

SENATE No. 2939

The Commonwealth of Massachusetts

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

SENATE, June 16, 2022.

The committee on Municipalities and Regional Government, to whom was referred the petition (accompanied by bill, Senate, No. 2798) of Marc R. Pacheco, Carol A. Doherty, Patricia A. Haddad and Norman J. Orrall (with approval of the mayor and city council) for legislation to provide for a revised charter for the city of Taunton, reports the accompanying bill (Senate, No. 2939).

For the committee,
John J. Cronin

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**In the One Hundred and Ninety-Second General Court
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An Act providing for a revised charter for the city of Taunton.

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 of the city of Taunton:

2 Preamble

3 We, the people of Taunton, in order to ensure the rights and liberties of the people and to
4 establish guiding principles for the operation of our local government, do adopt this Charter.

5 We envision and expect a local government that represents all individuals, supports
6 vibrant neighborhoods, provides essential services, establishes quality schools, ensures safe and
7 secure homes, celebrates diversity, supports local businesses, promotes community participation,
8 and cares for those in need.

9 It is the intent of the people that this Charter will facilitate responsible management and
10 use of public resources, enhance voter participation in an engaged citizenry, promote equality,
11 inclusivity, and respect for all in the community, and secure ethical, transparent and responsive
12 leadership.

13 Article 1

14 INCORPORATION; SHORT TITLE; DEFINITIONS.

15 Section 1-1 INCORPORATION.

16 The inhabitants of the city of Taunton, within the territorial limits established by law,
17 shall continue to be a municipal corporation, a body corporate and politic, under the name "city
18 of Taunton".

19 Section 1-2 SHORT TITLE.

20 This act shall be known and may be cited as the city of Taunton Charter.

21 Section 1-3 DIVISION OF POWERS.

22 The administration of the fiscal, prudential and municipal affairs of the city, with the
23 government thereof, shall be vested in an executive branch headed by a mayor and a legislative
24 branch consisting of a municipal council. The legislative branch shall never exercise any
25 executive power and the executive branch shall never exercise any legislative power.

26 Section 1-4 POWERS OF THE CITY.

27 Subject only to express limitations on the exercise of any power or function by a
28 municipal government in the Constitution of the Commonwealth or the Massachusetts General
29 Laws, it shall be the intention and the purpose of the voters of the city through the adoption of
30 this charter to secure for themselves and their government all of the powers it is possible to
31 secure as fully and completely as though each such power were specifically and individually
32 enumerated in this charter.

33 Section 1-5 CONSTRUCTION.

34 The powers of the city of Taunton under this charter shall be construed liberally in favor
35 of the city and the specific mention of any particular power shall not limit the general powers of
36 the city as stated in Articles 1 to 4, inclusive.

37 Section 1-6 INTERGOVERNMENTAL RELATIONS.

38 Subject only to express limitations in the Constitution of the Commonwealth and the
39 Massachusetts General Laws, the city may exercise any of its powers or perform any of its
40 functions and may participate in the financing thereof, jointly or in cooperation, by contract or
41 otherwise, with the Commonwealth or any of its agencies or political subdivisions or with the
42 United States government or any of its agencies or with any tribal or sovereign governments or
43 subdivisions thereof.

44 Section 1-7 DEFINITIONS.

45 The following words shall have the following meanings unless the context clearly
46 requires otherwise:

47 "Business day", any day on which Taunton city hall is open for the citizens of Taunton to
48 conduct routine business.

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

50 "City", the city of Taunton.

51 "City agency", a multiple-member body and any departments, divisions and offices of the
52 city.

53 "City officer", when used without further qualification or description, a person having
54 charge of an office, division, or department of the city who, in the exercise of the powers or
55 duties of that position, exercises some portion of the sovereign power of the city.

56 "Day", the 24-hour period of time extending from 12:00 midnight and to 11:59 P.M.

57 "Municipal council", the entire authorized complement of the municipal council,
58 notwithstanding any vacancy that might exist.

59 "Department director", the head or chief of any city department, including the city
60 solicitor and assistant city solicitors and including the commissioner of the department of public
61 works.

62 "Domicile", the place at which a person has been physically present and that the person
63 regards as home; a person's true, fixed, principal, and permanent home.

64 "Emergency", a sudden, unexpected and unforeseen happening, occurrence or condition
65 that necessitates immediate action or response.

66 "Majority vote", a majority of the members of a deliberative body, irrespective of
67 absences or vacancies.

68 "Measure", an ordinance, order, resolution or other vote or proceeding adopted, or that
69 might be adopted, by the municipal council or the school committee.

70 "Multiple-member body", any board, commission, committee, subcommittee or other
71 body consisting of not less than 2 persons, whether elected, appointed or otherwise constituted;
72 provided, however, that "multiple-member body" shall not include the municipal council or the
73 school committee.

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

76 "Voters", the registered voters of the city of Taunton.

77 Article 2

78 EXECUTIVE BRANCH.

79 Section 2-1 MAYOR: QUALIFICATIONS; TERM OF OFFICE; PROHIBITIONS.

80 Mayor, Qualifications. The chief executive officer of the city shall be a mayor who shall
81 be elected by the voters of the city at large. Any voter shall be eligible to hold the office of
82 mayor. If the mayor is no longer domiciled within the city, the office shall immediately be
83 deemed vacant and filled in the manner provided in section 2-10. The mayor shall devote full
84 time to the office and shall not hold any other elected or appointed city office.

85 (b) Term of Office. The term of office of the mayor shall be 4 years beginning on the first
86 Monday of January following the city election at which the mayor was chosen and shall continue
87 until a successor is qualified, unless that day falls on a holiday, in which event, the term of office
88 shall begin on the next day. No person shall be elected to the office of mayor for more than 3
89 consecutive 4-year terms.

90 (c) Prohibitions. The mayor shall not hold any other city office or city employment for
91 which a salary or other emolument is payable from the city treasury. No former mayor shall hold
92 any compensated appointed city office or city employment until 1 year following the date on
93 which the former mayor's term of office as mayor has terminated. Nothing in this subsection
94 shall prevent a city officer or employee who has vacated a position in order to serve as mayor

95 from returning to the same office or position of city employment held at the time the position
96 was vacated; provided, however, that no such person shall be eligible for any other municipal
97 position until at least 1 year after the termination of service as mayor. Nothing in this subsection
98 shall apply to persons covered under the leave of absence provisions of section 37 of chapter 31
99 of the General Laws.

100 Section 2-2 EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.

101 The executive powers of the city shall be vested solely in the mayor and shall only be
102 exercised by the mayor personally or through the several city agencies under the general
103 supervision and control of the mayor. The mayor shall cause this charter, the laws, ordinances
104 and other orders for the government of the city to be enforced and shall cause a record of all
105 official acts of the executive branch of the city government to be kept. The mayor shall have
106 authority to singly approve payroll and vendor warrants. The mayor shall exercise general
107 supervision and direction over all city agencies unless otherwise provided by law or by this
108 charter. Upon the request of the mayor, a city agency shall immediately furnish to the mayor any
109 information or materials as the mayor may request and as the needs of the office of mayor and
110 the interest of the city may require. The mayor shall supervise, direct and be responsible for the
111 efficient administration of all city activities and functions placed under the control of the mayor
112 by law or by this charter. To assist the mayor in performing official duties, the mayor may
113 employ assistants, fix their salaries and determine their duties. The mayor may create additional
114 positions by executive order, subject to appropriation by the municipal council. The mayor shall
115 be responsible for the efficient and effective coordination of the activities of all city agencies
116 and, for this purpose may, consistent with law, call together for consultation, conference or
117 discussion at reasonable times all persons serving the city, whether elected directly by the voters,

118 appointed by persons elected directly by the voters or otherwise. The mayor shall be a member
119 of every appointed multiple-member body of the city by virtue of the office. As an ex officio
120 member, the mayor may attend any meeting of an appointed multiple-member body of the city at
121 any time, including executive sessions, to participate in the discussions, make motions and
122 exercise every other right held by a regular member of such body, except for the right to vote.

123 Section 2-3 APPOINTMENTS BY THE MAYOR AND DEPARTMENT DIRECTORS.

124 The mayor shall appoint, subject only to the confirmation of such appointments by the
125 municipal council under section 3-8, all city officers and department directors and the members
126 of multiple-member bodies for whom no other method of appointment or selection is provided
127 by this charter. All appointments to multiple-member bodies shall be in accordance with section
128 2-11. Upon the expiration of the term of a member of a multiple-member body, a successor shall
129 be appointed in like manner. The mayor shall fill a vacancy for the remainder of the unexpired
130 term of an appointed member of a multiple-member body. All persons classified as city officers
131 who are not subject to a collective bargaining agreement shall receive standard employment
132 contracts that shall be effective until the end of a specific fiscal year that shall be stated in each
133 contract and each contract shall contain a for-cause provision with respect to discipline and
134 termination; provided, however, that any reappointment shall be at the discretion of the mayor.
135 Appointment of division directors of public works shall be made by the commissioner of public
136 works, subject to the approval of the mayor; provided, however, that if the position is subject to
137 reappointment, such reappointment shall be at the discretion of the commissioner of public
138 works, subject to the approval of the mayor. Department directors shall, subject to the approval
139 of the mayor, appoint, promote and discipline all assistants, subordinates and other employees of
140 the agency for which that person is responsible. All appointments and promotions made by the

141 mayor shall be made on the basis of merit and fitness demonstrated by examination, past
142 performance or by other evidence of competence and suitability. Each person appointed to fill an
143 office or position shall be a person especially fitted by education, training or previous work
144 experience to perform the duties of the office or position for which the person is chosen. All
145 appointments made by the mayor within the final 90 days of the mayoral term or, if the mayor
146 vacates the office before the expiration of the term, shall be considered temporary appointments
147 under section 2-5. Nothing in this section shall limit or abridge the rights of city employees
148 pursuant to chapter 150E of the General Laws or an applicable collective bargaining agreement.

