

HOUSE No. 4464

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4102). May 3, 2018.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act providing a charter for the city of Melrose.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The following shall be the charter for the city of Melrose:

2 ARTICLE 1

3 INCORPORATION; SHORT TITLE; DEFINITIONS

4 SECTION 1-1: INCORPORATION

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

8 SECTION 1-2: SHORT TITLE

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

10 SECTION 1-3: DIVISION OF POWERS

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

15 SECTION 1-4: POWERS OF THE CITY

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

21 SECTION 1-5: CONSTRUCTION

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

25 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

31 SECTION 1-7: DEFINITIONS

32 Unless another meaning is clearly apparent from the manner in which the word or phrase
33 is used, the following words and phrases as used in this charter shall have the following
34 meanings:

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

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

38 "City", the city of Melrose.

39 "City agency", any multiple member body, any department, division, or office of the city
40 of Melrose.

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

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

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

50 "Full board of aldermen", the entire authorized complement of the board of aldermen,
51 notwithstanding any vacancy which might exist.

52 "Full multiple member body", the entire authorized complement of the board of
53 aldermen, school committee or other multiple member body notwithstanding any vacancy which
54 might exist.

55 "Initiative measure", a measure proposed by the voters through the initiative process
56 provided under this charter.

57 "Local news publication", a newspaper of general circulation within Melrose, with either
58 a weekly or daily circulation. If no general circulation publication exists within Melrose, local
59 news publication shall also include online publications to the extent permitted by law.

60 "Majority vote", when used in connection with a meeting of a multiple member body
61 shall mean a majority of those present and voting, unless another provision is made by
62 ordinance, by law, or by its own rules.

63 "Measure", any ordinance, order, resolution, or other vote or proceeding adopted, or
64 which might be adopted, by the board of aldermen or the school committee.

65 "Multiple member body", any board, commission, committee, sub-committee or other
66 body consisting of two (2) or more persons whether elected, appointed or otherwise constituted,
67 but not including the board of aldermen or the school committee.

68 "Organization or reorganization plan", a plan submitted by the mayor to the board of
69 aldermen which proposes a change in the organization of the administrative structure of the city
70 government, or a change in the way in which a municipal service, or services are delivered.

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

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

75 "Referendum measure", a measure adopted by the board of aldermen or the school
76 committee that is protested under the referendum procedures of this charter.

77 "Voters", registered voters of the city of Melrose.

78 ARTICLE 2

79 LEGISLATIVE BRANCH

80 SECTION 2-1: COMPOSITION, TERM OF OFFICE

81 (a) Composition - There shall be a board of aldermen of eleven (11) members which shall
82 exercise the legislative powers of the city. Four (4) of these members, to be known as aldermen-
83 at-large, shall be nominated and elected by and from the voters at large. Seven (7) of these
84 members, to be known as ward aldermen, shall be nominated and elected by and from the voters
85 of each ward, one (1) such ward alderman to be elected from each of the seven (7) wards into
86 which the city is divided under section 7-5.

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

90 (c) Eligibility - Any voter shall be eligible to hold the office of alderman-at-large. A ward
91 alderman shall at the time of election be a voter of the ward from which elected, but if any ward
92 alderman shall during the first twelve (12) months of the term of office remove to another ward
93 in the city, the office shall be deemed vacant and the balance of the unexpired term shall be filled

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

99 SECTION 2-2: PRESIDENT

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

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

111 SECTION 2-3: PROHIBITIONS

112 (a) Holding Other City Office or Position - No member of the board of aldermen shall
113 hold any other city office or city employment for which a salary or other emolument is payable
114 from the city treasury. No former member of the board of aldermen shall hold any compensated
115 appointed city office or appointed city employment until one (1) year following the date on

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

122 (b) Interference with Administration - No board of aldermen nor any member of the
123 board of aldermen shall give orders or directions to any officer or employee of the city appointed
124 by the mayor, either publicly or privately.

125 SECTION 2-4: COMPENSATION

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

132 SECTION 2-5: GENERAL POWERS

133 Except as otherwise provided by general law or by this charter, all powers of the city
134 shall be vested in the board of aldermen which shall provide for their exercise and for the
135 performance of all duties and obligations imposed upon the city by law.

136 SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

137 (a) Exercise of Powers - Except as otherwise provided by general law or by this charter,
138 the legislative powers of the board of aldermen may be exercised in a manner determined by it.

139 (b) Quorum - The presence of six (6) members shall constitute a quorum for the
140 transaction of business, but a smaller number may meet and adjourn from time to time. Except as
141 otherwise provided by general law or by this charter, the affirmative vote of eight (8) members
142 shall be required to adopt any ordinance or appropriation order.

143 (c) Rules of Procedure - The board of aldermen shall from time to time adopt rules
144 regulating its procedures, which shall be in addition to the following:

145 (i) Regular meetings of the board of aldermen shall be held at a time and place fixed by
146 ordinance.

147 (ii) Special meetings of the board of aldermen shall be held at the call of the president or
148 at the call of any four (4) or more members, by written notice delivered in hand or via electronic
149 or first class mail to each member and which contains a listing of the items to be acted upon.
150 Except in case of an emergency, of which the president shall be judge, this notice shall be
151 delivered at least forty-eight (48) hours in advance of the time set for such meeting, excluding
152 Saturday, Sunday and legal holidays. A copy of the notice to members shall immediately be
153 posted upon the city bulletin boards.

154 (iii) All sessions of the board of aldermen and of every committee or subcommittee of the
155 board shall at all times be open to the public unless another provision is made by law.

156 (iv) A full, accurate, up-to-date account of the proceedings of the board of aldermen shall
157 be kept, which shall include a record of each vote taken, and which shall be made available with

158 reasonable promptness following each meeting. The minutes of any executive session, shall be
159 made available as soon as their publication would not defeat the lawful purposes of the executive
160 session.

161 SECTION 2-7: ACCESS TO INFORMATION

162 (a) In General - The board of aldermen may make investigations into the affairs of the
163 city and into the conduct and performance of any city agency.

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

170 (c) Mayor - The board of aldermen may require the mayor to provide specific information
171 to it on any matter within the jurisdiction of the board of aldermen. The board of aldermen may
172 require the mayor to appear before it, in person, to provide specific information on the conduct of
173 any aspect of the business of the city. The mayor may bring to such meeting any assistant,
174 department head or other city officer or employee the mayor may deem necessary to assist in
175 responding to the questions posed by the board of aldermen.

176 (d) Notice - The board of aldermen shall give forty-eight (48) hours' notice to any person
177 it may require to appear before it under the provisions of this section. The notice shall include
178 specific questions on which the board of aldermen seeks information, and no person called to

179 appear before the board of aldermen under this section shall be required to respond to any
180 question not relevant or related to those presented in advance and in writing.

