chapter 155 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A
1498 SUM OF MONEY TO THE WIDOW OF JAMES J. FAGAN

1499 1923, Chapter 356 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1500 PENSION WALTER FARNHAM

1501 1924, Chapter 125 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1502 PENSION NATHANIEL W. CORLISS

1503 1924, Chapter 333 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A
1504 SUM OF MONEY TO THE WIDOW OF JAMES J. FAGAN

1505 1925, Chapter 275 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1506 APPROPRIATE MONEY TO PROVIDE FACILITIES FOR HOLDING IN SAID CITY
1507 DURING THE CURRENT YEAR THE STATE CONVENTION OF THE VETERANS OF
1508 FOREIGN WARS OF THE UNITED STATES

1509 1936, Chapter 142 AN ACT PLACING UNDER THE CIVIL SERVICE LAWS THE
1510 OFFICE OF THE CHIEF OF POLICE OF THE CITY OF BEVERLY

1511 1938, Chapter 203 AN ACT AUTHORIZING THE PLACING OF THE OFFICE OF
1512 CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF BEVERLY UNDER THE CIVIL
1513 SERVICE LAWS

1514 1938, Chapter 375 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
1515 REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED
1516 FROM ALONZO B. MORSE

1517 1941, Chapter 469 AN ACT AUTHORIZING THE CITY OF BEVERLY TO TAKE
1518 BY EMINENT DOMAIN FOR PUBLIC AIRPORT PURPOSES CERTAIN PROPERTY IN
1519 THE TOWN OF DANVERS

1520 1943, Chapter 429 AN ACT RELATING TO THE ACQUISITION OF CERTAIN
1521 PROPERTY BY THE CITY OF BEVERLY FOR A PUBLIC PARK

1522 1946, Chapter 113 AN ACT RELATIVE TO THE NUMBER OF MEMBERS OF
1523 THE RESERVE POLICE FORCE IN THE CITY OF BEVERLY

1524 1951, Chapter 187 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A
1525 CERTAIN CLAIM LEGALLY UNENFORCEABLE BY REASON OF FAILURE TO
1526 COMPLY WITH CERTAIN PROVISIONS OF ITS CITY CHARTER

1527 1959, Chapter 162 AN ACT AUTHORIZING THE GRANTING OF A LICENSE
1528 FOR THE SALE OF ALCOHOLIC BEVERAGES TO VITTORI ROCCI POST #56 OF THE
1529 ITALIAN-AMERICAN WAR VETERANS

1530 1959, Chapter 204 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY
1531 SUMS OF MONEY TO WILLIAM DEVITT, ALICE P. HUSON, BAYARD D. HUSON,
1532 LAWRENCE LAPOINTE, MARIE AND ANTHONY VACCARO AND CLIFFORD M. AND
1533 HENRIETTA C. CAVERLY

1534 1959, Chapter 434 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A
1535 CERTAIN UNPAID BILL TO MERRIMACK-ESSEX ELECTRIC COMPANY

1536 1962, Chapter 118 AN ACT PROVIDING LIFE TENURE FOR GORDON T.
1537 RICHARDSON, INCUMBENT OF THE OFFICE OF COMMISSIONER OF PUBLIC
1538 WORKS OF THE CITY OF BEVERLY

1539 1963, Chapter 139 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1540 ACQUIRE LAND AND TO CONSTRUCT AN OFF-STREET PARKING AREA AND TO
1541 BORROW MONEY FOR THE CONSTRUCTION THEREOF

1542 1965, Chapter 588 AN ACT PROVIDING FOR LIFE TENURE FOR WALTER T.
1543 BARNES, INCUMBENT OF THE OFFICE OF CITY COLLECTOR OF THE CITY OF
1544 BEVERLY

1545 1966, Chapter 568 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1546 APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID
1547 BILLS

1548 1967, Chapter 146 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A
1549 CERTAIN UNPAID BILL TO SID'S DONUTS, INC.

