

HOUSE No. 3621

By Representative Costello of Newburyport and Senator Baddour, a joint petition (accompanied by bill, House, No. 3621) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and town council) that the city known as the town of Amesbury be authorized to place on the ballot in the current year a certain question relative to the charter of said city. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to the charter of the city known as the town of Amesbury.

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

- 1 Section 1: The following shall be the Charter for the Town of Amesbury:
- 2 City of Amesbury Charter
- 3 PART I Incorporation, Short Title, Powers
- 4 Section 1-1 Incorporation Continued
- 5 The inhabitants of the city of Amesbury, Massachusetts, within its territorial limits as
- 6 now or may hereafter be established by law, shall continue to be a body politic and corporate,
- 7 known as the “City of Amesbury”.
- 8 Section 1-2 Short Title
- 9 This instrument shall be cited and known as the Amesbury Home Rule Charter.
- 10 Section 1-3 Division of Powers
- 11 All legislative powers of the city shall be exercised by a city council. The administration
- 12 of all fiscal, business and municipal affairs shall be vested in the executive branch headed by the
- 13 mayor.
- 14 Section 1-4 Powers of the City

15 The intent and purpose of this charter is to secure for the voters of the City of Amesbury,
16 through the adoption of this charter, all the powers possible to secure for their government under
17 Article LXXXIX of the Amendments to the Constitution of the Commonwealth and the laws of
18 the commonwealth, as fully and as though each such power were specifically and individually
19 enumerated herein.

20 Section 1-5 Form of Government

21 As a city, Amesbury shall have a mayor – council form of government.

22 Section 1-6 Interpretation of Powers

23 The powers of the city under the charter shall be construed and interpreted liberally in
24 favor of the City, and the specific mention of any particular power is not intended to limit in any
25 way the general powers of the city as stated in Section 1-4.

26 Section 1-7 Intergovernmental Relations

27 Notwithstanding any general or special law to the contrary, the city may to the maximum
28 extent lawfully possible participate by contract or otherwise with any governmental entity or
29 political subdivision of the Commonwealth, including the Commonwealth and to the extent
30 feasible, any other states or the United States in the performance of any activity which one or
31 more of such entities has the authority to undertake.

32

33 PART II Chief Executive Officer; Mayor

34 Section 2-1 Office of the Mayor

35 (a) Mayor; Qualifications; Election

36 The chief executive officer of the city shall be a mayor, elected by and from the voters.
37 Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the
38 office and shall not hold any other elective public office.

39 A mayor who shall cease to be a resident of the city during the term for which such
40 mayor was elected shall be deemed to have vacated the office of mayor and the office shall be
41 considered vacant. Any vacancy in the office of mayor shall be filled in accordance with Section
42 2-10.

43 (b) Term of Office

44 The mayor shall be elected for a term of two years beginning on the first city business
45 day in January following the biennial election and until a successor is qualified.

46 (c) Compensation

47 The municipal council shall by ordinance establish an annual salary and expense schedule
48 for the mayor. No ordinance increasing or decreasing such salary and expense schedule shall be
49 effective however, unless it shall have been adopted during the first eighteen months of the term
50 for which councillors are elected and the revised salary and expense schedule is to be effective
51 upon the commencement of the next term of office of the mayor. The mayor shall receive no
52 additional compensation from serving as the chairperson of the school committee as provided by
53 section 4-3.

54 Section 2-2 Executive Powers of the Mayor

55 The mayor shall cause the laws, ordinances and orders for the city government to be
56 enforced, and shall cause a record of all official acts to be kept. The mayor shall execute all
57 lawful contracts on behalf of the city. The mayor may appoint one or more qualified assistants to
58 aid in the performance of the official duties, fix their salaries, and define their duties.

59 Section 2-3 Appointments by the Mayor

60 The mayor shall appoint all city officers, department heads, and members of board,
61 commissions, and committees for whom no other method of appointment or selection is provided
62 by the charter, excepting only officials serving under the city council and school committee and
63 persons appointed by state officials. The mayor shall appoint the head librarian, but only from
64 the candidates recommended by the board of library trustees. Unless otherwise provided by this
65 charter, appointments of all city officers, department heads, and members of board,
66 commissions, and committees shall become effective twenty-one days after submission of a
67 written notice of any appointment to the city clerk, provided however, that the city council may,
68 during such period, by a two-thirds vote of the full city council, reject any such appointment.

69 Section 2-4 Certificate of Appointment

70 In making appointments the mayor shall sign and file with the city clerk a certificate in
71 substantially the following form: I appoint (name of appointee) to the position of (name of
72 office), and I certify that said person is qualified to perform the duties of the said office, and I
73 make this appointment solely in the interest of the City of Amesbury. This appointment shall not
74 become effective until twenty-one days following filing with the city clerk, in accordance with
75 the Amesbury Home Rule Charter. (signed Mayor)

76 Section 2-5 Removal of Officials

77 The mayor may remove any person appointed by the mayor by filing a written statement
78 with the city clerk setting forth in detail the specific reasons therefore. A copy of which shall be
79 delivered or mailed to the person thus removed, who may make a written reply, which, if the
80 person thus removed desires, may be filed with the city clerk. Such reply shall not effect the

81 action taken unless the mayor so determines. This section shall not apply to the school
82 committee, or persons appointed by state officials, nor offices subject to provisions of civil
83 service.

84 Any removal by the mayor shall become effective twenty one days after submission of
85 said written statement of removal to the city clerk, provided however, that the city council may,
86 during such period, by a two-thirds vote of the full city council, reject any such removal and
87 reinstate said person.

88 Section 2-6 Temporary Appointments

89 Whenever a vacancy in an office appointed by the mayor occurs whether by reason of
90 disability, death, resignation or removal from office for any reason, the mayor may appoint some
91 other person to perform the duties of the office for a period not to exceed four months.
92 Whenever a vacancy continues beyond the four months, the mayor may make a second four-
93 month appointment, but no temporary appointment shall be continued beyond eight months.

94 Section 2-7 Communications to the City Council; Special meetings of the City Council

95 (a) Communications to the City Council

96 Within twelve weeks following the start of each fiscal year, the mayor shall submit to the
97 city council, and make available to the public a complete report on the financial and
98 administrative activities of the city for the preceding fiscal year. The mayor shall provide on a
99 quarterly basis written communications, to the city council, in order to keep the council fully
100 informed as to the financial condition and future needs of the city and shall recommend such
101 measures to it, as in the judgment of the mayor, the needs of the city require.

102 (b) Call for Special Meetings of the City Council

103 The mayor may at any time, call a special meeting of the city council by causing a notice
104 of such meeting specifying the matters which the mayor desires to be considered to be left at the
105 usual place of residence or business of each council person, or given to such councillors in hand.
106 Such notice shall, except in an emergency of which the mayor shall be the sole judge, be
107 delivered at least forty-eight hours in advance of the time set for such meeting and shall specify
108 the purpose or purposes for which the meeting is to be held.