181 SECTION 2-8: APPOINTMENTS OF THE BOARD OF ALDERMEN

182 (a) City Clerk - The board of aldermen shall elect a city clerk to serve for a term of three
183 (3) years. The city clerk shall be the keeper of vital statistics of the city, the custodian of the city
184 seal and of all records of the city, shall administer the oath of office to all city officers, and shall
185 issue licenses and permits as may be provided by law. The city clerk shall have the powers and
186 duties provided that office by the General Laws of the commonwealth, this charter, ordinances or
187 other votes of the board of aldermen.

188 (b) Clerk of Committees - The board of aldermen shall elect a clerk of committees to
189 serve at the pleasure of the board of aldermen. The clerk of committees shall perform the duties
190 as may be provided by ordinance or by other vote of the board of aldermen.

191 (c) Salary/Compensation - The city clerk and the clerk of committees shall receive such
192 salary or other compensation as may from time to time be provided for these offices by
193 ordinance.

194 SECTION 2-9: ORDINANCES AND OTHER MEASURES

195 (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is
196 introduced, except in case of emergency involving the health or safety of the people or their
197 property. No ordinance shall be regarded as an emergency ordinance unless the emergency is
198 defined and declared in a preamble to the ordinance, separately voted upon and receiving the
199 affirmative vote of 8 or more members of the board of aldermen. Emergency ordinances shall

200 stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in
201 the measure, or unless a second emergency measure adopted under this section is passed
202 extending it, or unless a measure passed under this section has extended it.

203 (b) Measures, In General - The board of aldermen may pass a measure through all of its
204 stages at any one meeting, except proposed ordinances, appropriation orders and loan
205 authorizations, if no member of the board of aldermen shall object; but, if any single member
206 objects, a vote on the measure shall be postponed to the next meeting of the board of aldermen.
207 On the first occasion that the question of adopting any measure is put to the board of aldermen,
208 except an emergency measure as defined in section 2-9(a), if a single member objects to the
209 taking of a vote, the vote shall be postponed until the next regular or special meeting of the board
210 of aldermen. This procedure shall not be used more than once for any measure notwithstanding
211 any amendments made to the original measure.

212 (c) Posting - Every proposed ordinance, appropriation order or loan authorization, except
213 emergency ordinances under section 2-9(a), shall be posted on the city bulletin board and made
214 available at the office of the city clerk at least 10 days before its final passage.

215 SECTION 2-10: BOARD OF ALDERMEN REVIEW OF CERTAIN APPOINTMENTS

216 The mayor shall submit to the board of aldermen the name of each person the mayor
217 desires to appoint to any city office as a department head or as a member of a multiple-member
218 body, but not including any position which is subject to the civil service law. The board of
219 aldermen shall refer each name submitted to it to a standing committee of the board which shall
220 review each candidate for appointment and may make a report with recommendations to the full
221 board of aldermen not less than seven (7) nor more than forty-five (45) days after the referral.

222 The committee may require any person whose name has been referred to it to appear before the
223 committee, or before the board of aldermen, to give any information relevant to the appointment
224 that the committee, or the board of aldermen, may require. Appointments made by the mayor
225 shall become effective on the forty-fifth (45th) day after the date on which notice of the proposed
226 appointment was filed with the city clerk unless approved or rejected by the board of aldermen
227 within the forty-five (45) days.

228 SECTION 2-11: FILLING OF VACANCIES

229 (a) Alderman-at-Large - If a vacancy shall occur in the office of alderman-at-large, the
230 vacancy shall be filled in descending order of votes received by the candidate for the office of
231 alderman-at-large at the preceding city election who received the highest number of votes
232 without being elected, provided such person remains eligible and willing to serve as alderman-at-
233 large. The city clerk shall certify this candidate to the office of councilor-at-large to serve for the
234 balance of the then unexpired term.

235 (b) Ward Alderman - If a vacancy shall occur in the office of ward alderman, it shall be
236 filled in the same manner as provided in section 2-11(a) for the office of alderman-at-large
237 except that the list shall be of the candidates for the office of ward alderman in the ward in which
238 the vacancy occurs, but if there be no candidate on such list who remains eligible and willing to
239 serve, the next highest ranking candidate from among the candidates for election to the
240 alderman-at-large who is a resident of the ward in which the vacancy exists shall be certified and
241 shall serve until the next regular election provided such candidate remains a resident of the ward,
242 is willing to serve as a ward alderman. The city clerk shall certify this candidate to the office of
243 ward alderman to serve for the balance of the then unexpired term.

244 (c) Filling of Vacancies By Board of Aldermen - If a vacancy shall occur in the office of
245 alderman-at-large or in that of ward alderman and there is no available candidate to fill the
246 vacancy in the manner provided in section 2-11 (a) or (b), the vacancy shall be filled by the
247 remaining members of the board of aldermen. Persons elected to fill a vacancy by the board of
248 aldermen shall serve only until the next regular election at which time the vacancy shall be filled
249 by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall
250 serve for the remainder of the unexpired term in addition to the term for which elected. Persons
251 serving as aldermen under this section shall not be entitled to have the words "candidate for re-
252 election" printed against their names on the election ballot.

253 ARTICLE 3

254 EXECUTIVE BRANCH

255 SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;
256 COMPENSATION; PROHIBITIONS

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

261 (b) Term of Office - The term of office of the mayor shall be four (4) years beginning on
262 the first (1st) Monday after the first (1st) Tuesday in January following the biennial city election
263 at which chosen and until a successor is qualified.

264 (c) Compensation - The board of aldermen shall, by ordinance, establish an annual salary
265 for the mayor. No ordinance altering the salary of the mayor shall be effective unless it shall
266 have been adopted in the first eighteen (18) months of the term for which aldermen are elected
267 and it provides that the salary is to become effective in January of the year following the next
268 biennial city election.

269 (d) Prohibitions - The mayor shall hold no other city office or city employment for which
270 a salary or other emolument is payable from the city treasury. No former mayor shall hold any
271 compensated appointed city office or city employment until one (1) year following the date on
272 which the former mayor's city service has terminated. This provision shall not prevent a city
273 officer or other city employee who has vacated a position in order to serve as mayor from
274 returning to the same office or other position of city employment held at the time the position
275 was vacated, but no such person shall be eligible for any other municipal position until at least
276 one (1) year after the termination of service as mayor. This prohibition shall not apply to persons
277 covered under the leave of absence provisions of section 37 of chapter 31 of the General Laws.