1550 1968, Chapter 571 AN ACT VALIDATING A CERTAIN BUILDING PERMIT
1551 ISSUED BY THE CITY OF BEVERLY

1552 1970, Chapter 624 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1553 APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, A CERTAIN UNPAID
1554 BILL

1555 1970, Chapter 661 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1556 APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN UNPAID
1557 BILL

1558 1973, Chapter 196 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1559 APPROPRIATE AND PAY A SUM OF MONEY TO MICHAEL J. FRASCA

1560 1973, Chapter 1139 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1561 CONVEY CERTAIN LAND IN THE CITY OF BEVERLY

1562 1974, Chapter 64 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1563 CONVEY CERTAIN LAND IN THE CITY OF BEVERLY

1564 1975, Chapter 423 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1565 REDRAW ITS WARD LINES

1566 1983, Chapter 493 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1567 ACQUIRE EASEMENTS FOR THE CONSTRUCTION OF CERTAIN SEWERAGE
1568 FACILITIES

1569 1986, Chapter 533 AN ACT AUTHORIZING THE ACQUISITION OF LAND IN
1570 THE TOWN OF WENHAM BY THE CITY OF BEVERLY

1571 1989, Chapter 136 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY
1572 CERTAIN RETROACTIVE COMPENSATION

1573 (e) Certain other obsolete special laws repealed — The following special laws which
1574 established and amended the Charter for the City of Beverly are hereby recognized as obsolete
1575 and are to stand repealed, but all acts taken under the authority of the said special laws are
1576 hereby preserved:

1577 1894, Chapter 161 AN ACT TO INCORPORATE THE CITY OF BEVERLY

1578 1898, Chapter 319 AN ACT RELATIVE TO STREETS AND HIGHWAYS IN THE
1579 CITY OF BEVERLY

1580 1910, Chapter 542 AN ACT TO REVISE THE CHARTER OF THE CITY OF
1581 BEVERLY

1582 1911, Chapter 267 AN ACT RELATIVE TO WIRES AND ELECTRIC
1583 APPLIANCES IN THE CITY OF BEVERLY

1584 1913, Chapter 398 AN ACT RELATIVE TO PRINTING PROPOSALS FOR
1585 CONTRACTS WITH THE CITY OF BEVERLY

1586 1913, Chapter 208 AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF
1587 THE CITY OF BEVERLY TO APPOINT THE SCHOOL PHYSICIANS FOR THAT CITY

1588 1915, Chapter 72 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO PAY
1589 PERMANENT MEN IN THE FIRE DEPARTMENT THREE DOLLARS A DAY

1590 1915, Chapter 141 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO PAY
1591 SALARIES TO THE MEMBERS OF ITS BOARD OF ALDERMEN

1592 1919, Chapter 75 AN ACT RELATIVE TO THE PAYMENT OF SALARIES IN
1593 THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF BEVERLY

1594 1920, Chapter 26 AN ACT RELATIVE TO THE SALARIES OF THE MAYOR
1595 AND OTHER PUBLIC OFFICERS OF THE CITY OF BEVERLY

1596 1921, Chapter 9 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1597 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1598 1922, Chapter 140 AN ACT PROVIDING FOR A PRELIMINARY ELECTION
1599 FOR THE CHOICE OF MUNICIPAL OFFICERS IN THE CITY OF BEVERLY

1600 1927, Chapter 279 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1601 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1602 1934, Chapter 159 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1603 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1604 1936, Chapter 29 AN ACT ESTABLISHING BIENNIAL MUNICIPAL
1605 ELECTIONS IN THE CITY OF BEVERLY AND MAKING CERTAIN OTHER CHARTER
1606 CHANGES

1607 1936, Chapter 46 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1608 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1609 1939, Chapter 135 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1610 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1611 1941, Chapter 223 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1612 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1613 1943, Chapter 112 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL
1614 MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY IN ODD-NUMBERED YEARS
1615 AND ESTABLISHING THE DATE OF SAID ELECTIONS

1616 1943, Chapter 198 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1617 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1618 1945, Chapter 144 AN ACT RELATIVE TO THE POLLING HOURS AT
1619 ELECTIONS IN THE CITY OF BEVERLY

1620 1947, Chapter 162 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1621 INCREASE THE COMPENSATION OF THE MEMBERS OF ITS BOARD OF ALDERMEN

1622 1951, Chapter 238 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL
1623 MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY IN ODD-NUMBERED YEARS
1624 AND ESTABLISHING THE DATE OF SAID ELECTIONS

1625 1952, Chapter 236 AN ACT CREATING A DEVELOPMENT AND INDUSTRIAL
1626 COMMISSION IN THE CITY OF BEVERLY

1627 1952, Chapter 336 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
1628 INCREASE THE COMPENSATION OF THE MEMBERS OF ITS BOARD OF ALDERMEN

1629 1953, Chapter 95 AN ACT RELATIVE TO ADDITIONS TO OR ALTERATIONS
1630 OF CERTAIN BUILDINGS IN THE CITY OF BEVERLY

1631 1954, Chapter 602 AN ACT RELATIVE TO THE ELECTION OF CERTAIN
1632 OFFICIALS IN THE CITY OF BEVERLY BY THE BOARD OF ALDERMEN

1633 1955, Chapter 478 AN ACT RELATIVE TO THE SALARIES OF THE MAYOR
1634 AND BOARD OF ALDERMEN OF THE CITY OF BEVERLY.