109 Section 2-8 Approval of Veto by the Mayor

110 Every measure relative to the affairs of the city adopted by the city council, except:

111 (a) measures relating to the internal affairs of the city council

112 (b) memorial or other resolutions

113 (c) emergency measures passed in accordance with provisions of this charter

114 (d) the budget for the operation of city government

115 shall be presented to the mayor for approval. If the mayor approves the measure as
116 demonstrated by his or her signature, the measure shall be considered approved. Further, if the
117 mayor does not return any measure within ten days following the day it is presented to the
118 mayor, such measure shall be considered approved.

119 The mayor shall signify disapproval of a measure by returning it to the city council with a
120 written statement of the objection(s). The city council shall enter the objection(s) of the mayor in
121 its records and shall forthwith reconsider its vote. Any measure shall be considered returned
122 upon a filing by the mayor with the clerk of the council. If, on such reconsideration, two-thirds of
123 the full city council membership votes to pass the measure, it shall be considered approved. Any
124 vote taken by the city council following the return of a measure by the mayor shall be taken by a
125 call of the roll.

126 If, upon the return of the mayor's disapproval of a measure, the city council does not vote
127 on such measure within twenty-one (21) days following the date of the return of the measure to
128 the council, the measure shall be considered rejected.

129 Section 2-9 Temporary Absence of the Mayor

130 Whenever by reason of sickness, absence from the city or other cause, the mayor shall be
131 unable to attend to the duties of the office of mayor, for any period of seven successive days, the
132 president of the city council, or in the event the council president is unwilling or unable to serve,
133 then the vice-president of the city council shall act as mayor, possessing the powers of the mayor
134 but only on those matters not admitting to delay. During any period in which the president or
135 vice-president of the city council is serving as acting mayor, such person shall not serve as the
136 presiding officer of the city council.

137 Section 2-10 Vacancy in the Office of Mayor

138 If a vacancy occurs in the office of mayor, by death, resignation or removal from office
139 prior to the last twelve months of the term to which the mayor was elected, the city council shall
140 schedule a special election pursuant to provisions of this charter. The city council president shall
141 serve as acting mayor until such election. Should the council president be unwilling or unable to
142 serve, the council shall elect from among its members one member to serve as mayor until the
143 next scheduled municipal election.

144 Should the vacancy occur during the last twelve months of the term, the city council
145 president shall assume the office of mayor until the next scheduled municipal election. Should
146 the council president be unwilling or unable to serve, the council shall elect by majority vote
147 from among its members one member to serve as mayor until the next scheduled municipal

148 election. Upon qualification of the president or the election and qualification of any member of
149 the city council as acting mayor under the provisions of this section, a vacancy shall exist in the
150 seat of the councillor selected as acting mayor.

151 PART III Legislative Branch

152 Section 3-1 Composition; Eligibility; Election and Term

153 (a) Composition

154 There shall be a city council composed of nine members that shall exercise the legislative
155 powers of the city. Three members, to be known as councillors-at-large, shall be nominated and
156 elected by and from the voters at large. Six members, to be known as district councillors, shall
157 be nominated and elected by and from the voters of each district, one such district councillor to
158 be elected from each of the six council districts into which the city is divided in accordance with
159 Section 7-5.

160 (b) Eligibility

161 Any voter shall be eligible to hold the office of councillor-at-large. A district councillor
162 shall at the time of election be a voter and resident of the district from which the councillor is
163 elected.

164 A councillor-at-large who shall cease to be a resident of the city during the term for
165 which such councillor was elected shall be deemed to have vacated the office of councillor-at-
166 large and the office shall be considered vacant. A district councillor moves from one district to
167 another within the first twelve months of the term of office for which such councillor was
168 elected, the office shall be considered vacant. Any district councillor who continues to reside in
169 the city but who moves from the district he or she represents during the last twelve months of his
170 or her term of office shall continue to serve for the balance of the term for which the district
171 councillor was elected. Any vacancy in the office of councillor-at-large or district councillor
172 shall be filled in accordance with Section 3-4.

173 (c) Election and Term

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

177 Section 3-2 Council Organization

178 After the councillors-elect have taken the oath of office, the city council shall be called
179 together by the city clerk for the purpose of conducting an election among council members for
180 the office of city council president and vice-president to serve at the discretion of the city
181 council. The president shall preside at all meetings of the city council, perform ceremonial

182 functions and perform such other functions as may be assigned by this charter, by ordinance or
183 by vote of the city council. The vice-president shall perform all duties of the council president
184 during the council president's absence or disability.

185 Section 3-3 General Powers and Duties

186 Except as otherwise provided by general law or by this charter, all powers of the city
187 shall be vested in the city council, which shall provide for their exercise and for the performance
188 of all duties and obligations imposed upon the city by law. The council shall provide for their
189 exercise and for the performance of all duties and obligations imposed on the city by law.

190 Section 3-4 Filling of Vacancies

191 If a vacancy occurs in the office of city councillor, whether by failure to elect or
192 otherwise, the vacancy shall be filled by the unelected candidate receiving the highest votes in
193 the same election, if any, provided that candidate received at least thirty percent of the vote for
194 that office. Said candidate shall be notified by the city clerk of the vacancy, and if the candidate
195 declines to be sworn to office within ten days, has moved from the city, or is otherwise unable to
196 serve, the council shall choose a successor to fill the vacancy from among the voters entitled to
197 vote for such office. Any person so chosen shall take the oath of office and commence to serve
198 forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is
199 to be held within 120 days following the date the vacancy is declared to exist. The city council
200 shall be the sole judge of whether a vacancy shall exist in the office of city councillor and may
201 declare an office vacant by a majority vote of the council.

202 Section 3-5 Exercise of Powers; Quorum; Rules of Procedure

203 (a) Exercise of Powers

204 Except as otherwise provided by the laws of the Commonwealth or this charter, the
205 legislative powers of the city council may be exercised in a manner determined by it.

206 (b) Quorum

207 A quorum shall be a majority of the full membership of the city council. The affirmative
208 vote of a majority of the full membership of the city council shall be necessary to adopt any
209 appropriation order. Except as otherwise provided by the laws of the Commonwealth or this
210 charter, any other motion or measure may be adopted by a majority vote of those city councillors
211 present.