278 SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

279 The executive powers of the city shall be vested solely in the mayor and may be
280 exercised by the mayor either personally or through the several city agencies under the general
281 supervision and control of the office of the mayor. The mayor shall cause this charter, the laws,
282 the ordinances and other orders for the government of the city to be enforced, and shall cause a
283 record of all official acts of the executive branch of the city government to be kept. The mayor
284 shall exercise general supervision and direction over all city agencies, unless otherwise provided
285 by law or by this charter. Each city agency shall furnish to the mayor, immediately upon request,

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

299 SECTION 3-3: APPOINTMENTS BY THE MAYOR

300 The mayor shall appoint, subject to the review of such appointments by the board of
301 aldermen under section 2-10, all city officers and department heads and the members of
302 multiple-member bodies for whom no other method of appointment or selection is provided by
303 this charter. All appointments to multiple-member bodies shall be in accordance with section 5-
304 1. Upon the expiration of the term of any member of a multiple member body, a successor shall
305 be appointed in like manner. The mayor shall fill any vacancy for the remainder of the unexpired
306 term of any member of a multiple member body. All persons classified as department heads
307 shall, subject to the consent of the mayor, appoint, promote and discipline all assistants,
308 subordinates and other employees of the agency for which that person is responsible. All

309 appointments and promotions made by the mayor shall be made on the basis of merit and fitness
310 demonstrated by examination, past performance or by other evidence of competence and
311 suitability. Each person appointed to fill an office or position shall be a person especially fitted
312 by education, training and previous work experience to perform the duties of the office or
313 position for which chosen.

314 SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

315 (a) City Officers and Department Heads - The mayor may, in writing, remove or suspend
316 any city officer, or the head of any city department appointed by the mayor. In addition, the
317 mayor may file a written statement, with the city clerk, setting forth in precise detail the specific
318 reasons for the removal or suspension. A copy of the written statement shall be delivered in
319 hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or
320 department head. The city officer or department head may make a written reply by filing such a
321 reply statement, with the city clerk, within ten (10) days after the date the statement of the mayor
322 has been filed; but, this reply shall have no effect upon the removal or suspension unless the
323 mayor shall so determine. The decision of the mayor in suspending or removing a city officer or
324 a department head shall be final, it being the intention of this provision to vest all authority and
325 to fix all responsibility for such suspension or removal solely in the mayor.

326 (b) Other City Employees - Unless some other procedure is specified in a collective
327 bargaining agreement or by civil service law, a department head may suspend or remove any
328 assistant, subordinate or other employee of the agency for which that person is responsible. The
329 decision of the department head to suspend or remove any assistant, subordinate or other
330 employee shall be subject to review by the mayor. A person for whom a department head has

331 determined a suspension or removal is appropriate may seek review of this determination by the
332 mayor by filing a petition for review, in the office of the mayor, in writing, within ten (10) days
333 following receipt of notice of this determination. The decision of the mayor shall be final, it
334 being the intention of this provision to vest all authority and to fix all responsibility for
335 suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar
336 to any other review as may be provided by law.

337 SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES

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

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

349 (signed)

350 Mayor

351 Persons serving as temporary officers under this section shall have only those powers of
352 the office essential to the performance of the duties of the office during the period of the
353 temporary appointment. Notwithstanding any general or special law to the contrary, no
354 temporary appointment shall be for more than one hundred twenty (120) days, but not more than
355 one (1) sixty (60) day extension of a temporary appointment may be made when a permanent
356 vacancy exists in the office.

357 SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

358 (a) Communications to the Board of Aldermen - The mayor shall, from time to time, by
359 written communications, recommend to the board of aldermen for its consideration such
360 measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, from
361 time to time, by written communication, keep the board of aldermen fully informed of the
362 financial and administrative condition of the city and shall specifically indicate in these such
363 reports any fiscal, financial or administrative problems of the city.

364 (b) Special Meetings of the Board of Aldermen - The mayor may at any time call a
365 special meeting of the board of aldermen, for any purpose, by causing a notice of the meeting to
366 be delivered in hand, or via electronic or first class mail to each member of the board of
367 aldermen. This notice shall, except in an emergency of which the mayor shall be the sole judge,
368 be delivered at least forty-eight (48) hours in advance of the time set, excluding Saturday,
369 Sunday and legal holidays, and shall specify the purpose or purposes for which the meeting is to
370 be held. A copy of each such notice shall immediately be posted on the city bulletin board.

371 SECTION 3-7: APPROVAL OF MAYOR, EXCEPTION (VETO)

372 Every order, ordinance, resolution or vote adopted or passed by the board of aldermen
373 relative to the affairs of the city, except memorial resolutions, the selection of city officers by the
374 board of aldermen and any matters relating to the internal affairs of the board of aldermen, shall
375 be presented to the mayor for approval. If the mayor approves of the measure, the mayor shall
376 sign it; if the mayor disapproves of the measure, the mayor shall return the measure, with the
377 specific reason or reasons for such disapproval attached to it, in writing, to the board of
378 aldermen. The board of aldermen shall enter the objections of the mayor on its records, and not
379 sooner than ten (10) days, nor later than thirty (30) days from the date of its return to the board of
380 aldermen, shall again consider the same measure. If the board of aldermen, notwithstanding the
381 disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-
382 thirds (2/3) vote of the full board, it shall then be deemed in force, notwithstanding the failure of
383 the mayor to approve it. If the mayor has neither signed a measure nor returned it to the board of
384 aldermen within ten (10) days following the date it was presented to the mayor, the measure shall
385 be deemed approved and in force.

386 SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR

387 (a) Acting Mayor - Whenever, by reason of sickness, absence from the city or other
388 cause, the mayor shall be unable to perform the duties of the office, the president of the board of
389 aldermen shall be the acting mayor.

390 (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the
391 mayor that are essential to the conduct of the business of the city in an orderly and efficient
392 manner and on which action may not be delayed. The acting mayor shall have no authority to
393 make any permanent appointment or removal from city service unless the disability of the mayor

394 shall extend beyond sixty (60) days, nor shall an acting mayor approve or disapprove of any
395 measure adopted by the board of aldermen unless the time within which the mayor must act
396 would expire before the return of the mayor. During any period in which any member of the
397 board of aldermen is serving as acting mayor, that alderman shall not vote as a member of the
398 board of aldermen.

399 SECTION 3-9: DELEGATION OF AUTHORITY BY MAYOR

400 The mayor may authorize any subordinate officer or employee of the city to exercise any
401 power or perform any function or any duty which is assigned by this charter, or otherwise, to the
402 mayor, and the mayor may rescind or revoke any such authorizations previously made, but all
403 acts performed under any such delegation of authority during a period of authorization shall be
404 and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor
405 to delegate his powers and duties as a school committee member, the power of appointment to
406 city office or employment or to sign or return measures approved by the board of aldermen.

407 SECTION 3-10: VACANCY IN OFFICE OF MAYOR

408 (a) Special Election - If a vacancy in the office of mayor occurs during the first two (2)
409 years of the term for which the mayor is elected, whether by reason of death, resignation,
410 removal from office, incapacity, or otherwise, the board of aldermen shall immediately, in the
411 manner provided in section 7-1, order a special election to be held within one hundred twenty
412 (120) days following the date the vacancy is created, to fill the vacancy for the balance of the
413 then unexpired term. If a regular city election is to be held within one hundred eighty (180) days
414 following the date the vacancy is created a special election need not be held and the position
415 shall be filled by vote at such regular election.