149 Section 2-4 REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

150 (a) City officers and department directors. The mayor may remove or suspend any city
151 officer or department director appointed by the mayor, subject to any existing employment
152 contract, as provided in this section. The mayor shall deliver a written statement to the city
153 officer or department director as further specified in this section and shall forthwith report such
154 action and the reasons therefor to the municipal council. The written statement shall set forth in
155 precise detail the specific reasons for the removal or suspension. The written statement shall be
156 delivered in hand or by certified mail, postage prepaid, to the last known address of the city
157 officer or department director or by electronic mail. The city officer or department director may
158 make a written reply by filing a reply statement with the city clerk not more than 10 business
159 days after the date the statement of the mayor has been delivered; provided, however, that the
160 reply shall have no effect upon the removal or suspension unless the mayor shall so determine.
161 The decision of the mayor in suspending or removing a city officer or a department director shall
162 be final and all authority and responsibility for such suspension or removal shall be vested solely
163 in the mayor.

164 (b) Other city employees. Unless some other procedure is specified in a relevant
165 collective bargaining agreement or by civil service law, a department director may suspend or
166 remove any assistant, subordinate or other employee of the agency for which the department
167 director is responsible. The decision of the department director to suspend or remove an
168 assistant, subordinate or other employee shall be subject to review by the mayor. A person for
169 whom a department director has determined a suspension or removal is appropriate may seek
170 review of such a determination by filing a petition for review, in writing, with the office of the
171 mayor not more than 10 days following receipt of notice of the determination. The decision of
172 the mayor shall be final and all authority and responsibility for suspension or removal shall be
173 vested solely in the mayor. Nothing in this subsection shall be construed to prevent any other
174 review as may be provided by law.

175 Section 2-5 TEMPORARY APPOINTMENTS TO CITY OFFICES.

176 (a) If a temporary or permanent vacancy occurs in a city office and the needs of the city
177 require that the office be filled, the mayor may designate the director of another city agency, a
178 city officer, a city employee or some other person to perform the duties of the office on a
179 temporary basis until the position can be filled as otherwise provided by law or by this charter. If
180 a person is designated under this section, the mayor shall file a certificate with the city clerk in
181 substantially the following form:

182 I designate (name of person) to perform the duties of the office of (designate office in
183 which vacancy exists) on a temporary basis until the office can be filled by (here set out the
184 regular procedure for filling the vacancy or when the regular officer shall return). I certify that

185 the designated person is qualified to perform the duties that will be required and that I make this
186 designation solely in the interests of the city of Taunton.

187 (signed)

188 Mayor

189 (b) A person serving as a temporary officer under this section shall have only those
190 powers of the office essential to the performance of the duties of the office during the period of
191 the temporary appointment. Notwithstanding any general or special law to the contrary, no
192 temporary appointment shall be for more than 120 days; provided, however, that 1 extension of
193 not more than 60 days may be made when a permanent vacancy exists in the office.

194 Section 2-6 COMMUNICATIONS; SPECIAL MEETINGS.

195 (a) Communications to the municipal council. The mayor shall from time to time, by
196 written communication, recommend to the municipal council for its consideration such measures
197 as, in the judgment of the mayor, the needs of the city require.

198 (b) Special meetings of the municipal council. The mayor may call a special meeting of
199 the municipal council at any time and for any purpose by causing a notice of the meeting to be
200 delivered in hand, via electronic mail, or by first class mail, to each member of the municipal
201 council. This notice shall, except in an emergency as determined by the mayor, be delivered not
202 less than 48 hours before the time scheduled for the special meeting to be held, excluding
203 Saturdays, Sundays and legal holidays, and shall specify any purpose for which the meeting is to
204 be held. A copy of each notice shall be immediately posted in the customary manner for
205 municipal council meetings.

206 Section 2-7 APPROVAL OF MAYOR; MAYOR'S VETO; MUNICIPAL COUNCIL'S
207 VETO OVERRIDE.

208 Every order, ordinance, resolution or vote adopted or passed by the municipal council
209 relative to the affairs of the city, except memorial resolutions and any matters relating to the
210 internal affairs of the municipal council, shall be presented to the mayor for approval. If the
211 mayor approves of a measure, the mayor shall sign it and thereupon it shall be in force. If the
212 mayor disapproves of a measure, the mayor shall return the measure with the specific reasons for
213 the disapproval attached to it, in writing, to the municipal council within 15 calendar days and
214 the municipal council shall enter the objections of the mayor on its records. Measures may be
215 reconsidered not less than 10 but not more than 30 days from the date of the mayor's return of
216 the measure. If the municipal council shall again pass the order, ordinance, resolution or vote by
217 a 2/3 vote of the full council, it shall then take effect notwithstanding the objections of the
218 mayor; provided, however, that a vote to override a veto shall be by roll call vote. Items or parts
219 of items that the mayor neither signs nor disapproves within 15 days after the order, ordinance,
220 resolution or vote shall have been presented to the mayor shall be in force on and after the
221 sixteenth day following such presentation.

222 Section 2-8 TEMPORARY ABSENCE OF THE MAYOR.

223 (a) Acting mayor. If by reason of sickness, absence from the city or other cause the
224 mayor shall be unable to perform the duties of the office, the president of the municipal council
225 shall be the acting mayor.

226 (b) Powers of acting mayor. The acting mayor shall have only those powers of the mayor
227 that are essential to the conduct of the business of the city in an orderly and efficient manner and

228 on which action may not be delayed. The acting mayor may not request additional appropriation
229 unless an emergency exists. The acting mayor shall not make any permanent appointment or
230 removal from city service unless the disability of the mayor shall continue for more than 90 days
231 and the acting mayor shall not approve or disapprove any measure adopted by the municipal
232 council unless the time within which the mayor is required to act would expire before the return
233 of the mayor. The acting mayor shall not overturn any vetoes of the mayor. During any period in
234 which a councilor is serving as acting mayor, the councilor shall not vote as a member of the
235 municipal council.

236 Section 2-9 DELEGATION OF AUTHORITY BY MAYOR.

237 The mayor may authorize any subordinate officer or employee of the city to exercise any
238 power or perform any function or duty that is assigned by this charter or otherwise to the mayor
239 and the mayor may rescind or revoke any such authorization previously made; provided,
240 however, that an act performed under any such delegation of authority during a period of
241 authorization shall be and remain the act of the mayor. Nothing in this section shall authorize a
242 mayor to delegate the mayor's powers and duties as a school committee member, the power of
243 appointment to city office or employment or to sign or return measures approved by the
244 municipal council.

245 Section 2-10 VACANCY IN OFFICE OF MAYOR.

246 (a) Special election. If a vacancy occurs in the office of mayor during the first 3 years and
247 6 months of the term for which the mayor was elected, whether by reason of death, resignation,
248 removal from office, incapacity or otherwise, the municipal council shall, not later than 15 days,
249 in the manner provided in section 5-1, order a special election to be held not more than 120 days

250 following the date on which the vacancy was created to fill the vacancy for the balance of the
251 then unexpired term. If a regular city election is to be held not more than 180 days following the
252 date on which the vacancy was created, a special election shall not be held and the position shall
253 be filled by vote at such regular election.

254 (b) President of municipal council to serve as interim mayor. If a vacancy in the office of
255 mayor occurs in the last 6 months of the term for which the mayor is elected, whether by reason
256 of death, resignation, removal from office or otherwise, the president of the municipal council
257 shall become the interim mayor so long as the president of the municipal council is able and
258 willing to perform the full-time duties of mayor. If the president of the municipal council is
259 unable or unwilling to serve as mayor, the vice president of the municipal council shall become
260 the interim mayor so long as the vice president of the municipal council is able and willing to
261 perform the full-time duties of mayor. If the vice president of the municipal council is unable or
262 unwilling to serve as mayor, the municipal council shall elect from among its members the
263 interim mayor. If 10 successive votes of the municipal council result in a tie, the candidate most
264 junior in years of service shall be eliminated from consideration. If multiple candidates are
265 equally junior in years of service, the candidate most junior in both years of service and age shall
266 be eliminated from consideration. Upon the qualification of the interim mayor under this section,
267 a vacancy shall exist in that seat on the municipal council that shall be filled in the manner
268 provided in section 3-9. A president or other councilor serving as interim mayor under this
269 subsection shall not be entitled to have the words "candidate for re-election" printed with their
270 name on the election ballot if they are seeking the office of mayor.