212 (c) Rules of Procedure

213 The city council shall within the first four months of taking office and from time to time
214 thereafter establish and adopt written rules for its procedures and make public those proposed
215 rules thirty days before adoption. Prior to adoption of proposed rules, the city council shall

216 operate under the previously adopted rules. Regular meetings of the city council shall be held at
217 a time and place fixed by ordinance but shall be not less frequent than once monthly. However,
218 the council president may suspend meetings during the month of July or August. Special
219 meetings of the city council may be held on the call of the mayor, the council president, or on the
220 call of any three members, by written notice delivered to the city clerk at least forty-eight hours
221 in advance of the time set. Except as otherwise authorized by the laws of the Commonwealth all
222 sessions of the city council shall be open to the public and an agenda of any regular or special
223 city council meeting shall be posted in the office of the city clerk and on the city bulletin board at
224 least forty-eight hours prior to any such meeting. Such posting shall not preclude the city council
225 from the introduction of additional agenda items as allowed by the city council's rules of
226 procedure. Every matter coming before the city council for action shall be put to a vote, the
227 result of which shall be duly recorded. All city council votes on ordinances, appropriation
228 orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full,
229 accurate, and up-to-date record of the proceedings of the city council shall be kept by the clerk of
230 the city council and shall be open to inspection by the public as required by law. The rules of
231 procedure of the city council shall provide for a period of public comment at regularly scheduled
232 meetings of the city council. Any members of the city council or the mayor may submit an item
233 or measure to the city council for consideration.

234 Section 3-6 City Clerk and Council Staff

235 The city council shall appoint a city clerk who shall also be the clerk to the city council,
236 and may employ such staff and retain such assistance as it necessary to conduct the business of
237 the city council. The city council shall set the compensation of such staff.

238

239 Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures

240 (a) In General

241 No measure shall be passed finally on the date on which it is introduced, except in cases
242 of special emergency involving the health or safety of the people or their property or other
243 matters not admitting of delay. Except as otherwise provided by this charter, every adopted
244 measure shall become effective at the expiration of fifteen days after adoption or at any later date
245 specified therein. Measures not subject to referendum shall become effective upon adoption. No
246 ordinance shall be amended or repealed except by another ordinance adopted in accordance with
247 this charter, or as provided in the initiative and referendum procedures.

248 (b) Emergency Measures

249 An emergency measure shall be introduced in the form and manner prescribed for
250 measures generally except that it shall be plainly designated as an emergency measure and shall

251 contain statements after the enacting clause declaring that an emergency exists and describing its
252 scope and nature in clear and specific terms. A preamble that declares and defines the
253 emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the
254 city council. An emergency measure may be passed with or without amendment or rejected at the
255 meeting at which it is introduced. No measure making a grant, renewal or extension, whatever
256 its kind or nature, or a franchise or special privilege shall be passed as an emergency measure
257 and except as provided by the laws of the Commonwealth, no such grant, renewal or extension
258 shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be
259 published as prescribed for other adopted measures. An emergency measure shall become
260 effective upon adoption or at such late time as it may specify.

261 (c) Objection

262 On the first occasion that the question on adoption of a measure is put to the city council,
263 if a single member objects to the taking of the vote, the vote shall be postponed until the next
264 meeting of the city council whether regular or special. If more than one member shall object,
265 such postponement shall be until the next regular meeting. For an emergency measure to be
266 postponed at least three members must object, in which case such postponement shall be until the
267 next regular meeting. This procedure shall not be used more than once for any measure
268 notwithstanding any amendment to the original measure.

269 (d) Publication of Measures

270 Upon final passage, notice of the subject matter of every ordinance, appropriation order,
271 or loan authorization shall be published in at least one newspaper of general circulation within
272 the city and posted on the city bulletin board. Any such publication notice required shall state
273 the title of the finally enacted ordinance or ordinances, appropriation order, or loan
274 authorizations, and the times and places at which copies of such measures may be obtained or
275 reviewed by the public. Copies shall be permanently filed at the public library and with the city
276 clerk. The city council shall annually prepare a document describing the action of the council in
277 the preceding fiscal year, which shall include the text of every ordinance, appropriation order, or
278 loan authorization, which will also be filed at the public library and with the city clerk.

279 Section 3-8 Inquiries and Investigations

280 The city council may require the mayor, any city officer or employee or member of an
281 appointed board, commission or committee to appear before it or a subcommittee of the city
282 council, and give such information as the city council may require in relation to the office or
283 position held by or administered by such person, its function and performance. The city council
284 shall give at least five days written notice of the scope of the inquiry, which is to be made to any
285 person the city council, shall be require to appear before the city council or its subcommittee
286 under this section.

287 The city council may make investigations into the affairs of the city and into the conduct
288 of any city agency. For this purpose the city council may subpoena witnesses, administer oaths
289 and require the mayor, any city officer or employee or a member of an appointed board,
290 commission or committee to appear before the city council or its subcommittee and produce such
291 evidence as requested by the city council.

292 Section 3-9 Delegation of Licensing Powers

293 The city council may delegate to one or more city boards, committees, commissions or
294 departments, the powers vested in the city council by the laws of the commonwealth to grant and
295 issue licenses and permits, and may regulate the granting and issuing of licenses and permits by
296 any such city board, committee, commission, or department and may at its discretion, rescind
297 any such delegation without prejudice to any prior action which has been taken.

298 Section 3-10 Prohibitions

299 No councillor shall, while a member of the city council, hold any other office, including
300 membership on a board, commission or committee, or position under the city. No former
301 councillor shall hold any compensated appointive office or employment under the city until one
302 year after the expiration of his service on the city council. This provision shall not prevent a city
303 officer or employee who has taken a leave of absence from such duties in order to serve as a
304 member of the city council from returning to such office or employment following service as a
305 member of the city council.

306 Section 3-11 Compensation; Expenses

307 The city council shall by ordinance, establish an annual expense allowance and salary for
308 its members. Except as provided by this section, members of the city council shall receive no
309 other compensation or benefits from the city.

310 No ordinance increasing such salary or expense allowance shall be effective unless it
311 shall have been adopted by a two-thirds vote of the full city council membership during the first
312 eighteen months of the term for which councillors are elected and the revised salary and expense
313 schedule is to be effective upon the commencement of the terms of office of the next city council
314 to be elected.

315 Section 3-12 Involvement in Administrative Affairs

316 Except as may be otherwise authorized by this charter, no member of the city council, nor
317 any committee of the city council shall directly take part in the conduct of the administrative
318 business of the city.

319

320 PART IV Other Elected Officials

321 Section 4-1 Elected Officers in General

322 In addition to the mayor and city council, the offices to be filled by the voters shall be a
323 school committee, a planning board, a board of library trustees, housing authority and such other
324 regional authorities, districts, or committees as may be established by law or inter-local
325 agreement. The members of the school committee, planning board, board of library trustees, and
326 housing authority shall be nominated and elected by and from the voters at large and their terms
327 of office shall begin on the first business day of January following their election, and continuing
328 until their successors are qualified.

329 Section 4-2 Eligibility

330 Any voter shall be eligible to hold elective city office provided that no person shall
331 simultaneously hold more than one elective city office, and no elected officer shall hold an
332 appointed city position or office or be otherwise employed by the city unless otherwise provided
333 for by this charter.