416 (b) President of Aldermen To Serve As Mayor - If a vacancy in the office of mayor
417 occurs in the third (3rd) or fourth (4th) year of the term for which the mayor is elected, whether
418 by reason of death, resignation, removal from office, or otherwise, the president of the board of
419 aldermen shall become the mayor. Upon the qualification of the president of the board of
420 aldermen as the mayor, under this section, a vacancy shall exist in that seat on the board of
421 aldermen which shall be filled in the manner provided in section 2-11. A president serving as
422 mayor under this subsection shall not be entitled to have the words "candidate for re-election"
423 printed against their name on the election ballot if they are seeking the office of Mayor.

424 (c) Powers, Term of Office - The mayor elected under Section 3-10(a) or (b) shall have
425 all the powers of the mayor. A person elected under subsection (a), shall serve for the balance of
426 the term unexpired at the time of election to the office. A person chosen under subsection (b),
427 shall serve until the time of the next regular election at which time the person elected to fill the
428 office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired
429 term.

430 ARTICLE 4

431 SCHOOL COMMITTEE

432 SECTION 4-1: COMPOSITION, TERM OF OFFICE

433 (a) Composition - There shall be a school committee, which shall consist of seven (7)
434 members. Six of these members shall be nominated and elected by and from the voters of the city
435 at large. The mayor shall serve, by virtue of office, as the seventh (7th) member of the school
436 committee with all of the same powers and duties as the members elected by the voters as school
437 committee members.

438 (b) Term of Office - The term of office for the six (6) school committee members elected
439 by the voters shall be for four (4) years, beginning on the first (1st) Monday after the first (1st)
440 Tuesday in January in the year following their election, and until their successors have been
441 qualified. The terms of office shall be so arranged that three (3) such terms are to be filled at
442 each biennial election.

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

446 SECTION 4-2: SCHOOL COMMITTEE CHAIR

447 (a) Election and Term - As soon as practicable after the school committee members-elect
448 have been qualified following each biennial city election, as provided in section 9-10, the school
449 committee shall organize by electing one (1) of the persons elected to the office of school
450 committee member to serve as school committee chair.

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

459 SECTION 4-3: PROHIBITIONS

460 No member of the school committee shall hold any other city office or city employment
461 for which a salary or other emolument is payable from the city treasury. No former member of
462 the school committee shall hold any compensated appointed city office or city employment until
463 one (1) year following the date on which the member's service on the school committee has
464 terminated. This provision shall not prevent a city officer or other city employee who has vacated
465 a position in order to serve as a member of the school committee from returning to the same
466 office or other position of city employment held at the time the position was vacated, but no such
467 person shall be eligible for any other municipal position until at least one (1) year following the
468 termination of service as a member of the school committee.

469 SECTION 4-4: COMPENSATION

470 The board of aldermen may, by ordinance, establish an annual salary for members of the
471 school committee. No vote increasing the salary of school committee members shall be effective
472 unless it shall have been adopted during the first eighteen (18) months of the term for which
473 school committee members are elected and unless it provides that the salary is to take effect upon
474 the organization of the city government following the next municipal election. Notwithstanding
475 any general or special law to the contrary, members elected to the school committee shall not be
476 eligible to participate in the city's group health or life insurance programs.

477 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

478 The school committee shall have all powers which are conferred on school committees
479 by the General Laws and such additional powers and duties as may be provided by this charter,
480 by ordinance, or otherwise and not inconsistent with the grant of powers conferred by general
481 laws. The powers and duties of the school committee shall include the following:

482 (1) To elect a superintendent of the schools who shall be charged with the administration
483 of the school system, subject only to policy guidelines and directives adopted by the school
484 committee and, upon the recommendation of the superintendent, to establish and appoint
485 assistant or associate superintendents as provided in section 59 of chapter 71 of the General
486 Laws.

487 (2) To make all reasonable rules and regulations for the management of the public school
488 system and for conducting the business of the school committee as may be deemed necessary or
489 desirable.

490 (3) To adopt and to oversee the administration of an annual operating budget for the
491 school department, subject to appropriation by the board of aldermen. The school committee
492 shall have general charge and superintendence of all school buildings and grounds and shall
493 furnish all school buildings with proper fixtures, furniture and equipment. The school committee
494 shall provide ordinary maintenance of all school buildings and grounds; unless a central
495 municipal maintenance department which may include maintenance of school buildings and
496 grounds is established in accordance with law. Whenever the school committee shall determine
497 that additional classrooms are necessary to meet the educational needs of the community, at least
498 1 member of the school committee, or a designee of the school committee, shall serve on the
499 agency, board or committee to which the planning or construction of such new, remodeled or
500 renovated school building is delegated.

501 SECTION 4-6: FILLING OF VACANCIES

502 (a) Runner-Up to Succeed to Office - If a vacancy shall occur in the office of school
503 committee member, the vacancy shall be filled in descending order of votes received by the

504 candidate for the office of school committee member at the preceding city election who received
505 the highest number of votes without being elected, provided such person remains eligible and
506 willing to serve as a school committee member. The city clerk shall certify this candidate to the
507 office of school committee to serve for the balance of the then unexpired term.

508 (b) Filling of Vacancies By School Committee - Whenever a vacancy shall occur in the
509 office of school committee member and there is no available candidate to fill the vacancy in the
510 manner provided in section 4-6 (a), the vacancy shall be filled by a majority of the remaining
511 members of the school committee. Persons elected to fill a vacancy by the school committee
512 shall serve only until the next regular election at which time the vacancy shall be filled by the
513 voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve for
514 the remainder of the unexpired term in addition to the term for which elected. Persons serving as
515 school committee members under this section shall not be entitled to have the words "candidate
516 for re-election" printed against their names on the election ballot. ARTICLE 5

517 ADMINISTRATIVE ORGANIZATION

518 SECTION 5-1: ORGANIZATION OF CITY AGENCIES

519 The organization of the city into operating agencies for the provision of services and the
520 administration of the government may be accomplished only through an administrative order
521 filed with the board of aldermen by the mayor. No administrative order may originate with the
522 board of aldermen. The mayor may, subject only to express prohibitions in a general law or this
523 charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to
524 establish such new city agencies as is deemed necessary, but no function assigned by this charter
525 to a particular city agency may be discontinued or assigned to any other city agency unless this

526 charter specifically so provides. The mayor may from time to time prepare and submit to the
527 board of aldermen administrative orders that establish operating divisions for the orderly,
528 efficient or convenient conduct of the business of the city. These administrative orders shall be
529 accompanied by a message of the mayor which explains the benefits expected to ensue and
530 advises the board of aldermen if any provision of an administrative order shall require
531 amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the
532 mayor proposes an administrative order, the board of aldermen shall hold one or more public
533 hearings on the proposal giving notice by publication in a local news publication, which notice
534 shall describe the scope of the proposal and the time and place at which the public hearing will
535 be held, not less than seven (7) nor more than fourteen (14) days following said publication. An
536 organization or reorganization plan shall become effective at the expiration of sixty (60) days
537 following the date the proposal is submitted to the board of aldermen unless the board of
538 aldermen shall, by a majority vote, within such period vote to disapprove the plan. The board of
539 aldermen may not vote to amend or to alter it.