1635 1957, Chapter 133 AN ACT PROVIDING THAT CERTAIN MEMBERS OF THE
1636 SCHOOL COMMITTEE IN THE CITY OF BEVERLY BE ELECTED BY WARDS

1637 1960, Chapter 155 AN ACT PROVIDING FOR THE INITIATIVE AND
1638 REFERENDUM FOR THE CITY OF BEVERLY

1639 1962, Chapter 112 AN ACT CHANGING THE DATE OF BIENNIAL MUNICIPAL
1640 ELECTIONS IN THE CITY OF BEVERLY

1641 1969, Chapter 74 AN ACT RELATIVE TO THE AWARDING OF CONTRACTS
1642 FOR THE PURCHASE OF MATERIALS AND SUPPLIES OR FOR LABOR TO BE
1643 FURNISHED EXCEPT LABOR TO BE RENDERED IN PERSON, WITHOUT
1644 ADVERTISING IN THE CITY OF BEVERLY

1645 1993, Chapter 230 AN ACT RELATIVE TO THE CHARTER OF THE CITY OF
1646 BEVERLY

1647 1993, Chapter 330 AN ACT RELATIVE TO THE OFFICE OF CITY COUNCILOR
1648 IN THE CITY OF BEVERLY

1649 SECTION 3. Section 1-7 of article 1 of the charter of the city of Beverly, as appearing in
1650 section 2 of this act, is hereby amended by striking out subsections (h) through (s) and inserting
1651 in place thereof the following 13 subsections:-

1652 (h) District – the word “district” as appearing in Articles 4 and 7 of this charter shall
1653 mean the combining of wards 1, 2 and 3, and wards 4, 5 and 6 for the election of 2 school
1654 committee members, 1 to be elected from each such district.

1655 (i) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen
1656 happening, occurrence or condition which necessitates immediate action or response.

1657 (j) Full Council, full multiple-member body - The words "full council" or "full
1658 multiple-member body" shall mean the entire authorized complement of the city council, school
1659 committee or other multiple-member body, notwithstanding any vacancy, which might exist.

1660 (k) general laws - The words "general laws" (all lowercase letters) shall mean laws
1661 enacted by the State Legislature which apply alike to all cities and towns, to all cities, or to a
1662 class of two or more cities and/or cities and towns of which Beverly is a member.

1663 (l) General Laws - The words "General Laws" (initial letter of each word in
1664 uppercase letters) shall mean the General Laws of the Commonwealth of Massachusetts, a

1665 codification and revision of statutes enacted on December 22, 1920, and including all
1666 amendments thereto subsequently adopted.

1667 (m) Initiative measure - The words "initiative measure" shall mean a measure
1668 proposed by the voters through the initiative process provided under this Charter.

1669 (n) Local newspaper - The words "local newspaper" shall mean a newspaper of
1670 general circulation within Beverly, with either a weekly or daily circulation.

1671 (o) Majority vote - The words "majority vote," when used in connection with a
1672 meeting of a multiple-member body, shall mean a majority of those present and voting, unless
1673 another provision is made by ordinance, by law, or by its own rules.

1674 (p) Measure - The word "measure" shall mean any ordinance, order, resolution, or
1675 other vote or proceeding adopted, or which might be adopted by the city council or the school
1676 committee.

1677 (q) Multiple-member body - The words "multiple-member body" shall mean any
1678 board, commission, committee, subcommittee or other body consisting of two or more persons,
1679 whether elected, appointed or otherwise constituted, but not including the city council or the
1680 school committee.

1681 (r) Referendum measure - The words "referendum measure" shall mean a measure
1682 adopted by the city council or the school committee which is protested under the referendum
1683 procedures of this Charter.

1684 (s) Regular municipal election – the words “regular municipal election” shall mean
1685 the biennial election of municipal officers.

1686 (t) Voters - The word "voters" shall mean registered voters of the city of Beverly.

1687 SECTION 4. Section 2-1 of article 2 of said charter, as so appearing, is hereby amended
1688 by striking out subsection (c) and inserting in place thereof the following subsection:-

1689 (c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward
1690 councilor shall at the time of election be a voter of the ward from which elected; provided,
1691 however, if any ward councilor shall during the first 18 months of the term of office remove to
1692 another ward in the city the councilor may continue to serve for the balance of the term to which
1693 elected. If a councilor-at-large or a ward councilor removes from the city during the term for
1694 which elected, such office shall immediately be deemed vacant and filled in the manner provided
1695 in SECTION 2-11.