334 Section 4-3 School Committee

335 (a) Composition; Term of Office

336 There shall be a school committee composed of seven members; six members shall be
337 nominated and elected by and from the voters at large. The mayor shall be the seventh member
338 of the school committee and shall be the chairperson of the committee. The term of office of six
339 school committee members elected to the school committee shall be for four years. Terms of
340 office shall be so arranged that the terms of nearly an equal number of members as is possible
341 expire at each regular election.

342 (b) Powers and Duties

343 The school committee shall have general charge of the public schools of the city. The
344 school committee shall have the power to select and to terminate a superintendent of schools,
345 establish educational goals and policies for the schools consistent with the requirements of the
346 laws of the commonwealth and standards established by the commonwealth. The school
347 committee shall have all the powers and duties given to school committees by the laws of the
348 commonwealth.

349 Section 4-4 Planning Board

350 (a) Composition; Term of Office

351 There shall be a planning board consisting of seven members elected for four-year terms.
352 Terms of office shall be so arranged that the terms of as nearly an equal number of members as is
353 possible expire at each regular election.

354 (b) Powers and Duties

355 The planning board shall make studies and prepare plans concerning the resources,
356 possibilities and needs of the city. The planning board shall have the power to regulate the
357 subdivision of land within the city by the adoption of rules and regulations governing such
358 development. The planning board shall annually report to the city giving information regarding
359 the condition of the city and any plans or proposals known to it affecting the resources,
360 possibilities and needs of the city. The planning board shall have all of the powers and duties
361 given to planning boards under the constitution and general laws of the commonwealth, and such
362 additional powers and duties as may be authorized by the charter, by ordinance or by other city
363 council vote.

364

365 Section 4-5 Board of Library Trustees

366 (a) Composition; Term of Office

367 There shall be a board of library trustees consisting of nine members elected for terms of
368 four years. Terms of office shall be so arranged that the terms of as nearly an equal number of
369 members as is possible expire at each regular election.

370 (b) Power and Duties

371 The board of library trustees shall recommend candidates for the position of library
372 director. The board of library trustees shall have all of the powers and duties given to board of
373 library trustees under the state's constitution and laws of the Commonwealth, and such additional
374 powers and duties as may be authorized by the charter, by ordinance or by administrative order.

375 Section 4-6 Housing Authority

376 (a) Composition; Term of Office

377 There shall be a housing authority composed of five members; four members shall be
378 nominated and elected by and from the voters at large; the fifth member shall be appointed in
379 accordance with the laws of the commonwealth. The term of office of four members elected by
380 the voters shall be for four years. Terms of office shall be so arranged that term of office of two
381 members shall expire at each regular election.

382 (b) Powers and Duties

383 The housing authority shall make studies of the housing needs of the city and shall
384 provide programs for housing. The housing authority shall have all of the powers and duties
385 given to housing authorities under the laws of the commonwealth.

386 Section 4-7 Vacancies in Elected Offices Other Than Mayor and City Council

387 If a vacancy occurs in the membership of the school committee, planning board, board of
388 library trustees, or housing authority, whether by failure to elect or otherwise, the remaining
389 members of said board or committee shall notify the president of the city council who will
390 declare such vacancy to exist. The council president shall, within thirty days following the date
391 such vacancy is declared to exist, call a joint meeting of the city council and the remaining
392 members of the board or committee on which such vacancy exists for the purpose of filling said
393 vacancy. At any such joint meeting a majority of those present and voting shall choose the
394 unelected candidate who received the highest number of votes, if any, at the last regular city
395 election immediately preceding the date of the vacancy for the seat declared vacant, provided
396 however, that the unelected candidate shall have received at least thirty (30) percent of the total
397 votes cast for that office. Should more than one unelected candidate meet the criterion as
398 described above, the vote of the affected board of committee and the council shall include all
399 such candidates.

400 If there is no eligible candidate for said office, or the said candidate declines to be sworn
401 to office within ten days, or has removed from the city, or is otherwise unable to serve, the city
402 council and such other board or committee will choose from among the voters entitled to vote for
403 such office. Said vacancy shall be posted for a minimum of thirty days, and the council and the
404 affected board shall meet at a special council meeting called for the purpose or at a regularly
405 scheduled council meeting where such candidates will be granted equal time to speak. At the
406 same meeting, or the next following meeting, the council and the affected board shall vote to fill
407 the vacancy from among the announced candidates. The council and the affected board or
408 committee shall act in this matter as a committee of the whole, requiring a majority vote of the
409 full council membership and remaining members of the affected board or committee, to choose a
410 candidate to fill the vacancy.

411 Any person so chosen shall take the oath of office and commence to serve forthwith. No
412 vacancy shall be filled, in the manner herein provided, if a regular city election is to be held
413 within 120 days following the date the vacancy is declared to exist. If a vacancy is filled under
414 this section, the term of office of which shall continues beyond the next regular election, the
415 person chosen to fill said vacancy shall only serve until such next regular election. At such
416 regular election the voters shall fill the unexpired balance of the term of office.

417 Should the remaining members of the school committee, planning board, board of library
418 trustees, or housing authority fail to declare a vacancy, the city council shall be the sole judge of
419 whether a vacancy exists in the office of any elected office under this section and may declare
420 any such elected office vacant by a majority vote of the council.

421 Section 4-8 Prohibitions

422 No elected member of the school committee, board of library trustees, planning board or
423 housing authority shall hold any compensated appointive office or employment under the city
424 until one year after the expiration of the term of office of such elected member. This provision
425 shall not prevent a city officer or employee who has been granted a leave of absence, by their
426 appointing authority, from such duties in order to serve as a member of such elected office from
427 returning to such employment or office following service as an elected member of the school
428 committee, board of library trustees, planning board or housing authority.

429

430 PART V Financial Procedures

431 Section 5-1 Budget Policy

432 The mayor after consultation with the members of the city council, school committee,
433 and others deemed appropriate by the mayor, shall call a meeting of the city council prior to the
434 commencement of the budget process to review the financial condition of the city, revenue and
435 expenditure forecasts and other relevant information. The purpose of the meeting is to provide
436 information on the financial condition of the city. The mayor shall be assisted by the chief
437 financial officer established under Section 6-3 of this charter, in performing this responsibility.

438 Section 5-2 Submission of Operating Budget; Budget Message

439 In accordance with the laws of the Commonwealth before the commencement of the
440 ensuing fiscal year, the mayor shall submit to the city council a proposed operating budget for all
441 city agencies with an accompanying budget message and supporting documents. The mayor shall
442 outline the proposed fiscal policies of the city; describe important features of the proposed
443 operating budget and indicate any major variations from the current budget, fiscal policies,
444 expenditures and revenues together with reasons for such change. The proposed operating
445 budget shall provide a complete fiscal plan of all city funds and activities and shall be submitted
446 in the form the mayor deems desirable.