540 SECTION 5-2: MERIT PRINCIPLE

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

544 ARTICLE 6

545 FINANCE AND FISCAL PROCEDURES

546 SECTION 6-1: FISCAL YEAR

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

549 SECTION 6-2: ANNUAL BUDGET POLICY

550 The mayor shall call a joint meeting of the board of aldermen and school committee
551 before the commencement of the budget process to review the financial condition of the city,
552 revenue and expenditure forecasts, and other relevant information prepared by the mayor in order
553 to develop a coordinated budget.

554 SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

555 At least forty-five (45) days before the beginning of the fiscal year, the mayor shall
556 submit to the board of aldermen a proposed operating budget for all city agencies, which shall
557 include the school department, for the ensuing fiscal year with an accompanying budget message
558 and supporting documents. The budget message submitted by the mayor shall explain the
559 operating budget in fiscal terms and in terms of work programs for all city agencies. It shall
560 outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important
561 features of the proposed operating budget and indicate any major variations from the current
562 operating budget, fiscal policies, revenues and expenditures together with reasons for these
563 changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and
564 activities and shall be in the form the mayor deems desirable. The school budget, as adopted by
565 the school committee shall be submitted to the mayor within a reasonable time before the
566 submission of the proposed operating budget to the board of aldermen. The mayor shall notify
567 the school committee of the date by which the budget of the school committee shall be submitted

568 to the mayor. The mayor and the school committee chair shall coordinate the dates and times of
569 the school committee's budget process under the laws of the commonwealth.

570 SECTION 6-4: ACTION ON THE OPERATING BUDGET

571 (a) Public Hearing - The board of aldermen shall publish in at least one (1) local news
572 publication of general circulation in the city a notice of the proposed operating budget as
573 submitted by the mayor. The notice shall state (i) the times and places where copies of the entire
574 proposed operating budget are available for inspection by the public, and (ii) the date, time and
575 place not less than fourteen (14) days after its publication, when a public hearing on the proposed
576 operating budget will be held by the board of aldermen.

577 (b) Adoption of the Budget - The board of aldermen shall adopt the operating budget,
578 with or without amendments, within forty-five (45) days following the date the budget is filed
579 with the city clerk. In amending the operating budget, the board of aldermen may delete or
580 decrease any amounts except expenditures required by law, but except on the recommendation of
581 the mayor, the board of aldermen shall not increase any item in or the total of the proposed
582 operating budget, unless otherwise authorized by the laws of the commonwealth. If the board of
583 aldermen fails to take action on any item in the operating budget within forty-five (45) days after
584 receipt of the budget, that amount shall, without any action by the board of aldermen, become a
585 part of the appropriations for the year, and be available for the purposes specified.

586 SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

587 The mayor shall submit a capital improvement program to the board of aldermen every
588 three (3) years and at least one hundred twenty (120) days before the start of the fiscal year in
589 which the program report is due. The capital improvement program shall include:

- 590 (1) a clear and concise general summary of its contents;
- 591 (2) a list of all capital improvements proposed to be undertaken during the next ensuing
592 five (5) years, with supporting information as to the need for each capital improvement;
- 593 (3) cost estimates, methods of financing and recommended time schedules for each
594 improvement; and,
- 595 (4) the estimated annual cost of operating and maintaining each facility and piece of
596 major equipment involved.

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

599 SECTION 6-6: INDEPENDENT AUDIT

600 The board of aldermen shall annually provide for an outside audit of the books and
601 accounts of the city to be made by a certified public accountant, or a firm of certified public
602 accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or
603 any of its officers. The mayor shall annually provide to the board of aldermen a sum of money
604 sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in
605 writing, by the board of aldermen. The award of a contract to audit shall be made by the board of
606 aldermen on or before September fifteenth of each year. The clerk of committees shall
607 coordinate the work of the individual or firm selected. The report of the audit shall be filed in
608 final form with the board of aldermen not later than March first (1st) in the year following its
609 award.

610 SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

611 Except as otherwise may be provided by law, no official of the city of Melrose shall
612 knowingly and intentionally expend in any fiscal year any sums in excess of the appropriations
613 duly made in accordance with law, or involve the city in any contract for the future payment of
614 money in excess of these appropriations. It is the intention of this section that section 31 of
615 chapter 44 of the General Laws shall be strictly enforced. Any official who violates this section
616 shall be personally liable to the city for any amounts so expended to the extent that the city does
617 not recover these amounts from the person to whom the sums were paid.

618 ARTICLE 7

619 ELECTIONS

620 SECTION 7-1: CITY ELECTIONS: GENERAL, PRELIMINARY FOR OFFICE OF
621 MAYOR

622 The regular general city election shall be held on the first Tuesday following the first
623 Monday in November in each odd-numbered year. A preliminary election for the purpose of
624 nominating candidates for mayor shall be held on the third Tuesday in September in each odd-
625 numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the
626 board of aldermen, reschedule this election to the fourth Tuesday to avoid a conflict with any
627 civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is
628 to be held, a preliminary election shall be conducted, if necessary, 28 days before the date
629 established for the special election.

630 SECTION 7-2: NON-PARTISAN ELECTIONS

631 All elections for city offices shall be non-partisan, and election ballots shall be printed
632 without any party mark, emblem, or other designation.

633 SECTION 7-3: PRELIMINARY ELECTION, MAYOR

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

636 (b) Determination of Candidates – The two (2) persons receiving at a preliminary election
637 the highest number of votes for nomination for mayor shall be the sole candidates for that office
638 whose names shall be printed on the official ballots to be used at the regular general city election
639 at which the office is to be voted upon, and no acceptance of a nomination shall be necessary to
640 its validity. If the preliminary election results in a tie vote among candidates for nomination
641 receiving the lowest number of votes which, but for the tie vote, would entitle a person receiving
642 the same to have his name printed on the official ballots for the election, all candidates
643 participating in the tie vote shall have their names printed on the official ballots, even though the
644 ballots will have a number of candidates exceeding twice the number to be elected.

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

651 SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION

652 The order in which names of candidates appear on the ballot for each office shall be
653 determined by a drawing, by lot, conducted by the city clerk. The drawing shall be open to the
654 public and conducted on or before the thirtieth day preceding the date of the election.