1696 SECTION 5. Section 3-1 of article 3 of said charter, as so appearing, is hereby amended
1697 by striking out subsection (b) and inserting in place thereof the following subsection:-

1698 (b) Term of office - The term of office of the mayor shall be 4 years beginning on the
1699 first Monday of January following the regular municipal election at which chosen and until a
1700 successor is qualified.

1701 SECTION 6. Subsection (c) of said section 3-1 of said article 3 of said charter, as so
1702 appearing, is hereby amended by striking out the figure "12" and inserting in place thereof the
1703 following figure:- 36.

1704 SECTION 7. Subsection (a) of section 3-9 of said article 3 of said charter, as so
1705 appearing, is hereby amended by striking out the figure "15" and inserting in place thereof the
1706 following figure:- 39.

1707 SECTION 8. Subsection (b) of said section 3-9 of said article 3 of said charter, as so
1708 appearing, is hereby amended by striking out the words “in the last nine months of the term for
1709 which the Mayor is elected whether by reason of death, resignation, removal from office or
1710 otherwise” and inserting in place thereof the following words:- after the thirty-ninth month.

1711 SECTION 9. Section 4-1 of article 4 of said charter, as so inserted, is hereby amended by
1712 striking out subsection (a) and inserting in place thereof the following subsection:-

1713 (a) Composition; term of office - There shall be a school committee which shall consist
1714 of 9 members. Six of these members, to be known as "ward school committee members," shall
1715 be nominated and elected by and from the voters of each ward, 1 such ward school committee
1716 member to be elected from each of the 6 wards into which the city is divided, in accordance with

1717 SECTION 7-5. Two members shall be elected from districts composed as follows: District A
1718 shall be composed of wards 1, 2, and 3 and District B shall be composed of wards 4, 5, and 6.

1719 The mayor shall serve as the ninth member of the school committee. The term of office for all
1720 school committee members shall be for 2 years each, beginning on the first Monday of January
1721 in the year following their election, and until their successors have been qualified.

1722 SECTION 10. Said section 4-1 of said article 4 of said charter, as so inserted, is hereby
1723 further amended by striking out subsection (b) and inserting in place thereof the following
1724 subsection:-

1725 (b) Eligibility - A ward school committee member shall at the time of election be a voter
1726 of the ward from which elected; provided, however, if any ward school committee member shall,
1727 during the first 18 months of the term of office, remove to another ward in the city, the member
1728 may continue to serve for the balance of the term to which elected. If a district school committee

1729 member shall during the first 18 months of the term of office remove to a ward of the city not in
1730 the district from which the member is elected, such district member may continue to serve for the
1731 balance of the term to which elected. If a ward or district school committee member removes
1732 from the city during the term for which elected, such office shall immediately be deemed vacant
1733 and filled in the manner provided in SECTION 4-1(f).

1734 SECTION 11. Said section 4-1 of said article 4 of said charter, as so inserted, is hereby
1735 further amended by striking out subsection (f) and inserting in place thereof the following
1736 subsection:-

1737 (f) Filling of vacancies - If a vacancy shall occur in the office of ward school committee
1738 member or district school committee member during the first 18 months of the term for which
1739 school committee members are elected, the vacancy shall be filled in descending order of votes
1740 received by the candidate for the office of ward or district school committee member from such
1741 ward or district at the preceding regular municipal election who received the largest number of
1742 votes without being elected, provided such person remains eligible and willing to serve and
1743 provided such person received votes at least equal to 30% of the vote total received by the person
1744 receiving the largest number of votes for the office of ward or district school committee member
1745 in such ward or district. If there be no such candidate eligible and willing to serve, the vacancy
1746 shall be filled by a majority vote of the remaining members of the school committee and the city
1747 council sitting in joint convention, from among the voters of such ward or district. If the vacancy
1748 shall occur during the last 6 months of the term of office, such vacancy shall be filled by the
1749 person at the regular municipal election who receives the highest number of votes for the office
1750 of ward school committee member from such ward or district. Such person shall forthwith be
1751 certified and shall serve for the balance of the concluding term in addition to the term for which

1752 such person was elected. The city clerk shall certify such candidate to the office of ward or
1753 district school committee member to serve for the balance of the then concluding term as well as
1754 the term to which elected.