447 The operating budget as adopted by the school committee shall be submitted to the mayor
448 at least thirty days prior to the submission of the proposed operating budget to the city council.
449 The mayor shall notify the school committee of the date by which the operating budget of the
450 school committee shall be submitted to the mayor. The chief financial officer shall coordinate
451 the preparation of the budget with the superintendent of schools and the school committee's
452 budget process in accordance with the laws of the Commonwealth.

453 Section 5-3 Action of the Budget

454 (a) Public Hearing

455 The city council shall publish, in at least one newspaper of general circulation in the city,
456 a notice of the recommended operating budget as submitted by the mayor. The notice shall state:
457 (1) the times and places where copies of the recommended operating budget are available for
458 inspection by the public, and (2) the date, time and place not less than fifteen days after such
459 publication, when a public hearing on said proposed operating budget will be held by the city
460 council.

461 (b) Adoption of the Budget

462 The city council shall adopt the operating budget, with or without amendments, within
463 forty-five days following the date the budget is filed with the clerk of the council. In amending
464 the operating budget, the city council may delete or decrease any amounts except expenditures
465 required by law. Except upon the recommendation of the mayor, the city council shall not
466 increase any item in or the total of the proposed operating budget, unless otherwise allowed by
467 the laws of the Commonwealth.

468 If the city council fails to take action with respect to any item in the operating budget
469 within forty-five days after its receipt, such amount shall, without any action by the city council
470 become a part of the appropriations for the next fiscal year, and be available for the purposes
471 specified.

472 Section 5-4 Financial Planning

473 (a) Financial Planning Practices

474 The chief financial officer established in accordance with Section 6-3, shall assist the
475 mayor in financial planning and shall annually prepare a capital improvements program and a
476 financial forecast. The capital improvements program and a financial forecast shall be prepared
477 under the direction of the mayor, and shall be submitted to the city council and shall be available
478 to the public for inspection.

479 (b) Capital Improvements Program

480 The chief financial officer shall annually prepare and submit a capital improvement
481 program to the city council at least ninety days prior to the date for submission of the operating
482 budget, unless some other time is provided by ordinance. The capital improvement program
483 shall include: an itemization of all capital improvements proposed to be undertaken for at least
484 five fiscal years: supporting date; cost estimates; method of financing; estimated effect of such
485 plan on the tax rate; and other features as deemed necessary by the mayor or requested by the
486 city council.

487 (c) Financial Forecast

488 The chief financial officer shall annually prepare a long-term financial forecast of city
489 revenue, expenditures and the general financial condition of the city. The forecast shall include,
490 but not be limited to, an identification of factors which will impact on the financial condition of
491 the city, revenue and expenditure trends; potential resources of new or expanded revenues and
492 any long or short term actions which may be taken that will enhance the financial conditions of
493 the city.

494 Section 5-5 Annual Audit

495 The city council shall provide for an annual audit of the books and accounts of the city
496 and the school department to be made by a certified public accountant, or firm of certified public
497 accounts who shall have no personal interest, direct or indirect, in the fiscal affairs of the city
498 government. The city council shall publish in at least one newspaper of general circulation in the
499 city a notice stating the availability of the final audit report for public inspection.

500 Section 5-6 Public Access to Financial Documents

501 Copies of the annual budget, capital improvements program, financial forecast, and the
502 annual audit shall be available for public inspection and copies of such documents shall be filed
503 in the office of the city clerk and the library.

504

505 PART VI ADMINISTRATION OF TOWN GOVERNMENT

506 Section 6-1 Administrative Organization

507 (a) Organization of City Agencies

508 The organization of city government into operating agencies for the provision of services
509 and the administration of government may, be accomplished through either of two methods
510 provided for in Section 6-1 (a) (1) and (2). Subject only to the express prohibitions of the laws
511 of the Commonwealth or the provisions of this charter the city may organize operating agencies
512 as deemed in the best interest of the city.

513 (1) Organization by Ordinance

514 The city council may by ordinance reorganize passed by two-thirds of the full city
515 council membership reorganize, consolidate, create, merge, divide or abolish any city department
516 or agency, in whole or in part, establish such new city agencies as deemed necessary or
517 advisable, and prescribe the functions and the administrative procedures to be followed by all
518 such agencies.

519 (2) Executive Reorganization Plans

520 The mayor may by administrative order reorganize, consolidate, create, merge, divide or
521 abolish any city division, department or agency, in whole or in part, establish such new city
522 agencies as the mayor deems necessary or advisable, and prescribe the functions and the
523 administrative procedures to be followed by all such divisions, departments or agencies.

524 Administrative orders made by the mayor shall become effective on the thirtieth day
525 following the day on which notice of the proposed administrative order is filed with the city
526 council, unless the city council shall within such period by two-thirds of the full city council
527 membership vote to reject such administrative order or has sooner voted to affirm it.

528 (b) Publication of Administrative Orders

529 For the convenience of the public, copies of reorganization plans adopted under this
530 section shall be filed in the office of city clerk and shall be printed as an appendix to the
531 ordinances of the city. However, failure to print and publish such reorganization plans shall not
532 invalidate the same.

533 Section 6-2 Management of Human Resources

534 The mayor shall adopt rules and regulations establishing a human resources system. The
535 human resources system shall make use of current concepts of human resources management and
536 may include, but not be limited to, the following elements: a method of administration; human
537 resources policies indicating the rights, obligations and benefits of employees; a classification
538 plan; a compensation schedule; a method of recruiting and selecting employees based upon merit
539 principles; a centralized record keeping system; a performance appraisal system; disciplinary
540 procedures; and other elements that are determined necessary.

541 Unless otherwise provided by this charter, all city agencies and positions shall be subject
542 to the rules and regulations adopted under this section excluding those of the school department.
543 Rules and regulations adopted by the mayor shall become effective on the twenty first day
544 following the day on which notice of the rules and regulations are filed with the city council,
545 unless the city council shall within such period by a two-thirds vote of the full city council vote
546 to reject such rules and regulations.

547

548 Section 6-3 Department of Administration and Finance

549 (a) Department Established

550 There shall be a department of administration and finance under the direction of a chief
551 financial officer. The chief financial officer shall be appointed by and responsible to the mayor.
552 The chief financial officer shall be a person especially qualified by education, experience and

553 training to perform the duties of the office. The mayor may from time to time establish such
554 additional qualifications as deemed necessary and appropriate.

555 (b) Responsibilities of the Chief Financial Officer

556 The chief financial officer shall be responsible for the coordination of all financial
557 services and activities; maintenance of all accounting records and other financial statements;
558 payment of all obligations; receipt of all funds due; assistance to all other city agencies in any
559 matter related to financial affairs; monitoring of expenditures of all funds; including periodic
560 reporting to appropriate agencies on the status of accounts; maintaining a full and complete
561 inventory of city real and personal property; acting as the chief procurement officer; supervision
562 of all data processing or information management functions, unless otherwise provided, and any
563 other matter relating to municipal finances as may be determined necessary or desirable. The
564 chief financial officer shall assist the mayor with the preparation of an annual operating budget,
565 financial forecasts, capital improvement program and other financial documents. The chief
566 financial officer shall also keep the mayor fully informed as to the financial condition of the city
567 and make recommendations as deemed necessary and perform such other duties as necessary or
568 as may be assigned.