655 SECTION 7-5: WARDS

656 The territory of the city shall be divided into seven (7) wards so established as to consist
657 of as nearly an equal number of inhabitants as it is possible to achieve based on compact and
658 contiguous territory, bounded as far as possible by the center line of known streets or ways or by
659 other well-defined limits. Each such ward shall be composed of voting precincts established in
660 accordance with the General Laws. The board of aldermen shall from time to time, but at least
661 once in each ten (10) years, review these wards to insure their uniformity in number of
662 inhabitants.

663 SECTION 7-6: APPLICATION OF STATE GENERAL LAWS

664 Except as otherwise expressly provided in this charter and authorized by law, all city
665 elections shall be governed by the laws of the commonwealth relating to the right to vote, the
666 registration of voters, the nomination of candidates, the conduct of preliminary, general and
667 special elections, the submission of charters, charter amendments and other propositions to the
668 voters, the counting of votes, the recounting of votes, and the determination of results.

669 ARTICLE 8

670 CITIZEN PARTICIPATION MECHANISMS

671 SECTION 8-1 FREE PETITION

672 The board of aldermen or the school committee shall hold a public hearing and act with
673 respect to every petition which is addressed to it, which is signed by fifty (50) or more voters,
674 along with their addresses, and which seeks the passage of a measure. The hearing shall be held
675 by the board of aldermen or the school committee, or, in either case, by a committee or sub-
676 committee thereof, and the action by the board of aldermen or the school committee shall be
677 taken not later than six (6) weeks after the petition is filed with the city clerk or the school
678 committee. Hearings on two (2) or more petitions filed under this section may be held at the
679 same time and place. The city clerk or the school committee shall mail notice of the hearing to
680 the ten (10) persons whose names appear first on the petition at least seven (7) days before the
681 hearing. Notice, by publication, of all such hearings shall be at public expense.

682 SECTION 8-2: CITIZEN INITIATIVE MEASURES

683 (a) Commencement - Initiative procedures shall be started by the filing of a proposed
684 initiative petition with the city clerk or the executive secretary of the school committee. The
685 petition shall be addressed to the board of aldermen or to the school committee, shall contain a
686 request for the passage of a particular measure which shall be set forth in full in the petition, and
687 shall be signed by at least five-hundred (500) voters and their addresses. At least fifty (50)
688 signatures must be certified from each ward. The petition shall be accompanied by an affidavit
689 signed by ten (10) voters and containing their residential address stating they will constitute the
690 petitioners committee and be responsible for circulating the petition and filing it in proper form,
691 as well as designating one member as its clerk.

692 (b) Referral to City Solicitor - The city clerk or the executive secretary of the school
693 committee shall immediately following receipt of a proposed petition deliver a copy of the

694 petition to the city solicitor. The city solicitor shall, within fifteen (15) days following receipt of
695 a copy of the petition, in writing, advise the board of aldermen or the school committee whether
696 the measure as proposed may lawfully be proposed by the initiative process and whether, in its
697 present form it may be lawfully adopted by the board of aldermen or the school committee. If the
698 opinion of the city solicitor is that the measure is not in proper form, the reply shall state the
699 reasons for this opinion, in full. A copy of the opinion of the city solicitor shall also be mailed to
700 the person designated as clerk of the petitioners committee.

701 (c) Submission to City Clerk - If the opinion of the city solicitor is that the petition is in a
702 proper form, the city clerk shall provide blank forms for the use of subsequent signers, and shall
703 print at the top of each blank form a fair, concise summary of the proposed measure, as
704 determined by the city solicitor, together with the names and addresses of the first ten (10) voters
705 who signed the originating petition. Within thirty (30) days following the date the blank forms
706 are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by
707 at least fifteen per cent (15%) of the total number of voters as of the date of the most recent city
708 election. Signatures to an initiative petition need not all be on one (1) paper, but all papers
709 pertaining to any one measure shall be fastened together and shall be filed as a single instrument,
710 with the endorsement on it of the name and residence address of the person designated as filing
711 the same. With each signature on the petition there shall also appear the street and number of the
712 residence of each signer. Within ten (10) days following the filing of the petition, the board of
713 registrars of voters shall ascertain by what number of voters the petition has been signed, and
714 what percentage that number is of the total number of voters as of the date of the most recent city
715 election. The board of registrars of voters shall attach to the petition a certificate showing the
716 results of its examination and shall return the petition to the city clerk, or the secretary of the

717 school committee, depending on how the petition is addressed. A copy of the board of registrars
718 of voters' certificate shall also be mailed to the person designated as clerk of the petitioners
719 committee.

720 (d) Action on Petitions – Within thirty (30) days following the date a petition has been
721 returned to the city clerk or the executive secretary of the school committee, and after publication
722 under subsection (f), the board of aldermen or the school committee shall act with respect to each
723 initiative petition by passing it without change, by passing a measure which is stated to be in lieu
724 of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an
725 initiative measure shall be deemed to be a rejection of the initiative measure. If the board of
726 aldermen or the school committee fails to act with respect to any initiative measure which is
727 presented to it within thirty (30) days following the date the measure is returned to it, the
728 measure shall be deemed to have been rejected on the thirtieth (30th) day. If an initiative
729 measure is rejected, the city clerk or the secretary of the school committee shall promptly give
730 notice of that fact to the person designated as the clerk of the petitioners committee, by certified
731 mail.

732 (e) Supplementary Petitions – Within sixty (60) days following the date an initiative
733 petition has been rejected, a supplemental initiative petition may be filed with the city clerk or
734 the secretary of the school committee, but only by persons constituting the original petitioners
735 committee. The supplemental initiative petition shall be signed by a number of additional voters
736 which is equal to at least five per cent (5%) of the total number of voters as of the date of the
737 most recent city election, and the signatures on the initial petition filed under subsection (c), and
738 the signatures on the supplemental petition filed under this subsection, taken together, shall
739 contain the signatures of at least twenty per cent (20%) of the total number of voters in the city.

740 If the number of signatures to this supplemental petition is found to be sufficient by the city
741 clerk, the board of aldermen shall call a special election to be held on a date fixed by it not less
742 than thirty five (35) nor more than ninety (90) days following the date of the certificate of the
743 city clerk that a sufficient number of voters have signed the supplemental initiative petition and
744 shall submit the proposed measure, without alteration, to the voters for determination, but if any
745 other city election is to be held within one hundred twenty (120) days following the date of the
746 certificate, the board of aldermen may omit the calling of such special election and cause the
747 question to appear on the election ballot at the approaching election for determination by the
748 voters.

749 (f) Publication - The full text of any initiative measure which is submitted to the voters
750 shall be published in at least one (1) local news publication of general circulation in the city not
751 less than seven (7) nor more than fourteen (14) days preceding the date of the election at which
752 the question is to be voted upon. Additional copies of the full text shall be available for
753 distribution to the public in the office of the city clerk.