1755 SECTION 12. Section 4-2 of said article 4 of said charter, as so inserted, is hereby
1756 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

1757 (a) Election and term - The school committee shall organize by electing one of the ward
1758 or district school committee members to serve as school committee President during the ensuing
1759 term of office.

1760 SECTION 13. Section 7-3 of article 7 of said charter, as so inserted, is hereby amended
1761 by striking out subsection (a) and inserting in place thereof the following subsection:-

1762 (a) Signature requirements - The number of signatures of voters required to place the
1763 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:
1764 for the office of mayor not less than 100 such signatures; provided, however, that not more than
1765 25 signatures from any one ward shall be counted in the minimum number of required
1766 signatures; for the office of councilor-at-large not less than 100 such signatures; provided,
1767 however, that not more than 25 signatures from any 1 ward shall be counted in the minimum
1768 number of required signatures; for the office of district school committee member, not less than
1769 75 signatures, all of which must be from the wards included in the district from which the
1770 nomination is sought, provided however, that not more than 25 signatures from any one ward
1771 shall be counted in the minimum number of required signatures; for the office of ward councilor
1772 and ward school committee member not less than 50 such signatures, all of which shall be from
1773 the ward from which the nomination is sought.

1774 SECTION 14. Subsection (b) of section 7-14 of said article 7 of said charter, as so
1775 inserted, is hereby amended by striking out paragraph (3) and inserting in place thereof the
1776 following 2 paragraphs:-

1777 (3) Office elected by district: Two hundred or more voters may file with the board of
1778 registrars of voters an affidavit containing the name of the officer sought to be recalled and a
1779 statement of the grounds for the recall. The signatures on such affidavit shall contain the names
1780 only of voters in the district from which the officer was elected.

1781 (4) At large, or by ward or district - If the affidavit is found to be valid, the city clerk
1782 shall thereupon deliver to the first 10 persons named on said affidavit, petition blanks demanding
1783 said recall, printed forms of which shall be kept available. The blanks may be completed by
1784 printing or by typewriting; they shall be addressed to the city council; they shall contain the
1785 names and residence addresses of the 10 persons to whom they are issued and they shall contain
1786 the grounds for recall as stated in the affidavit; they shall demand the election of a successor to
1787 the office; and they shall be dated and signed by the city clerk.

1788 SECTION 15. Sections 3 through 14, inclusive, of this act shall be subject to voter
1789 ratification at the regular municipal election to be held on November 7, 2023 prior to taking
1790 effect. The following questions shall appear on the ballot:

1791 QUESTION 1: Should sections 4 and 10 of AN ACT RELATIVE TO THE HOME
1792 RULE CHARTER OF THE CITY OF BEVERLY, which such sections would amend the charter
1793 to allow a ward councilor, ward school committee member and district school committee
1794 member who moves within the city during the first 18 months of their term of office to complete
1795 the term to which elected, be approved?

1796 YES ___ NO ___

1797 QUESTION 2: Should sections 5, 6, 7 and 8 of AN ACT RELATIVE TO THE HOME
1798 RULE CHARTER OF THE CITY OF BEVERLY, which such sections would revise the charter
1799 to increase the term of office of the mayor to 4 years, be approved?

1800 YES ___ NO ___

1801 QUESTION 3: Should sections 3, 9, 11, 12, 13 and 14 of AN ACT RELATIVE TO THE
1802 HOME RULE CHARTER OF THE CITY OF BEVERLY, which such sections would revise the
1803 charter to increase the membership of the school committee by the addition of 2 new district
1804 members, one district to include Wards 1, 2, and 3 and one district to include Wards 4, 5, and 6,
1805 be approved?

1806 YES ___ NO ___

1807 SECTION 16. Sections 4 and 10 shall take effect upon voter approval of ballot Question
1808 1, as appearing in section 15, but not otherwise.

1809 SECTION 17. Sections 5, 6, 7 and 8 shall take effect upon voter approval of ballot
1810 Question 2, as appearing in section 15, but not otherwise.

1811 SECTION 18. Section 3, 9, 11, 12, 13 and 14 shall take effect upon voter approval of
1812 ballot Question 3, as appearing in section 15, but not otherwise.

1813 SECTION 19. If Question 2, as appearing in section 15, is approved by the voters, the
1814 first regular municipal election following such approval, November 4, 2025, shall include the
1815 election of a mayor to a 4 year term.

1816 SECTION 20. If Question 3, as appearing in section 15, is approved by the voters, the
1817 first regular municipal election following such approval, November 4, 2025, shall include the
1818 election of 2 district school committee members for a 2 year term.

1819 SECTION 21. This act shall take effect upon its passage.