569 The chief financial officer shall supervise the offices and functions of the auditing;
570 treasury, and collecting. The chief financial officer shall also direct and supervise the daily
571 operations of the assessing department, provided however, that the board of assessors shall
572 continue to have the other powers, duties and responsibilities which are given to boards of
573 assessors under the laws of the Commonwealth. The chief financial officer may serve as the
574 auditor or the treasurer/collector but may not serve as both.

575 The department of administration and finance may be subject to reorganization in
576 accordance with Section 6-1 of this charter.

577 Section 6-4 Liquor Licensing Commission

578 There shall be a liquor licensing commission established in accordance with the laws of
579 the Commonwealth.

580

581 PART VII Nominations and Elections

582 Section 7-1 City Elections; General and Preliminary

583 The regular city election shall be held on the first Tuesday following the first Monday in
584 November of each odd numbered year.

585 On the seventh Tuesday preceding every regular city election, there shall be held a
586 preliminary election for the purpose of nominating candidates, if necessary, to assure that no

587 more than twice the number of candidates for the available offices appear on the regular
588 municipal election ballot.

589 Section 7-2 Preliminary Elections

590 (a) Signature Requirements

591 The number of signatures of voters required to place the name of a candidate on the
592 official ballot to be used at a preliminary election shall be as follows: for the office of mayor the
593 signature requirement shall be not less than 50; for the office of councillor-at-large the signature
594 requirement shall be not less than 50; for the office of district councillor the signature
595 requirement shall be not less than 25 signatures from said district; and for the offices of school
596 committee member, planning board member, member of the board of library trustees and
597 housing authority member, the signature requirement shall be not less than 50 signatures.

598 (b) Ballot Position

599 The order in which names of candidates appear on the ballot for each office shall be
600 determined by a drawing by lot conducted by the city clerk in the presence of such candidates or
601 their representatives as may choose to attend such drawings. The city clerk shall provide notice
602 to candidates of their ballot position.

603 (c) Determination of Candidates for Election

604 The two persons receiving at a preliminary election the highest number of votes for
605 nomination for an office shall be the sole candidates for that office whose names may be printed
606 on the official ballot to be used at the regular election at which such office is to be filled, and no
607 acceptance of a nomination at a preliminary election shall be necessary to assure its validity.

608 If two or more persons are to be elected to the same office at such regular election, the
609 several persons in number equal to twice the number to be so elected receiving at such
610 preliminary election the highest number of votes for nomination for that office shall be the sole
611 candidates for that office whose names may be printed on the official ballot.

612 If the preliminary election results in a tie vote among candidates for nomination receiving
613 the lowest number of votes, which but for said tie vote would entitle a candidate receiving the
614 same to have such candidate's name printed upon the official ballot for the election, all
615 candidates participating in said tie vote shall have their names printed upon the official ballot,
616 although in consequence thereof, there be printed on such ballots the names of the candidates
617 exceeding twice the number to be elected.

618 (d) Nomination of Candidates

619 If at the expiration of the time for filing petitions of candidates to be voted for at any
620 preliminary election, not more than twice as many such petitions have been filed with the city

621 clerk for an office as are to be elected to such office, the candidates whose petitions have thus
622 been filed shall be deemed to have been nominated to said office and their names shall be voted
623 on for such office at the succeeding regular election, and the city clerk shall not print said names
624 upon the ballot to be used at said preliminary election and no other nomination to said office
625 shall be made.

626 Section 7-3 Regular Election

627 (a) Information to Voters

628 For any candidate in a regular city election who is an elected incumbent of the office that
629 is sought, next to the candidate's name shall appear the phrase "candidate for re-election".

630 (b) Ballot Position

631 The order in which names of candidates appear on the ballot for each office in a regular
632 city election shall be determined by a drawing by lot conducted by the city clerk in the presence
633 of such candidates or their representatives as may choose to attend.

634 Section 7-4 Districts

635 The territory of the city shall be divided into six districts so established as to consist of as
636 nearly equal a number of inhabitants as it is possible in compact and contiguous territory;
637 bounded insofar as possible by the center line known streets or ways or by other well-defined
638 limits. Each district shall be composed of voting precincts established in accordance with the
639 laws of the commonwealth.

640 Section 7-5 Applications of State Laws

641 Except as expressly provided in this charter and authorized by laws of the
642 Commonwealth, all municipal elections shall be governed by the laws of the Commonwealth
643 relating to the right to vote, the registration of voters, the nomination of candidates, the conduct
644 of preliminary and regular and special elections, the submission of charter amendments and other
645 propositions, the counting of votes and the declaration of results.

646

647 PART VIII Citizen Participation Mechanisms

648 Section 8-1 Free Petition

649 The city council or the school committee shall hold a public hearing and act with respect
650 to every petition which is addressed to it, which is signed by one hundred and fifty voters or
651 more, and which seeks the passage of a measure. The hearing shall be held by the city council or
652 the school committee, or, in either case, by a committee or subcommittee thereof, and the action

653 by the city council or the school committee shall be taken not later than six weeks after the
654 petition is filed with the clerk of the council or the secretary of the school committee, as may be
655 appropriate. Hearings on two or more petitions filed under this section may be held at the same
656 time and place. The clerk of the council or the secretary of the school committee shall mail
657 notice of the hearing to the ten persons whose names appear first on the petition at least seven
658 days prior to the hearing. Notice, by publication, of all such hearings shall be at public expense.

659 Section 8-2 Citizen Initiative Measures

660 (a) Commencement of Proceedings

661 Initiative procedures shall be started by the filing of an initiative petition with the city
662 clerk. The petition shall be addressed to the city council or the school committee, shall contain a
663 request for passage of a particular measure set forth in the petition and shall be signed by not less
664 than twenty percent of the total number of voters.

665 Signatures to initiative petitions need not be all on one paper. All such papers pertaining
666 to any one measure shall be fastened together and shall be filed in the office of the city clerk as
667 one instrument, with the endorsement thereon of the names and addresses of the persons
668 designated as filing the same. With each signature to the petition, shall be stated the place of
669 residence of the signer, giving the street and number, if any.

670 Within ten days of the filing of said petition, the registrars of voters shall ascertain by
671 what number of votes the petition is signed, and shall attach thereto their certificate showing the
672 result of such examinations.

673 The city clerk shall forthwith transmit the said certificate with the said petition to the city
674 council or to the school committee, as appropriate, and at the same time shall send a copy of said
675 certificate to the persons designated on the petition as filing the same.