754 (g) Form of Question - The ballots used when voting on a measure proposed by the voters
755 under this section shall contain a question in substantially the following form: Shall the
756 following measure which was proposed by an initiative petition take effect?

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

759 o YES

760 o NO

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

764 SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

765 (a) Petition, Effect on Final Vote - If, within twenty-one (21) days following the date on
766 which the board of aldermen or the school committee has voted finally to approve of any
767 measure, a petition signed by a number of voters equal to at least twelve per cent (12%) of the
768 total number of voters as of the date of the most recent general city election and addressed to the
769 board of aldermen or to the school committee as the case may be, protesting against the measure
770 or any part of it is filed with the secretary of the school committee or city clerk, the effective date
771 of such measure shall be temporarily suspended. The school committee or the board of aldermen
772 shall immediately reconsider its vote on the measure or part of it, and, if the measure is not
773 rescinded, the board of aldermen shall provide for the submission of the question for a
774 determination by the voters either at a special election which it may call at its convenience, or
775 within such time as may be requested by the school committee, or at the next regular city
776 election, but pending this submission and determination, the effect of the measure shall continue
777 to be suspended.

778 (b) Certain Initiative Provisions to Apply - The petition described in this section shall be
779 termed a referendum petition and the applicable provisions of section 8-2 as they relate to the
780 filing and certification of signatures shall apply to such referendum petitions, except that the
781 words "measure or part thereof protested against" shall be deemed to replace the word "measure"
782 and the word "referendum" shall be deemed to replace the word "initiative". The measure or part

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

785 SECTION 8-4: INELIGIBLE MEASURES

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

787 (1) proceedings relating to the internal organization or operation of the board of aldermen
788 or of the school committee;

789 (2) an emergency measure adopted under this charter;

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

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

792 (5) an appropriation of funds to implement a collective bargaining agreement;

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

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

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

798 (9) memorial resolutions and other votes constituting ordinary, routine matters not
799 suitable as the subject of an initiative or referendum petition;

800 (10) setting of property tax rate; and

801 (11) setting of water and sewer rates.

802 SECTION 8-5: SUBMISSION OF OTHER MATTERS TO VOTERS

803 The board of aldermen may of its own motion, and shall at the request of the school
804 committee if a measure originates with that body and pertains to affairs under its jurisdiction,
805 submit to the voters at any regular city election for adoption or rejection any measure in the same
806 manner and with the same force and effect as are hereby provided for submission by petitions of
807 voters.

808 SECTION 8-6: CONFLICTING PROVISIONS

809 If two (2) or more measures passed at the same election contain conflicting provisions,
810 only the (1) one receiving the greatest number of affirmative votes shall take effect.

811 ARTICLE 9

812 GENERAL PROVISIONS

813 SECTION 9-1: CHARTER CHANGES

814 This charter may be replaced, revised or amended in accordance with any procedure
815 made available under the state constitution, or by statutes enacted in accordance with the state
816 constitution.

817 SECTION 9-2: SEVERABILITY

818 The provisions of this charter are severable. If any provision of this charter is held invalid
819 the other provisions shall not be affected by this holding. If the application of this charter, or any
820 of its provisions, to any person or circumstance is held invalid, the application of this charter and
821 its provisions to other persons and circumstances shall not be affected thereby.

822 SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

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

825 SECTION 9-4: RULES AND REGULATIONS

826 A copy of all rules and regulations adopted by any city agency shall be placed on file in
827 the office of the city clerk and shall be available for review by any person who requests such
828 information at any reasonable time. Unless an emergency exists as determined by the mayor, no
829 rule or regulation adopted by any city agency shall become effective until five (5) days following
830 the date it is so filed.

831 SECTION 9-5: PERIODIC REVIEW OF CHARTER

832 Not later than the first day of July, at ten (10) year intervals, in each year ending in a nine
833 (9), the mayor, board of aldermen, and school committee shall provide for a review to be made
834 of the city charter. This review shall be made by a special committee to consist of nine (9)
835 members all of whom shall be voters of the city, four (4) of whom shall be appointed by the
836 mayor and four (4) of whom shall be appointed by the board of aldermen president and one (1)
837 of whom shall be appointed by the school committee chair. At least two (2) of the persons
838 appointed by the board of aldermen president shall be members of the board of aldermen. The
839 one (1) individual appointed by the school committee chair shall be a current or former member
840 of the school committee. The special committee shall file its report with the city clerk, not later
841 than the first (1st) day of May in the year following the year in which the order to invoke the
842 committee was approved. The recommendations of the special committee shall appear on the
843 board of aldermen's agenda for action before the fifteenth (15th) day of June in that year and if

844 not so scheduled by the city clerk the matter shall come before the board of aldermen for action
845 at its next meeting held following the fifteenth (15th) day of June, and no other business shall be
846 in order until such report has been acted upon, by roll call vote.

847 SECTION 9-6: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
848 BODIES

849 (a) Meetings - All appointed multiple member bodies of the city shall meet regularly at
850 the times and places that they by their own rules prescribe. Special meetings of any multiple
851 member body shall be held on the call of the chairman or by one-third of the members of the
852 body by written notice delivered in hand or via electronic or first class mail to the place of
853 residence of each member at least forty-eight (48) hours in advance of the time set, excluding
854 Saturday, Sunday and legal holidays, which shall contain notice of the subjects to be acted upon.
855 A copy of the notice shall also be posted on the city bulletin board. Except as may otherwise be
856 authorized by law, all meetings of all multiple member bodies shall at all times be open to the
857 public.

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

862 (c) Voting - If requested by any member, any vote of any appointed multiple member
863 body shall be taken by a call of the roll and the vote of each member shall be recorded in the
864 journal, but if the vote is unanimous, only that fact need be recorded.

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

870 SECTION 9-7: NUMBER AND GENDER

871 Words importing the singular number may extend and be applied to several persons or
872 things; words importing the plural number may include the singular; and words importing the
873 masculine gender shall include the feminine gender.

874 SECTION 9-8: REFERENCES TO GENERAL LAWS

875 All references to General Laws contained in this charter refer to the General Laws of the
876 commonwealth of Massachusetts and laws enacted which apply alike to all cities and towns, to
877 all cities, or to a class of two (2) or more cities, or cities and towns of which Melrose is a
878 member, and are intended to refer to and to include any amendments or revisions to such
879 chapters or sections or to the corresponding chapters and sections of any rearrangement, revision
880 or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

881 SECTION 9-9: COMPUTATION OF TIME

882 In computing time under this charter the day of the act or event after which the
883 designated period of time begins to run shall not be included. The last day of the period shall be
884 included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
885 extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of

886 time designated is fewer than seven (7) days, intermediate Saturdays, Sundays and legal holidays
887 shall not be included.