271 (c) Powers, term of office. A person who assumes the office of mayor under a special
272 election shall have all of the powers of the mayor and a person who assumes the office of interim

273 mayor shall have only those powers of an acting mayor provided in section 2-8. A person elected
274 under subsection (a) shall serve for the remainder of the unexpired term. A person chosen under
275 subsection (b) shall serve until the time of the next regular election at which time the person
276 elected to fill the office shall serve for the remainder of the then unexpired term in addition to the
277 term of office for which such person was elected.

278 Section 2-11 MERIT PRINCIPLE.

279 All appointments and promotions of city officers, employees and multiple member bodies
280 shall be made on the basis of merit and fitness as demonstrated by examination, past
281 performance or other evidence of competence and suitability.

282 Section 2-12 OATH OF OFFICE OF MAYOR.

283 A mayor-elect shall, on the first Monday in January of each year following the mayoral
284 election, be sworn to the faithful discharge of the mayor's duties; provided, however, that if the
285 first Monday falls on a holiday, the term of office shall begin on the next day. The oath may be
286 administered to the mayor by the city clerk, by a judge of a court of record or by a justice of the
287 peace. A certificate that the oath has been administered shall be entered in the journal of the
288 municipal council. If the mayor-elect is unavailable to be sworn in as prescribed herein, the oath
289 may be administered at any time thereafter. A certificate of oath administered shall be entered in
290 the journal of the city clerk.

291 Article 3

292 LEGISLATIVE BRANCH.

293 Section 3-1 COMPOSITION, TERM OF OFFICE.

294 (a) Composition. There shall be a municipal council that shall exercise the legislative
295 powers of the city. The municipal council shall consist of 9 members, all of whom shall be
296 councilors-at-large who shall be nominated and elected by and from the voters at large.

297 (b) Term of office. There shall be annual elections for 1/3 of the councilors. The term of
298 office for all councilors shall be 3 years, beginning by the second meeting of the municipal
299 council in January in the year following their election and until their successors have been
300 qualified. Initially, in order to facilitate staggered terms, there shall be 3 councilors elected to
301 serve 1-year terms, 3 to serve 2-year terms and 3 to serve 3-year terms and each year thereafter
302 the expiring 3 terms shall be filled by election. Initially, the councilors who receive the most
303 votes shall receive the initial 3-year terms, the councilors receiving the next highest amount of
304 votes shall serve the 2-year terms and the councilors receiving the next highest amount of votes
305 shall serve the 1-year term. If multiple councilors receive the same number of votes, the
306 councilor senior in years of service on the municipal council shall receive the longer term. If 2 or
307 more members are equally senior in years of service on the municipal council, the member senior
308 in both years of service on the municipal council and age shall receive the term. No person shall
309 be elected for the office of municipal councilor for more than 4 consecutive 3-year terms.

310 (c) Eligibility. Any voter shall be eligible to hold the office of councilor. A councilor
311 shall, at the time of election, be a voter of the city; provided, however, that if a councilor is no
312 longer domiciled within the city, the office shall immediately be deemed vacant and filled in the
313 manner provided in section 3-9.

314 (d) Oath of office of municipal council. The municipal council members-elect shall, by
315 the second meeting of the municipal council in January of the year following the November

316 election, meet and be sworn to the faithful discharge of their duties. The oath may be
317 administered to the municipal council by the mayor or city clerk or by a judge of a court of
318 record or by a justice of the peace. A certificate that such oath has been administered shall be
319 entered in the journal of the municipal council. If a municipal councilor-elect is unable to be
320 sworn in as prescribed herein, the oath may be administered at any time thereafter to such
321 municipal councilor-elect and a certificate of each oath subsequently administered shall be
322 entered in the journal of the municipal council.

323 Section 3-2 PRESIDENT AND VICE PRESIDENT.

324 Election. Following each election and as soon as practicable after the councilors-elect
325 have been qualified as provided in section 3-1, the members of the municipal council shall elect,
326 by majority vote from among its members, a president who shall serve for 1 year. If the mayor or
327 city clerk is unable to preside during this election, the municipal council member senior in years
328 of service on the municipal council shall preside during this election. If 2 or more members are
329 equally senior in years of service on the municipal council, the member most senior in both years
330 of service and age shall preside. The president shall be sworn by the mayor or city clerk or, in the
331 case of the absence of the mayor and city clerk, by any person qualified to administer oaths or
332 affirmations. If 10 successive votes result in a tie, the candidate most junior in years of service
333 shall be eliminated from consideration, and the process shall continue as aforesaid until 1
334 candidate is elected. If multiple candidates are equally junior in years of service, the candidate
335 most junior in both years of service and age shall be eliminated from consideration. The mayor
336 shall be the presiding officer of municipal council meetings and, in the absence of the mayor, the
337 president shall preside and, in the absence of the president, the vice president shall preside and,
338 in the absence of the vice president, the municipal council member most senior in years of

339 service shall preside and in the event that multiple members are equally senior in years of
340 service, the member most senior in both years of service and age shall preside. The vice
341 president shall be elected in the same manner and shall be the acting president in the president's
342 absence.

343 Removal and vacancy. The president may be removed at any time by a 2/3 vote of the
344 full membership. Any vacancy shall be filled by the vice president and shall cause an election to
345 be held to fill the position of vice president.

346 Powers and duties. The mayor shall preside at all meetings of the municipal council, set
347 its agenda, regulate its proceedings, and decide all questions of order; provided, however, that if
348 the mayor is absent, the president shall preside at the meeting and regulate its proceedings; and
349 provided further, that if the president is absent, the vice president shall preside at the meetings
350 and regulate its proceedings. The municipal council may, by a majority vote of its members,
351 place an item on the agenda for a subsequent meeting. The president shall have the same powers
352 to vote upon the measures coming before the municipal council as any other member of the
353 municipal council. The president shall perform other duties consistent with the office as provided
354 by charter.

355 Section 3-3 PROHIBITIONS.

356 (a) Holding other city office or position. No member of the municipal council may
357 concurrently receive both compensation for service as a municipal councilor and city
358 employment for which a salary or other emolument is payable from the city treasury. No current
359 or former member of the municipal council shall hold a compensated appointed city office or
360 employment until at least 1 year following the date on which the former member's service on the

361 municipal council ended unless the municipal councilor held the same position prior to the
362 municipal councilor's service as a member of the municipal council; provided, however, that no
363 such person shall be eligible for any other municipal position until at least 1 year following that
364 member's termination of service as a member of the municipal council.

365 (b) Separation of powers. No individual member of the municipal council shall give
366 operational or management orders or directions, either publicly or privately, to an officer or
367 employee of the city who is appointed by the mayor.

368 Section 3-4 LEGISLATIVE POWERS.

369 The legislative power of the city shall be vested in the municipal council, which shall
370 provide for its exercise and for the performance of all duties and obligations pertaining thereto.

371 Section 3-5 EXERCISE OF POWERS; QUORUM; RULES.

372 (a) Exercise of powers. Except as otherwise provided by law or this charter, the
373 legislative powers of the municipal council may be exercised in a manner determined by the
374 municipal council.

375 (b) Quorum. The presence of 5 members of the municipal council shall constitute a
376 quorum for the transaction of business; provided, however, that a smaller number may meet and
377 adjourn from time to time.

378 (c) Committees/Rules of Procedure. The municipal council shall determine its
379 committees by the second municipal council meeting in January. The municipal council shall
380 annually, not later than the second municipal council meeting in February, adopt rules regulating
381 its procedures that shall include, but not be limited to, a requirement that:

382 (i) regular meetings of the municipal council shall be held beginning the first week of
383 January and every other week thereafter;

384 (ii) regular committee meetings of the municipal council shall be held beginning the
385 second week of January and every other week thereafter, as necessary; provided, however, that
386 special committee meetings of the municipal council may occur as necessary whether on the
387 regular committee meeting week or on the regular meeting of the municipal council week;

388 (iii) special meetings of the municipal council be held at the call of the mayor, the
389 president or at least 4 members, by written notice delivered in hand, via electronic mail, or by
390 first class mail to each member; provided, however, that such notice shall contain a listing of the
391 items to be acted upon; provided further, that except in case of an emergency, such notice shall
392 be delivered not less than 48 hours in advance of the time set for such meeting, excluding
393 Saturdays, Sundays and legal holidays; and provided further, that if a municipal council
394 committee meeting is scheduled to occur at the same time that a meeting of the municipal
395 council is scheduled to begin, the municipal council committee meeting shall adjourn or recess
396 and the municipal council meeting shall commence;

397 (iv) all sessions of the municipal council and of every committee or subcommittee of the
398 board be open to the public unless otherwise provided by law; and

399 (v) accurate and up-to-date minutes of the proceedings of the municipal council shall be
400 kept, which shall include a record of each vote taken and which shall be made available with
401 reasonable promptness following each meeting; provided, however, that the minutes of an
402 executive session shall be made available as soon as their publication would not defeat the lawful
403 purposes of the executive session.

404 Section 3-6 ACCESS TO INFORMATION.

405 (a) Investigations. The municipal council may, by two-thirds vote, conduct investigations
406 into alleged improper actions or wrongdoing in the affairs of the city and into the conduct and
407 performance of any city agency and may make inquiry upon good faith. The municipal council
408 may spend money to conduct the investigation by requesting the mayor to initiate a sufficient
409 appropriation. If the mayor does not initiate a request for a sufficient appropriation within 15
410 days after being presented with the request, the municipal council may, not less than 16 days but
411 not more than 30 days from the date presented to the mayor, by a two-thirds roll call vote, spend
412 up to a \$100,000 per fiscal year for investigations under this section.