676 When such certificate has been so transmitted, said petition shall be deemed to be valid
677 unless written objections are made with regard to the signatures thereon by a voter within forty-
678 eight hours after such certification by filing such objections with the city council or the school
679 committee, and a copy thereof with the registrars of voters. The validity of any objection to the
680 certification shall be determined in accordance with the laws of the Commonwealth.

681 (b) Referral to City Attorney

682 If the city clerk determines that a sufficient number of signers are voters, the city clerk
683 shall submit a copy of the petition to the city attorney.

684 Within fifteen days after receipt by the city attorney of the petition the city attorney shall
685 advise the city clerk in writing whether the measure may be proposed by initiative procedures
686 and whether it may be lawfully passed by the city council or the school committee. If the

687 opinion of the city attorney is that the measure may not lawfully be passed, the city attorney shall
688 state the reason or reasons therefore in said reply. The city clerk shall forthwith furnish a copy of
689 the city attorney's opinion to the person designated on the petition as filing the same.

690 (c) Initiative petition: Requirements for passage and submission to electorate

691 If any initiative petition is signed by voters equal in number to at least twenty percent of
692 the total number of voters, and in the opinion of the city attorney, such measure may be lawfully
693 passed by the city council or school committee within thirty days after the date of the certificate
694 of the registrars to that effect: (1) may pass said measure without alteration, subject to the
695 referendum vote provided in this charter; or (2) the city council shall call a special election to be
696 held on a date fixed by it not less than sixty days but not later than ninety days after the date of
697 the certificate herein before mentioned, and shall submit the proposed measure without alteration
698 to a vote of the voters at that election; provided that if any city election is otherwise to occur
699 within one hundred twenty days after the date of said certificate, the city council may, at its
700 discretion, omit the call of a special election and submit the proposed measure to the voters at
701 such approaching election.

702 (d) Ballot Question

703 The ballots used when voting upon a proposed measure under this section shall state the
704 nature of the measure in terms sufficient to show the substance thereof by preparation of a fair,
705 concise summary by the city attorney and approved by the registrars of voters.

706 The full text of the measure shall be published in a least one local newspaper at least
707 seven days before the election at which the question shall appear on the ballot. The full text of
708 the proposed measure shall also be made available at city hall and the public library for a
709 minimum of fourteen days prior to the election and at polling places on the day of the election.
710 The ballot used when voting upon a proposed measure under this section shall contain the
711 question in substantially the following form:

712 Shall the following measure that was proposed by an initiative petition take effect?

713 (text of measure summary) Yes _____ No _____

714 If a majority of the votes cast on the question is in the affirmative the measure shall be
715 deemed to be effective forthwith, unless a later date is specified in the measure.

716 Section 8-3 Citizen Referendum Procedures – Referendum Petition; Effect on Final
717 Passage

718 If within ten days after the final passage of any measure a petition signed by voters equal
719 in number to at least five per cent of the total number of voters, and addressed to the city council
720 or to the school committee, as the case may be, protesting against such measure or any part

721 thereof taking effect, is filed with the city clerk, the same shall thereupon and thereby be
722 suspended from taking effect; and the city council or the school committee, as the case may be,
723 shall immediately reconsider such measure or part thereof; and if such measure or part thereof is
724 not entirely rescinded within thirty days the city council shall submit the same, by the method
725 herein provided, to a vote of the voters either at the next regular election, or at a special election
726 which may, in its discretion, be called for the purpose and such measure or part thereof shall
727 forthwith become null and void unless a majority of the voters voting on the same at such
728 election vote in favor thereof. The petition described in this section shall be termed a
729 referendum petition and Section 8-2 (a) shall apply to the procedure in respect thereto, except
730 that the words “measure or part thereof protested against” shall for this purpose be understood to
731 replace “measure” in said section whenever it may occur, and “referendum” shall be understood
732 to replace the word “initiative” in said section.

733 Section 8-4 Required Voter Participation

734 For any measure to be effective under initiative or referendum procedure(s), at least
735 twenty percent of the voters shall vote at an election upon which an initiative or referendum
736 question is submitted to the voters.

737 Section 8-5 Measures not Subject to Initiative and Referendum

738 Measures, which include the following subject matter, shall not be subject to initiative or
739 referendum procedures:

740 (a) revenue loan orders; (b) appropriations for the payment of debt or debt service; (c)
741 internal operational procedures of the city council and the school committee; (d) emergency
742 measures; (e) the city budget or any appropriation contained therein or the school committee
743 budget or any appropriation contained therein or the capital improvements program or any item
744 contained therein; (f) appropriation of funds to implement a collective bargaining agreement; (g)
745 procedures relating to election, appointment, removal, discharge or any other personnel action;
746 and (h) proceedings providing for the submission or referral of a matter to the voters at an
747 election.

748 Section 8-6 Submission of Proposed Measure to Voters

749 The city council may, of its own motion, and shall, upon request of the school committee
750 if a measure originates with that committee and pertains to the affairs under its administration,
751 submit to a vote of the voters for adoption or rejection at a general or special city election any
752 proposed measure, or a proposition for the repeal or amendment of any measure, in the same
753 manner and with the same force and effect as are hereby provided for submission on petition.

754 Any measure adopted pursuant to initiative procedures shall not be subject to amendment
755 or appeal by the city council for a period of six months after the election at which said measure
756 was adopted, unless such measure is contrary to law.

757 Section 8-7 Measures with Conflicting Provisions

758 If two or more proposed measures passed at the same election contain conflicting
759 provisions, only the one receiving the greater number of affirmative votes shall take effect.

760 Section 8-8 Recall of Elected Officials

761 (a) Application

762 Any person who holds an elected city office with more than six months remaining of the
763 term of office for which such person was elected, at the time of the filing of the affidavit may be
764 recalled from office by the voters in the manner provided in this section. No recall petition may
765 be filed against an officer until six months after taking office.

766 (b) Recall Requests

767 A recall affidavit signed by a least three hundred voters with a minimum of twenty five
768 (25) signatures from each district for any officer elected at large and by at least one hundred for
769 any officer elected by district may be filed with the city clerk containing the name of the office
770 whose recall is sought and a statement of the reasons for recall (and any reasons shall suffice).
771 The board of registrars of voters shall certify such Requests with regard to the sufficiency and
772 validity of the signatures of voters. Within five business days following such filing the city clerk
773 shall deliver to the ten persons first named on such Requests, Request blanks demanding said
774 recall, printed forms of which the city clerk shall keep available. The blanks may be completed
775 by printing or typewriting; they shall be addressed to the city council; they shall contain the
776 names of the ten persons to whom they are issued and the reasons for the recall as stated in the
777 affidavit; they shall be dated and signed by the city clerk. A copy of the Requests shall be
778 entered into the records kept in the office of the city clerk.