888 SECTION 9-10: OATH OF OFFICE OF MAYOR, BOARD OF ALDERMEN, AND
889 SCHOOL COMMITTEE

890 A mayor-elect, the board of aldermen-elect, and the school committee members-elect
891 shall, on the first (1st) Monday after the first (1st) Tuesday in January of each even-numbered
892 year, meet and be sworn to the faithful discharge of their duties. The oath may be administered to
893 the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace. The
894 oath may be administered to the members of the board of aldermen and the school committee by
895 the mayor, after the mayor has been duly sworn, or by any of the above-named officials. A
896 certificate that the oath or oaths have been taken shall be entered in the journal of the board of
897 aldermen. In case of the absence of the mayor or mayor-elect, as the case may be, or any
898 member-elect of the board of aldermen or school committee on the day the oath of office is
899 administered, the oath may at any time thereafter be administered to that person. A certificate of
900 each oath subsequently taken shall be entered in the journal of the board of aldermen. After the
901 oath has been administered to the board of aldermen present, they shall organize by electing from
902 among their number a person to serve as the president, as provided in section 2-2. If the city
903 clerk is unable to preside during this election the board of aldermen member senior in years of
904 service on the board of aldermen shall preside during this election. If two (2) or more members
905 are equally senior in years of service on the board of aldermen, the member senior both in years
906 of service and age shall preside. The president shall be sworn by the city clerk, or, in the case of
907 the absence of the city clerk, by any person qualified to take oaths or affirmations. After the oath
908 has been administered to the school committee members present, they shall organize by electing

909 from among their number a person to serve as the chair, as provided in section 4-2. If the city
910 clerk is unable to preside during this election the member senior in years of service on the school
911 committee shall preside during the election. If two (2) or more members are equally senior in
912 years of service on the school committee the member senior both in years of service and age
913 shall preside. The chair and the vice-chair shall be sworn by the city clerk, or, in the case of the
914 absence of the city clerk, by any person qualified to take oaths or affirmations.

915 SECTION 9-11: CERTIFICATE OF ELECTION OR APPOINTMENT

916 Every person who is elected, including those elected by the board of aldermen, or
917 appointed to an office of the city, shall receive a certificate of such election or appointment from
918 the city clerk. Except as otherwise provided by law, every person who is elected, including those
919 elected by the board of aldermen, or appointed to an office of the city before performing any act
920 under this appointment or election, shall take and subscribe to an oath to qualify to enter upon
921 the duties. A record of this oath shall be kept by the city clerk.

922 SECTION 9-12: LIMITATION ON OFFICE HOLDING

923 No person shall simultaneously hold more than one (1) full-time city office or position of
924 employment. Any hours worked in any part-time position shall not be the same or otherwise
925 conflict with the hours worked in a full-time position.

926 SECTION 9-13: ENFORCEMENT OF CHARTER PROVISIONS

927 It shall be the duty of the mayor to see that this charter is faithfully followed and
928 complied with by all city agencies and city employees. Whenever it appears to the mayor that
929 any city agency or city employee is failing to follow any provision of this charter the mayor

930 shall, in writing, cause notice to be given to that agency or employee directing compliance with
931 this charter. If it shall appear to the board of aldermen that the mayor personally is not following
932 the provisions of this charter it shall, by resolution or order, direct the attention of the mayor to
933 those charter provisions in which they believe there is a failure to comply. The procedures made
934 available in chapter 231A of the General Laws may be used to determine the rights, duties, status
935 or other legal relations arising under this charter, including any question of construction or
936 validity which may be involved in such determination.

937 ARTICLE 10

938 TRANSITIONAL PROVISIONS

939 SECTION 10-1: CONTINUATION OF EXISTING LAWS

940 All General Laws, special laws, city ordinances, and rules and regulations of or
941 pertaining to Melrose, including special acts creating regional entities and arrangements of which
942 the city is a member, that are in force when this charter takes effect, and not specifically or by
943 implication repealed by this charter, shall continue in full force and effect until amended or
944 repealed, or rescinded by law, or until they expire by their own limitation. In any case in which
945 the provisions of this charter are found to be inconsistent with the provisions of any general or
946 special law that would otherwise be applicable, the provisions of this charter shall be deemed to
947 prevail. Every inconsistency between the prior law and this charter shall be decided in favor of
948 this charter.

949 SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

953 SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

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

957 SECTION 10-4: EFFECT ON OBLIGATIONS, TAXES, ETC.

958 All official bonds, recognizances, obligations, contracts, and other instruments entered
959 into or executed by or to the city before the adoption of this charter, and all taxes, assessments,
960 fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and
961 collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided
962 in this charter, shall continue without abatement and remain unaffected by this charter; and no
963 legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this
964 charter.

965 SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL LAWS

966 (a) Certain Special Laws Recognized and Retained - The following special acts are
967 hereby especially recognized and retained: chapter 124 of the acts of 1936, chapter 39 of the acts
968 of 1962, chapter 150 of the acts of 1984, and chapter 71 of the acts of 1992.

969 (b) Certain Special Laws Recognized and Retained, in part - the following special acts
970 which amended the original city charter of 1899, relating to the organization of the city's

971 government, are recognized and retained in part as follows: so much of chapter 144 of the acts of
972 1920 and chapter 78 of the acts of 1926 as relates to the establishment of the committee in charge
973 of the care of Memorial Hall, until such time as the mayor may act pursuant to Article 5 of this
974 charter.

975 SECTION 10-6: TIME OF TAKING EFFECT

976 This charter shall take effect in accordance with the following schedule:

977 (1) All city officers and employees shall continue to perform their duties in the same
978 manner and to the same extent as they have performed the same prior to the ratification by the
979 voters of the home rule charter.

980 (2) The first (1st) election of officers under this charter shall be held on the first (1st)
981 Tuesday following the first (1st) Monday in November 2019 for the purpose of electing a mayor,
982 a board of aldermen and members of the school committee. A preliminary election for the
983 purpose of nominating candidates to be elected mayor at such election shall be held on the third
984 (3rd) Tuesday of September 2019, if necessary, as provided in Article Seven (7) of this charter.
985 At the city election held in November 2019, the three (3) school committee candidates receiving
986 the highest number of votes shall be declared elected to a four (4) year term.

987 (3) On the first (1st) Tuesday following the first (1st) Monday in January of each even-
988 numbered year the persons elected as mayor, board of aldermen members, and school committee
989 members shall be sworn to the faithful performance of their duties.

990 (4) Not later than thirty (30) days following the date of the ratification of this charter, the
991 city clerk shall give to each member of the General Court who represent any part of Melrose a
992 copy of the vote ratifying this charter.

993 SECTION 2. Section 1 of chapter 105 of the acts of 2005 is hereby repealed.

994 SECTION 3. This act shall take effect upon its passage.