413 (b) City officers; members of boards and commissions. The municipal council may
414 require, by a majority vote, any city officer or member of a board or commission to appear
415 before the municipal council to give any information that the municipal council may require in
416 relation to the municipal services, functions, powers or duties that are within the scope of
417 responsibility of that person and within the jurisdiction of the municipal council. The mayor may
418 bring to such meeting any assistant, department director or other city officer that the mayor
419 deems necessary to assist in responding to the questions posed by the municipal council.

420 (c) Notice. The municipal council shall give at least 10 days' notice of an investigation
421 and 7 days' notice to any other person whose appearance is requested. The notice shall include
422 specific questions on which the municipal council seeks information and no person called to
423 appear before the municipal council under this section shall be required to respond to any subject
424 not relevant or related to those presented in advance and in writing.

425 Section 3-7 APPOINTMENTS OF THE MUNICIPAL COUNCIL.

426 (a) Clerk of Committees. The municipal council shall elect a clerk of committees to serve
427 at the pleasure of the municipal council. The clerk of committees shall perform the duties as may
428 be provided by ordinance or by other vote of the municipal council, and is supervised by the
429 council president.

430 (b) Salary, Compensation. The clerk of committees shall receive such salary or other
431 compensation as provided by ordinance.

432 (c) The municipal council shall be the appointing authority for purposes of civil service,
433 general law chapter 31.

434 Section 3-8 MUNICIPAL COUNCIL CONFIRMATION OF CERTAIN
435 APPOINTMENTS.

436 The mayor shall submit to the municipal council the name of each person the mayor
437 desires to appoint as a member of a multiple-member body or as a department director, including
438 the commissioner of public works; provided, however, that this provision shall not apply to
439 appointments to a position subject to civil service laws. Such appointments made by the mayor
440 shall become effective upon a majority vote or upon the expiration of 30 days following the date
441 that notice of the proposed appointment was filed with the city clerk unless rejected by the
442 municipal council within that 30-day period. For each mayoral appointment under this section,
443 the mayor shall provide to the municipal council, at or before the time of submission of the
444 name, a copy of the person's resume. Resumes submitted under this section shall be held in
445 confidence by the municipal council and shall not be shared or disseminated to any other person
446 and nothing in this section shall be construed to make the person's resume a public record.

447 Section 3-9 FILLING OF VACANCIES.

448 Councilor. If a vacancy shall occur in the office of councilor, the vacancy shall be filled
449 within 14 days in descending order of votes received by the candidate for the office of councilor
450 at the preceding city election who received the highest number of votes without being elected, if
451 that person remains eligible and willing to serve as councilor. If such person is unwilling or
452 ineligible to serve, the person who received the next highest votes shall fill the position and so
453 on. If there are no such candidates receiving any votes that are eligible and willing to serve, the
454 council shall elect, by a majority vote of the full council, any registered voter in the city. A
455 person elected by the municipal council under this section to fill a vacancy shall serve for the
456 remainder of the unexpired term and shall not be entitled to have the words "candidate for re-
457 election" printed with the person's name on the election ballot if such person is seeking the office
458 of councilor. The city clerk shall certify this candidate to the office of councilor to serve for the
459 remainder of the unexpired term.

460 Article 4

461 SCHOOL COMMITTEE.

462 Section 4-1 COMPOSITION, TERM OF OFFICE.

463 (a) Composition. There shall be a school committee that shall consist of 9 members, 8 of
464 whom who shall be nominated and elected by and from the voters of the city at large. The mayor
465 shall serve as the ninth member of the school committee and shall have the same powers and
466 duties as the members elected by the voters as school committee members.

467 (b) Term of office. There shall be annual elections for 1/3 of the school committee
468 members. The term of office for all school committee members shall be 3 years, beginning by
469 the second meeting of the school committee in January in the year following their election and

470 until their successors have been qualified. Initially, in order to facilitate staggered terms, there
471 shall be 3 members elected to serve 3-year terms, 3 members elected to serve 2-year terms and 2
472 members elected to serve 1-year terms and each year thereafter the expiring terms shall be filled
473 by election. Initially, the school committee members who receive the most votes shall serve the
474 initial 3-year terms, the school committee members receiving the next highest amount of votes
475 shall serve the 2-year terms and the school committee members receiving the next highest votes
476 shall serve the 1-year terms. No person shall be elected to the school committee for more than 4
477 consecutive 3-year terms.

478 (c) Eligibility. A school committee member shall, at the time of election, be a voter of the
479 city. If a school committee member is no longer domiciled within the city, the office shall
480 immediately be deemed vacant and filled in the manner provided in section 4-5.

481 (d) Oath of office of school committee. The school committee members-elect shall, by
482 the second meeting of the school committee in January of the year following the November
483 election, meet and be sworn to the faithful discharge of their duties. The oath may be
484 administered to the school committee members by the mayor or city clerk or by a judge of a
485 court of record or by a justice of the peace. A certificate that such oath has been administered
486 shall be entered in the journal of the school committee. If a school committee member is unable
487 to be sworn in as prescribed herein, the oath may be administered at any time thereafter to such
488 school committee member and a certificate of each oath subsequently administered shall be
489 entered in the journal of the school committee.

490 Section 4-2 SCHOOL COMMITTEE CHAIR AND VICE CHAIR.

491 (a) Election and Term. Following each city election and as soon as practicable after the
492 school committee members-elect have been qualified as provided in section 4-1, the members of
493 the school committee shall elect, by a majority vote from among its members, a vice chair. If the
494 mayor or city clerk is unable to preside during this election, the member senior in years of
495 service on the school committee shall preside. If 2 or more members are equally senior in years
496 of service on the school committee, the member most senior in both years of service and age
497 shall preside. The vice chair shall be sworn by the mayor or city clerk or, in the case of the
498 absence of the mayor and city clerk, by any person qualified to administer oaths or affirmations.

499 (b) Removal and Vacancy. The vice chair may be removed at any time by a 2/3 vote. Any
500 such removal shall cause an election to be held to fill the position of vice chair.

501 (c) Powers and Duties. The mayor shall preside and chair all meetings of the school
502 committee, regulate its proceedings and decide all questions of order and, in the absence of the
503 mayor, the school committee vice chair shall preside and, in the absence of the school committee
504 vice chair, the school committee member most senior in years of service shall preside and if
505 multiple members are equally senior in years of service, the member most senior in both years of
506 service and age shall preside. The school committee vice chair shall have the same powers to
507 vote upon all measures coming before the school committee as any other member of the school
508 committee. The school committee vice chair shall perform such other duties consistent with the
509 office as may be provided by this charter.

510 Section 4-3 PROHIBITIONS.

511 No member of the school committee may concurrently receive both compensation for
512 service as a school committee member and city employment for which a salary or other

513 emolument is payable from the city treasury. No current or former member of the school
514 committee shall hold any compensated appointed city office or city employment until at least 1
515 year after the date on which the member's service on the school committee ended unless the
516 school committee member held the same position prior to the school committee member's
517 service as a member of the school committee; provided, however, that no such person shall be
518 eligible for any other municipal position until at least 1 year after that member's termination of
519 service as a member of the school committee.

520 Section 4-4 SCHOOL COMMITTEE POWERS AND DUTIES.

521 (a) The school committee shall have all of the powers conferred on school committees by
522 the General Laws and such additional powers and duties as may be provided by this charter, by
523 ordinance or otherwise and not inconsistent with the grant of powers conferred by the General
524 Laws. The powers and duties of the school committee shall include, but not be limited to:

525 (i) employing a superintendent of the schools who shall be charged with the
526 administration of the school system, subject only to policy guidelines and directives adopted by
527 the school committee;

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

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

533 (iv) adopting and overseeing the administration of an annual operating budget for the
534 school department, subject to appropriation by the municipal council; provided, however, that
535 the school committee shall have general charge and superintendence of all school buildings and
536 grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; and

537 (v) determining its committees, whether special or standing and from time to time
538 adopting by-laws and policies.

539 (b) The school committee shall provide ordinary maintenance of all school buildings and
540 grounds. If the school committee shall determine that additional classrooms are necessary to
541 meet the educational needs of the community, at least 1 member of the school committee, or a
542 designee of the school committee, shall serve on the agency, board or committee to which the
543 planning or construction of the new, remodeled or renovated school building is delegated.

544 Section 4-5 FILLING OF VACANCIES.

545 If a vacancy shall occur in the office of school committee member, the vacancy shall be
546 filled within 14 days, in descending order of votes received by the candidate for the office of
547 school committee member at the preceding city election who received the highest number of
548 votes without being elected, if that person remains eligible and willing to serve as a school
549 committee member. If such person is unwilling or ineligible to serve, the person who received
550 the next highest votes shall fill the position and so on. If there are no such candidates receiving
551 any votes that are eligible and willing to serve, the school committee shall elect, by a majority
552 vote of the entire committee, any registered voter in the city. A person elected under this section
553 by the school committee to fill a vacancy shall serve until the next regular election, at which time
554 the vacancy shall be filled by the voters and the person elected to fill the vacancy shall

555 immediately be sworn and shall serve for the remainder of the unexpired term in addition to the
556 term for which the person is elected, if any. A person elected by the school committee to serve as
557 school committee member under this section shall not be entitled to have the words "candidate
558 for re-election" printed with the person's name on the election ballot if such person is seeking the
559 office of school committee member. The city clerk shall certify this candidate to the office of
560 school committee member to serve for the balance of the unexpired term.

561 Article 5

562 ELECTIONS.

563 Section 5-1 CITY ELECTIONS: GENERAL, PRELIMINARY.

564 The regular general city election shall be held annually on the first Tuesday following the
565 first Monday in November in each year. A preliminary election, if necessary, for the purpose of
566 nominating candidates shall be held on the first Tuesday in September; provided, however, that
567 the city clerk may, with the approval of the municipal council, reschedule the preliminary
568 election to the second Tuesday in September to avoid a conflict with a civil or religious holiday.
569 If a special election to fill a vacancy in the office of mayor is to be held, a preliminary election
570 shall be conducted, if necessary, not more than 28 days before the date established for the special
571 election.

572 Section 5-2 NONPARTISAN ELECTIONS.

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

575 Section 5-3 PRELIMINARY ELECTION, WHEN NECESSARY.

576 (a) Ballot position. The order in which names of candidates appear on the ballot shall be
577 determined by a drawing by lot conducted by the board of election commissioners at a properly
578 posted meeting for which the matter appears on the meeting notice and shall be open to the
579 public not less than 30 days before the date of the preliminary election.

580 (b) Determination of candidates. If the number of candidates certified by the elections'
581 office for any elected office to be voted upon is more than double the available positions, then a
582 preliminary election shall be held. The preliminary election shall determine the remaining
583 candidates, which amount shall not be greater than double the available positions and the
584 remaining candidates shall be the sole candidates for that office whose names shall be printed on
585 the official ballots to be used at the regular general city election at which the office is to be voted
586 upon and no acceptance of a nomination shall be necessary to its validity. If the preliminary
587 election results in a tie vote among candidates for nomination receiving the lowest number of
588 votes which, but for the tie vote, would entitle a person receiving the same to have the person's
589 name printed on the official ballots for the election, all candidates participating in the tie vote
590 shall have their names printed on the official ballots even though the ballots will have a number
591 of candidates exceeding twice the number to be elected.

592 (c) Condition making preliminary election unnecessary. If at the expiration of time for
593 filing statements the number of candidates for any elected office to be voted upon at a
594 preliminary election is not more than double the available positions, then no preliminary election
595 shall be held. The candidates whose statements have been filed with the city clerk shall have
596 been nominated to the office, their names shall be voted upon for the office at the succeeding
597 general election and the board of election commissioners shall not print their names on the
598 ballots to be used at the preliminary election.

599 Section 5-4 BALLOT POSITION, REGULAR CITY ELECTION.

600 The order in which names of candidates appear on the ballot for each office shall be
601 determined by a drawing by lot conducted by the board of election commissioners at a properly
602 posted meeting for which the matter appears on the meeting notice and shall be open to the
603 public and conducted not less than 30 days before the date of the election.

604 Section 5-5 APPLICATION OF THE GENERAL LAWS.

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

610 Section 5-6 RECALL

611 Application. Any person who holds an elected office in the city with more than 6 months
612 remaining in the term of such office on the date of filing of the affidavit as described in this
613 section may be recalled therefrom by the registered voters of the city in the manner provided in
614 this section. No recall petition shall be filed against an officer within 6 months after taking
615 office.

616 Recall Affidavit. A recall petition may be initiated by the filing of an affidavit with the
617 board of election commissioners containing the name of the officer sought to be recalled, the
618 office held and a statement of the grounds for the recall; provided, however, that the affidavit
619 shall be signed by at least 500 registered voters. At least 50 names of registered voters shall be

620 from each of the wards into which the city is divided. The board of election commissioners shall,
621 within 3 business days after receipt of the affidavit, certify thereon the number of signatures
622 which are names of registered voters. The form, available from the office of the board of election
623 commissioners, shall include a blank for 1 signer to be identified as the lead petitioner. The
624 board of election commissioners shall thereupon deliver to the registered voters making the
625 affidavit copies of petition blanks demanding such recall, copies of which printed forms the
626 board of election commissioners shall keep available. The recall petitions shall be returned to the
627 office of the board of election commissioners within 45 days after the date they are issued,
628 signed by not less than 15 per cent of registered voters; provided, however, that not more than 25
629 per cent of the signatures shall come from any 1 ward; and provided further, that at least 1 per
630 cent of the registered voters shall be from each of the wards into which the city is divided. The
631 board of election commissioners shall, within 10 business days, certify thereon the number of
632 signatures which are names of registered voters.

633 Recall election. If the petition shall be found and certified by the board of election
634 commissioners to be sufficient, the board of election commissioners shall submit the same with
635 such certificate to the municipal council within 10 business days and the municipal council shall
636 forthwith give written notice of the receipt of the certificate to the officer sought to be recalled.
637 If the officer sought to be recalled does not resign within 5 days thereafter, the municipal
638 council shall order a recall election to be held on a date fixed by the council which shall be not
639 less than 60 days and not more than 90 days after the date of the board of election
640 commissioners' certificate that a sufficient petition has been filed; provided, however, that if any
641 other city election is to occur within 150 days after the date of the certificate, the municipal
642 council shall postpone the holding of the recall election to the date of such other election.

643 Ballot question. Ballots used at the recall election shall state the proposition in
644 substantially the following form:

645 Shall (insert name of officer) be recalled from the office of (insert name of office held)?

646 YES _____

647 NO _____

648 Officeholder. If the officer whose recall is sought has not resigned the office, the officer
649 shall continue to hold and perform the duties of the office until the recall election. If a majority
650 of the votes cast on the question as stated above is in the affirmative, the officer shall be deemed
651 recalled and the office shall be vacant upon the certification of the election results. If a majority
652 of the votes cast on the question is in the negative, the person whose recall was sought shall
653 continue in the office until the expiration of the term for which such person was elected and no
654 other recall affidavit may be filed until at least 270 days after such recall election date.

655 Filling of vacancy. If the office of mayor is declared vacant as the result of a recall
656 election, the council shall immediately call a special election to be held on a date fixed by it
657 which shall be not less than 90 nor more than 120 days after the date of the recall election. The
658 nomination of candidates shall all be in accordance with laws regulating elections. The person
659 elected at the special election shall serve as mayor for the balance of the unexpired term
660 remaining at the time of such election. Vacancies in any other elected office shall be filled under
661 sections 3-9, 4-5, 6-4, 6-5, as applicable, and in any other elected office in descending order of
662 votes received by the candidate for the office at the preceding city election who received the
663 highest number of votes without being elected if that person remains eligible and willing to serve
664 and, if unwilling or ineligible, to the person who received the next highest votes and so on. If

665 there are no candidates receiving any votes that are eligible and willing to serve, the office shall
666 be appointed by the mayor.

667 Prohibition on officeholder recalled. No person recalled from an office under this section
668 shall be eligible to be a candidate to fill any vacancy created by that recall. No person who has
669 been recalled from an office or who has resigned from office while recall proceedings were
670 pending against such person shall be appointed to any municipal office within 2 years after such
671 recall or resignation.

672 Article 6

673 ADMINISTRATIVE ORGANIZATION

674 Section 6-1 DEPARTMENTS, BOARDS, COMMITTEES, AND POSITIONS

675 There shall be in the city of Taunton the departments, multiple-member bodies and
676 positions set forth herein, in addition to any other departments, boards, committees and positions
677 as may presently exist or be established by law, ordinance or executive directive law.

678 Section 6-2 PUBLIC WORKS

679 (a) Jurisdiction. There shall be a department of public works which shall be responsible
680 for the performance of all public works-related functions and activities of the city. The
681 department of public works shall perform all of the public works-related functions which are
682 associated with the following boards, departments and offices or which are now or may from
683 time to time by general or special law be vested in such boards, departments and offices: (i)
684 street department; (ii) water department; (iii) sewer department; (iv) traffic department; (v)
685 public buildings department; (vi) sealer of weights and measures; (vii) engineering department;

686 and (viii) any other departments concerned with public works. The department of public works
687 shall also have jurisdiction and control over maintenance and repair of all equipment, material
688 and motor vehicles which are associated with public works. The department of public works
689 may have such additional powers, duties and responsibilities with respect to public works-related
690 functions and activities as may from time to time be provided by ordinance or executive
691 directive. Notwithstanding any provision of this section to the contrary, the powers and duties of
692 the department of public works may be divided into 2 or more departments. All departments and
693 agencies existing at the time of adoption of this charter or established pursuant to this charter that
694 are under the jurisdiction of the department of public works shall be referred to as divisions of
695 the department of public works.

696 (b) Commissioner. The department of public works shall be under the direction of a
697 commissioner. The mayor shall appoint the commissioner of public works as provided in section
698 2-3 subject to confirmation of the municipal council under section 3-8. The commissioner shall
699 have all of the necessary powers to supervise the supervisors of the water division, the sewer
700 division and every other division within the jurisdiction of the department of public works
701 including ,where applicable, to exercise the powers of water and sewer department directors
702 under the General Laws.

703 (c) Divisions. Each division shall have a supervisor who shall be the administrative and
704 operational director of the division. The supervisor of the engineering division shall be referred
705 to as the city engineer. All other administrative and operational directors shall be referred to as
706 the supervisor of each respective division. All supervisors shall be under the direct control of the
707 commissioner of public works and shall be directly responsible to the commissioner of public

708 works in addition to the mayor. Appointment to supervisor shall be made by the commissioner
709 subject to approval of the mayor as provided in section 2-3.

710 Section 6-3 BOARD OF HEALTH

711 There shall be a board of health whose administration, composition and selection of
712 members shall be as established by section 26 of chapter 111 of the General Laws.

713 Section 6-4 PLANNING BOARD

714 There shall be a planning board consisting of 7 members with staggered terms of 3 years.
715 All planning board members shall be elected. Members shall be registered voters of the city. If a
716 planning board member is no longer domiciled within the city, the office shall immediately be
717 deemed vacant and filled in the manner provided for in this section. Initially, in order to facilitate
718 staggered terms of 3 years, there shall be 3 members elected to serve 3-year terms, 2 members
719 elected to serve 2-year terms and 2 members to serve 1-year terms; provided, however, that each
720 year thereafter the expiring terms shall be filled by election for 3-year terms. Initially, the
721 candidates who receive the most votes shall serve the initial 3-year terms, the candidates
722 receiving the next highest amount of votes shall serve the 2-year terms and the candidates
723 receiving the next highest number of votes shall serve the 1-year terms. If multiple candidates
724 receive the same number of votes, the candidate senior in years of service on the planning board
725 shall serve the term. If 2 or more candidates are equally senior in years of service on the planning
726 board, the candidate senior in both years of service on the planning board and age shall serve the
727 term. No person shall be elected to the planning board for more than 4 consecutive 3-year terms.
728 The planning board shall elect by majority vote from among its members a chairperson and a
729 clerk. Vacancies shall be filled in descending order of votes received by the candidate for the

730 office of planning board member at the preceding city election who received the highest number
731 of votes without being elected if that person remains eligible and willing to serve as planning
732 board member. If such person is unwilling or ineligible to serve, the person who received the
733 next highest votes, and so on, shall serve. If there are no such candidates receiving any votes
734 that are eligible and willing to serve, the mayor shall appoint a person to fill the vacancy as
735 provided in section 2-3, subject to the confirmation of the municipal council as provided in
736 section 3-8. A person so appointed under this section to fill a vacancy shall serve for the
737 remainder of the unexpired term and shall not be entitled to have the words "candidate for re-
738 election" printed with the person's name on the election ballot if such person is seeking the office
739 of planning board member. The city clerk shall certify this candidate to the office of planning
740 board member to serve for the remainder of the unexpired term.

741 Section 6-5 ZONING BOARD OF APPEALS

742 There shall be a zoning board of appeals consisting of 5 members and 2 alternate
743 members, all of whom shall be elected by the registered voters of the city and serve for 3-year
744 terms. Zoning board members shall be registered voters of the city. If a zoning board member is
745 no longer domiciled within the city, the office shall immediately be deemed vacant and filled in
746 the manner provided for in this section. Initially, in order to facilitate staggered 3-year terms,
747 there shall be 2 members elected to serve 3-year terms, 1 alternate member elected to serve a 3-
748 year term, 1 member elected to serve a 2-year term, 1 alternate member elected to serve a 2-year
749 term and 2 members elected to serve 1-year terms; provided, however, that each year thereafter,
750 the expiring terms shall be filled by election for 3-year terms. Initially, the candidates who
751 receive the most votes shall serve the initial 3-year terms, the candidate receiving the next
752 highest amounts of votes shall serve the initial 2-year term, the candidates receiving the next

753 highest number of votes shall serve the 1-year terms, the alternate member receiving the highest
754 number of votes shall serve the 3-year term and the alternate member who received the next
755 highest number of votes shall serve the 2-year term. If multiple candidates receive the same
756 number of votes, the candidate senior in years of service on the zoning board shall serve the
757 term. If 2 or more candidates are equally senior in years of service on the zoning board, the
758 candidate senior in both years of service on the zoning board and age shall serve the term. No
759 person shall be elected to the office of the zoning board for more than 4 consecutive 3-year
760 terms. The zoning board of appeals shall elect by majority vote from among its members a
761 chairperson and a clerk. Vacancies shall be filled in descending order of votes received by the
762 candidate for the office of zoning board member at the preceding city election who received the
763 highest number of votes without being elected if that person remains eligible and willing to serve
764 as zoning board member. If that person is unwilling or ineligible to serve, the person who
765 received the next highest number of votes shall serve, and so on. If there are no candidates
766 receiving any votes that are eligible and willing to serve, the mayor shall appoint a person to fill
767 the vacancy as provided in section 2-3, subject to the confirmation of the municipal council as
768 provided in section 3-8. A person so appointed under this section to fill a vacancy shall serve for
769 the remainder of the unexpired term and shall not be entitled to have the words "candidate for re-
770 election" printed with the person's name on the election ballot if such person is seeking the office
771 of zoning board member. The city clerk shall certify this candidate to the office of zoning board
772 member to serve for the remainder of the unexpired term.

773 Article 7

774 FISCAL AND FINANCE PROCEDURES.

775 Section 7-1 FISCAL YEAR.

776 The fiscal year of the city shall begin on the first day of July and shall end on the last day
777 of June unless another period is required by the General Laws.

778 Section 7-2 SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

779 At least 45 days before the beginning of the fiscal year, the mayor shall submit to the
780 municipal council a proposed operating budget for all city agencies, which shall include the
781 school department, for the ensuing fiscal year. The school budget, as adopted by the school
782 committee shall be submitted to the mayor at least 30 days before the submission of the proposed
783 operating budget to the municipal council. The mayor shall notify the school committee of the
784 date by which the proposed budget of the school committee shall be submitted to the mayor. The
785 mayor and the superintendent of schools shall coordinate the dates and times of the school
786 committee's budget process under the General Laws.

787 Section 7-3 ACTION ON THE OPERATING BUDGET

788 (a) Public hearing. The city clerk, at the direction of the municipal council, shall publish a
789 notice of the proposed operating budget as submitted by the mayor in at least 1 newspaper of
790 general circulation in the city with either a weekly or daily circulation; provided, however, that if
791 no general circulation publication exists within the city, newspaper shall also include online
792 publications to the extent allowed by law. The notice shall state: (i) the times and places where
793 copies of the entire proposed operating budget are available for inspection by the public; and (ii)
794 the date, time and place, which shall be not less than 14 days after its publication, when a public
795 hearing on the proposed operating budget will be held by the municipal council.

796 (b) Adoption of the Budget - The municipal council shall adopt the proposed operating
797 budget, with or without amendments, within 45 days following the date the proposed budget is
798 filed with the city clerk. In amending the proposed operating budget, the municipal council may
799 delete or decrease any amounts except expenditures required by law, but except on the
800 recommendation of the mayor, the municipal council shall not increase any item in or the total of
801 the proposed operating budget, unless otherwise authorized by the General Laws. If the
802 municipal council fails to take action on any item in the proposed operating budget within 45
803 days after its receipt, that amount shall, without any action by the municipal council, become a
804 part of the appropriations for the year, and be available for the purposes specified.

805 Section 7-4 CAPITAL IMPROVEMENT PROGRAM.

806 The mayor shall submit a capital improvement program to the municipal council every 2
807 years and not less than 120 days before the start of the fiscal year in which the program report is
808 due. The capital improvement program shall appear on the first municipal council agenda of
809 March in the relevant year. The capital improvement program shall include: (i) a clear and
810 concise general summary of its contents; (ii) a list of all capital improvements proposed to be
811 undertaken during the ensuing 5 fiscal years, with supporting information as to the need for each
812 capital improvement; (iii) cost estimates, methods of financing and recommended time schedules
813 for each improvement; and (iv) the estimated annual cost of operating and maintaining each
814 facility and piece of major equipment involved. The mayor may annually revise this information
815 with regard to the capital improvements still pending or in the process of being acquired,
816 improved or constructed.

817 Section 7-5 EXPENDITURES IN EXCESS OF APPROPRIATIONS.

818 Except as otherwise provided by law, no official of the city of Taunton shall knowingly
819 and intentionally expend in any fiscal year any sums in excess of the appropriations, awards,
820 grants or gifts duly made in accordance with law and no such official shall involve the city in any
821 contract for the future payment of money in excess of such appropriations, awards, grants or gifts
822 and any such expenditure or involvement shall be in strict compliance with section 31 of chapter
823 44 of the General Laws.

824 Section 7-6 AUDIT COMMITTEE.

825 There shall be established an audit committee which shall consist of 5 members.
826 Members shall serve 3-year terms. The committee shall be comprised of 2 persons to be
827 appointed the mayor, 1 of whom may be the mayor, and 3 members of the municipal council
828 who shall be members of the committee on finance and salaries. The audit committee shall
829 annually provide for an outside audit of the books and accounts of the city to be made by a
830 certified public accountant or a firm of certified public accountants that has no personal interest,
831 direct or indirect, in the fiscal affairs of the city or any of its officers. The audit committee shall
832 not select the same auditor or auditing firm for more than 5 consecutive years. The mayor shall
833 annually provide, and the municipal council annually appropriate, sufficient funds to satisfy the
834 estimated cost of conducting the audit. The award of a contract to audit shall be made by the
835 audit committee annually, not later than September 15. The report of the audit shall be filed in
836 final form with the municipal council and city clerk not later than March 1 in the year following
837 the award of the contract. The audit committee shall annually: (i) develop a scope of audit
838 services; (ii) oversee the selection of an auditor or auditing firm; (iii) review the audit report; (iv)
839 form an opinion on the performance of the auditor or auditing firm; and (v) report back to the
840 municipal council and the mayor. The audit committee shall, as necessary, monitor the progress

841 of corrective action plans developed by finance officials to address audit findings and
842 management letter comments.

843 Article 8

844 GENERAL PROVISIONS.

845 Section 8-1 CHARTER CHANGES.

846 The charter may be replaced, revised or amended in accordance with any procedure made
847 available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and
848 any general or special law enacted to implement said Article LXXXIX.

849 Section 8-2 SEVERABILITY.

850 The provisions of this charter shall be severable. If a provision of this charter is held to be
851 invalid, the other provisions shall not be affected by such invalidity. If the application of this
852 charter to a person or circumstance is held to be invalid, the application of this charter and its
853 provisions to other persons and circumstances shall not be affected by such invalidity.

854 Section 8-3 SPECIFIC PROVISION TO PREVAIL.

855 To the extent that a specific provision of this charter shall conflict with a provision
856 expressed in general terms, the specific provision shall prevail.

857 Section 8-4 UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
858 BODIES.

859 (a) Meetings. All appointed multiple-member bodies of the city shall meet regularly.

860 Special meetings of any multiple-member body shall be held on the call of the chair or by 1/3 of

861 the members of the body by written notice delivered in hand or electronic mail or by first class
862 mail to the place of residence of each member not less than 48 hours in advance of the time set
863 for the meeting, excluding Saturdays, Sundays and legal holidays; provided, however, that the
864 written notice shall contain notice of the subjects to be acted upon. A copy of the notice shall be
865 posted as required by any applicable open meeting law. Except as otherwise be authorized by
866 law, all meetings of all multiple-member bodies shall be open to the public.

867 (b) Rules and minutes. Each appointed multiple-member body shall determine its own
868 rules and order of business and shall provide for the keeping of minutes of its proceedings. The
869 rules and minutes shall be a public record in accordance with public records laws.

870 (c) Voting. If requested by a member, a vote of an appointed multiple-member body shall
871 be taken by a call of the roll and the vote of each member shall be recorded in the minutes. If the
872 vote is unanimous, only that fact shall be recorded.

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

878 Section 8-5 NUMBER AND GENDER.

879 Words importing the singular number may extend and be applied to several persons or
880 things, words importing the plural number may include the singular and words importing the
881 masculine gender shall include the feminine gender and words importing the feminine gender
882 shall include the masculine gender.

883 Section 8-6 REFERENCES TO GENERAL LAWS.

884 References to General Laws. All references to the general or special laws contained in the
885 charter refer to the General Laws of the Commonwealth and are intended to include any
886 amendments or revisions to the chapters and sections or to the corresponding chapters and
887 sections of any rearrangement of the General Laws enacted subsequent to the adoption of the
888 charter.

889 Section 8-7 COMPUTATION OF TIME.

890 In computing time under this charter, the day of the act or event after which the
891 designated period of time begins to run shall not be included. The last day of the period shall be
892 included unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
893 extended to the next day that is not a Saturday, Sunday or legal holiday. When the period of time
894 designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be
895 included.

896 Section 8-8 CERTIFICATE OF ELECTION OR APPOINTMENT.

897 Every person who is elected, including those elected by the municipal council, or
898 appointed to an office of the city, including members of a multiple-member body, shall receive a
899 certificate of such election or appointment from the city clerk. Except as otherwise provided by
900 law, every person who is elected, including those elected by the municipal council, or appointed
901 to an office of the city, before performing any act under such appointment or election, shall take
902 and subscribe to an oath to qualify to enter upon the duties. The oath may be administered by the
903 mayor or city clerk or by a judge of a court of record or by a justice of the peace. A record of
904 such oath shall be kept by the city clerk.

905 Section 8-9 LIMITATION ON OFFICE HOLDING.

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

909 Section 8-10 CITY GROUP INSURANCE PROGRAMS.

910 Notwithstanding any general or special law to the contrary, elected part-time officials,
911 stipend recipients, multiple-member body members, municipal council members and school
912 committee members shall not be eligible to participate in the city's group insurance programs;
913 provided, however, that notwithstanding the foregoing, a municipal council or a school
914 committee member who was enrolled in the city's insurance as of July 1, 2021 may continue to
915 participate in the same manner and at the same contribution rate until such time as the member's
916 current term and any consecutive terms expire.

917 Section 8-11 FELONY CONVICTION DURING TERM OF OFFICE.

918 Felony conviction. Any city official elected under articles 2, 3, 4, 6 of this charter or
919 appointed to a multiple member body under article 6 who is convicted of a state or federal felony
920 offense while holding a city office shall be deemed to have vacated that office.

921 Article 9

922 TRANSITIONAL PROVISIONS.

923 Section 9-1 CONTINUATION OF EXISTING LAWS.

924 All General Laws, special laws, city ordinances and rules and regulations of or pertaining
925 to the city, including special acts creating regional entities and arrangements of which the city is
926 a member, that are in force when this charter takes effect and not specifically or by implication
927 repealed by this charter shall continue in full force and effect until amended or repealed,
928 rescinded by law or expired by their own limitation. If a provision of this charter is found to be
929 inconsistent with any general or special law that would otherwise be applicable, this charter shall
930 prevail. Every inconsistency between a prior law and this charter shall be decided in favor of this
931 charter.

932 Section 9-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

933 All officers and employees of city agencies shall continue to perform their duties until re-
934 elected or reappointed or until successors to their respective positions are duly appointed or
935 elected or until their duties have been transferred and assumed by another city agency.

936 Section 9-3 TRANSFER OF RECORDS AND PROPERTY.

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

940 Section 9-4 EFFECT ON OBLIGATIONS, TAXES, ETC.

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

945 in this charter and except for conflicting collective bargaining agreements, shall continue without
946 abatement and remain unaffected by this charter. No legal act done by or in favor of the city shall
947 be rendered invalid by reason of the adoption of this charter.

948 Section 9-5 TIME OF TAKING EFFECT.

949 The charter shall take effect immediately upon approval of the voters and in accordance
950 with the following schedule:

951 (i) the full powers vested in city officers and the several city agencies shall be effective
952 immediately following the election at which the charter is adopted; and

953 (ii) the respective number of years of terms for the offices of mayor, municipal council,
954 school committee, planning board and zoning board of appeals as implemented by this charter
955 shall take effect for the terms immediately following and as a result of the city election
956 immediately following the election at which this charter is approved.

957 Section 9-6 ORDINANCE REVIEW COMMITTEE.

958 Not later than the first day of the February after the city election following the election at
959 which this charter was approved, the mayor and municipal council shall provide for a review to
960 be made of the city ordinances for the purpose of preparing any revisions to conform with the
961 charter.

962 (b) The ordinance review shall be made by a special committee to consist of 7 members,
963 which shall include the mayor or mayor's designee, the city solicitor or city solicitor's designee,
964 2 persons to be appointed by the mayor who shall be voters of the city and 3 persons who shall
965 be councilors serving on the committee on ordinances and enrolled bills.

966 (c) The special committee shall file its report with the mayor and the municipal council
967 not later than the last day of December in the year in which the committee is appointed.

968 (d) The recommendations of the special committee shall appear on the municipal council
969 agenda for action before March 15 of the following year and, if not so scheduled, the matter shall
970 come before the municipal council for action at its next meeting held following said March 15.

971 Section 9-7 PERIODIC REVIEW OF CHARTER.

972 In May of every year ending in 5 or 0, the city shall appoint a charter review committee
973 to review the city charter and make a report and recommendations to the mayor and municipal
974 council for changes to it through special legislation passed by the general court but nothing in
975 this section shall prevent the city from enacting or amending a charter under any procedure made
976 available by Article LXXXIX of the Amendments to the Constitution of the commonwealth or
977 any general or special law enacted to implement said Article LXXXIX. The committee shall
978 consist of 7 members, 4 of whom shall be registered voters of the city who shall be appointed by
979 the mayor and 3 of whom shall be registered voters of the city who shall be appointed by the
980 municipal council by a majority vote. The committee shall, after a public hearing, file its report
981 and recommendations with the city clerk and municipal council, not later than May 1 in the year
982 following the year in which the committee was appointed. The recommendations of the
983 committee shall appear on the council agenda before the June 15 of that year and, if not so
984 scheduled by the municipal council, the matter shall come before the municipal council for
985 action at its next meeting held after the said June 15.

986 Section 9-8 FORM OF QUESTION

987 This act shall be submitted for acceptance to the qualified voters of the city of Taunton at
988 the 2022 regular election in the form of the following question which shall be placed on the
989 official ballot to be used at the election:

990 “Shall an act passed by the General Court in the year 2022, entitled ‘An Act Providing
991 for A Revised Charter for the City of Taunton’ be accepted?”.

992 Below the question shall appear a fair and concise summary of the proposed charter
993 amendments (or changes) which shall be prepared by the city solicitor.

994 If a majority of the votes cast in answer to the question is in the affirmative, this act shall
995 thereupon take effect, but not otherwise.

996 Article 10

997 CITIZEN PARTICIPATION MECHANISMS.

998 Section 10-1. CITIZEN INITIATIVE MEASURES

999 (a) Commencement - Initiative procedures shall be commenced by the filing of a
1000 proposed initiative petition with the city clerk. The petition shall be addressed to the municipal
1001 council, shall contain a request for the passage of a particular measure which shall be set forth in
1002 full in the petition and shall be signed by at least 250 registered voters. At least 25 signatures
1003 shall be certified from each ward. The petition shall be accompanied by an affidavit signed by 10
1004 registered voters and containing their residential address and stating that those registered voters
1005 will constitute the petitioners committee and shall be responsible for circulating the petition and
1006 filing it in proper form.

1007 (b) Referral to city solicitor - The city clerk shall, immediately following receipt of a
1008 proposed petition, deliver a copy of the petition to the city solicitor. The city solicitor shall,
1009 within 15 days following receipt of a copy of the petition, advise the municipal council and the
1010 city clerk, in writing, whether the measure as proposed may lawfully be proposed by the
1011 initiative process and whether, in its present form, it may lawfully be adopted by the municipal
1012 council. If the opinion of the city solicitor is that the measure is not in proper form, the reply
1013 shall state the reasons for such opinion, in full. A copy of the opinion of the city solicitor shall be
1014 mailed to the members of the petitioners committee.

1015 (c) Submission to city clerk - If the city solicitor determines that the petition is in proper
1016 form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at
1017 the top of each blank form a fair, concise summary of the proposed measure, as determined by
1018 the city solicitor, together with the names and addresses of the first 10 registered voters who
1019 signed the originating petition. The city clerk shall notify the first 10 registered voters that the
1020 blank forms are issued. Within 30 days following the date of the notice, the petition shall be
1021 returned and filed with the city clerk and signed by at least 10 per cent of the total number of
1022 registered voters as of the date of the most recent regular city election. Signatures to an initiative
1023 petition need not all be on 1 paper but all papers pertaining to any 1 measure shall be fastened
1024 together and shall be filed as a single instrument, with the endorsement on it of the name and
1025 address of the person designated as filing the papers. With each signature on the petition there
1026 shall also appear the street and number of the residence of each signer. Within 10 days following
1027 the filing of the petition, the board of election commissioners shall ascertain the number of
1028 registered voters that signed the petition and what percentage of the total number of registered
1029 voters as of the date of the most recent regular city election have signed the petition. The board

1030 of election commissioners shall attach to the petition a certificate showing the results of its
1031 examination and shall return the petition to the city clerk. A copy of the board of election
1032 commissioners' certificate shall also be mailed to the members of the petitioners committee.

1033 (d) Action on petitions - Within 30 days following the date a petition has been returned to
1034 the city clerk and after publication under subsection (f), the municipal council shall act with
1035 respect to each initiative petition by: (i) passing it without change; (ii) passing a measure which
1036 is stated to be in lieu of the initiative measure; or (iii) rejecting it. The passage of a measure
1037 which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative
1038 measure. If the municipal council fails to act within 30 days following the date the measure is
1039 returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an
1040 initiative measure is rejected, the city clerk shall promptly give notice of that fact to the
1041 petitioners committee by certified mail.

1042 (e) Supplementary petitions - Within 60 days following the date an initiative petition has
1043 been rejected, a supplemental initiative petition may be filed with the city clerk, but only by the
1044 persons constituting the original petitioners committee. The supplemental initiative petition shall
1045 be signed by a number of additional registered voters equal to at least 5 per cent of the total
1046 number of registered voters as of the date of the most recent regular city election. The signatures
1047 on the initial petition filed under subsection (c) and the signatures on the supplemental petition
1048 filed under this subsection, taken together, shall contain the signatures of at least 15 per cent of
1049 the total number of registered voters as of the date of the most recent regular city election. If the
1050 number of signatures to the supplemental petition is found to be sufficient by the city clerk, the
1051 municipal council shall call a special election to be held not less than 35 days but not more than
1052 90 days following the date of the certificate of the city clerk that a sufficient number of

1053 registered voters have signed the supplemental initiative petition and shall submit the proposed
1054 measure, without alteration, to the registered voters for determination; provided, however, that if
1055 a city election is to be held within 120 days following the date of the certificate, the municipal
1056 council may omit calling the special election and cause the question to appear on the election
1057 ballot at the approaching election for determination by the registered voters.

1058 (f) Publication - The full text of an initiative measure which is submitted to the registered
1059 voters shall be published in at least 1 local newspaper not less than 7 day but not more than 14
1060 days preceding the date of the election at which the question is to be voted upon. Additional
1061 copies of the full text shall be available for distribution to the public in the office of the city
1062 clerk.

1063 (g) Form of question – The ballots used when voting on a measure proposed by the
1064 registered voters under this section shall contain a question in substantially the following form:

1065 Shall the following measure which was proposed by an initiative petition take effect?
1066 (Here insert the fair, concise summary of the proposed measure, as determined by the city
1067 solicitor, as referenced in subsection (c)). Yes or No.

1068 (h) Time of Taking Effect - Subject to section 10-4, if a majority of the votes cast in
1069 answer to the question is in the affirmative, the measure shall be deemed to be effective
1070 immediately unless a later date is specified in the measure.

1071 Section 10-2. CITIZEN REFERENDUM PROCEDURES

1072 (a) Petition, effect on final vote - If, within 30 days following the date on which the
1073 municipal council has voted finally to approve any measure, a petition signed by a number of

1074 registered voters equal to at least 15 per cent of the total number of registered voters as of the
1075 date of the most recent regular city election and addressed to the municipal council protesting
1076 against the measure or any part thereof is filed with the city clerk, the effective date of that
1077 measure shall be temporarily suspended. The municipal council shall immediately reconsider its
1078 vote on the measure or part thereof and, if the measure is not rescinded, the municipal council
1079 shall provide for the submission of the question for a determination by the registered voters
1080 either at a special election, which it may call at its convenience, or at the next regular city
1081 election; provided, however, that pending this submission and determination, the effect of the
1082 measure shall continue to be suspended.

1083 (b) Certain initiative provisions to apply - The petition described in this section shall be
1084 termed a referendum petition and section 10-1, as the section relates to the filing and certification
1085 of signatures, shall apply to such referendum petitions, except that the words "measure or part
1086 thereof protested against" shall be deemed to replace the word "measure" and the word
1087 "referendum" shall be deemed to replace the word "initiative". Subject to section 10-4, the
1088 measure or part thereof protested against shall be null and void unless a majority of those voting
1089 on the question shall vote in favor of the measure or part thereof protested against at the election.

1090 Section 10-3. INELIGIBLE MEASURES

1091 None of the following shall be subject to the initiative or the referendum procedures set
1092 forth herein:

1093 (i) proceedings relating to the internal organization or operation of the municipal council
1094 or the school committee;

1095 (ii) an emergency measure adopted under the charter;

- 1096 (iii) the city budget;
- 1097 (iv) an appropriation for the payment of the city's debt or debt service;
- 1098 (v) an appropriation of funds to implement a collective bargaining agreement;
- 1099 (vi) proceedings relating to the election, appointment, removal, discharge, employment,
1100 promotion, transfer, demotion or other personnel action or any other action that is executive
1101 rather than legislative in nature;
- 1102 (vii) any proceedings repealing or rescinding a measure or part thereof which is protested
1103 by referendum procedures;
- 1104 (viii) any proceedings providing for the submission or referral to the registered voters at
1105 an election; and
- 1106 (ix) resolutions, memorial actions, citations, other nonbinding actions and other votes
1107 constituting ordinary, routine matters not suitable as the subject of a referendum petition.

1108 Section 10-4. REQUIRED REGISTERED VOTER PARTICIPATION

1109 For any measure to be effective under the initiative procedure and for any measure to be
1110 declared null and void under the referendum procedure, at least 20 per cent of the registered
1111 voters as of the most recent regular city election shall be required to vote at an election that
1112 includes on the ballot submission of 1 or more initiative or referendum questions to the
1113 registered voters of the city.

1114 Section 10-5. SUBMISSION OF OTHER MATTERS TO REGISTERED VOTERS

1115 The municipal council may on its own motion submit a measure to the registered voters
1116 of the city at any regular city election for adoption or rejection in the same manner and with the
1117 same force and effect as provided for submission by initiative or referendum petitions. The
1118 municipal council may alternatively submit any nonbinding public opinion advisory question.

1119 Section 10-6. CONFLICTING PROVISIONS

1120 If 2 or more measures passed at the same election contain conflicting provisions, only the
1121 1 receiving the greatest number of affirmative votes shall take effect.

1122 SECTION 2. This act shall take effect upon its passage.