779 (c) Recall Petitions

780 The recall petitions shall be returned to the office of the city clerk within twenty days
781 following the date the blanks are issued, signed by a least ten (10) percent of the total number of
782 persons registered to vote for officers who are elected at large, and, for officers elected by district
783 signed by at least ten (10) percent of the total number of persons registered to vote in such
784 district.

785 The city clerk shall forthwith submit the petition to the registrars of voters, and the
786 registrars shall within five business days, certify thereon the names of the registered voters of the
787 city, or from the district the officer sought to be recalled represents.

788 (d) Recall election

789 If the petition signatures shall be found and certified by the city clerk to be sufficient and
790 valid, the city clerk shall submit the same with such certificate to the city council within five
791 business days, and the city council shall forthwith give written notice of the receipt of the
792 certificate to the officer sought to be recalled, and shall, if the officer does not resign within five
793 days thereafter, order an election to be held on a Tuesday fixed by them not less than 65 days but
794 not more than 90 days after the date of the city clerk's certificate, provided however, that if any
795 city election is otherwise to occur within one hundred twenty days after the date of said
796 certificate, the city council may, at its discretion, omit the calling of a special election and
797 submit the proposed recall to the voters at such approaching election. The recall election for any
798 officer elected by district shall only be held in the district that the officer represents. Should
799 multiple officers from more than one district be subject to recall, the election shall be held only
800 in those districts.

801 If a vacancy occurs in said office after a recall election has been ordered, the election
802 shall not proceed as provided in this section, and the resulting vacancy shall be filled as provided
803 in this charter.

804 (e) Office Holder

805 The incumbent shall continue to perform the duties of the office until the recall election.
806 If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the
807 unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and
808 the office vacant. The vacancy resulting from the recall shall be filled in accordance with the
809 provisions of this charter. Any person appointed to fill the vacancy shall hold office for the
810 unexpired term of the officer recalled.

811 (f) Ballot Proposition:

812 The form of the question to be voted upon shall be substantially as follows: "Shall – here
813 insert the name and title of the elective officer whose recall is sought – be recalled?" If a
814 majority of the votes cast upon the question of recall is in the affirmative, such elected officer
815 shall be recalled.

816 No recall election shall be effective unless at least thirty percent of the eligible registered
817 voters in the city or in the district, as applicable, shall have voted.

818 (g) Repeat of Recall

819 In the case of an officer subjected to a recall election and not recalled thereby, no recall
820 petition shall be filed against such officer for at least six months after the election which the
821 officer's recall was submitted to the voters of the city.

822 (h) Office Holder Recalled

823 No person recalled from office or who has resigned from office while recalling
824 proceedings were pending against such person, shall be appointed to any city office within two
825 years after such recall or resignation.

826

827 PART IX General Provisions

828 Section 9-1 Revision or Amendment of Act

829 This charter may be replaced, revised or amended in accordance with any procedure
830 made available by Article LXXXIX of the Amendments to the Constitution of the
831 Commonwealth and any laws of the commonwealth enacted to implement said constitutional
832 amendment.

833 Section 9-2 Severability

834 The provisions of this charter are severable. If any of the provisions of this charter are
835 held to be unconstitutional, or invalid, the remaining provisions of this act shall not be affected
836 thereby. If the application of this charter, or any of its provisions, to any person or circumstances
837 is held to be invalid, the application of said charter and its provisions to other persons or
838 circumstances shall not be affected thereby.

839 Section 9-3 Rules of Interpretation

840 The following rules shall apply when interpreting the charter:

841 (a) Specific Provisions to Prevail

842 To the extent that any specific provision of the charter shall conflict with any provision
843 expressed in general terms, the specific provision shall prevail.

844 (b) Number and Gender

845 Words imparting the singular number may extend and be applied to several persons or
846 things; words imparting the plural number may include the singular; words imparting the
847 masculine gender shall include the feminine gender.

848 (c) References to General Laws

849 All references to the general laws or the laws of the commonwealth contained in this
850 charter refer to the general laws of the Commonwealth of Massachusetts and are intended to
851 include any amendments or revisions to such chapters and sections or to the corresponding

852 chapters and sections of any rearrangement of the general laws enacted subsequent to the
853 adoption of this act.

854 (d) Computation of Time

855 Except as pertaining to the computation of time for elections and open meetings of
856 government bodies, in computing time under this charter, if seven days or less, only business
857 days, not including Saturdays, Sundays, or legal holidays shall be counted; if more than seven
858 days, every day shall be counted. All days shall be considered 24 hours long commencing at 12
859 midnight and ending at 11:59:59 p.m.

860 Section 9-4 Definitions

861 Unless another meaning is clearly apparent from the manner in which the word is used,
862 the following words as used in this charter shall have the following meanings:

863 (a) Charter – The word “charter” shall mean this charter and any amendments to it made
864 through any methods provided under Article LXXXIX of the Amendments to the Constitution of
865 the Commonwealth.

866 (b) Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen
867 happening, occurrence or condition which necessitates immediate action.

868 (c) City – The word “city” shall mean the city of Amesbury.

869 (d) City Bulletin Board – The “city bulletin board” means the bulletin board posted
870 outside the office of city clerk.

871 (e) Voters - The word “voters” shall mean registered voters of the city as defined by the
872 laws of the commonwealth.

873 (f) City Agency or Agency – The words “city agency” or the word “agency” shall mean
874 any board, commission, committee, department or office of city government, whether elected,
875 appointed or otherwise constituted.

876 (g) Board, Commission, Committee or Authority – The words “board, commission,
877 committee, or authority” shall mean any board, commission, committee or authority, except
878 advisory boards, committees or commissions appointed by the mayor.

879 Section 9-5 Board, Committees or Commissions:

880 (a) Board, Committees or Commissions; Composition; Term of Office; In General

881 Except subcommittees of the city council and as otherwise provided by law or this
882 charter, all boards, commissions and committees shall consist of three or more members
883 appointed by the mayor for terms of three years each, so arranged that the term of one-third of

884 the members, or as nearly the number as may be possible, shall expire each year. All members
885 of boards, commissions, and committees shall serve without compensation or benefits and shall
886 be sworn into office within four weeks of their appointment. All board, commission or
887 committee members must take the oath of office prior to entering upon the duties of their office.

888 (b) Uniform Procedures Applicable to Boards, Commissions and Committees

889 All boards, commissions and committees shall meet regularly at such times and places as
890 they shall determine, but not less than quarterly. Special meetings of any board, commission nor
891 committee shall be held on the call of the chair or by a majority of its members, by written notice
892 delivered in hand or to the place of residence of each member and which contains notice of the
893 matters to be acted upon. Except in the case of any emergency, all notices shall be delivered at
894 least forty-eight hours in advance of the time set forth for such meeting. A copy of such notice
895 shall, forthwith, be posted upon the city bulletin board.

896 Upon petition signed by at least one hundred voters requesting a special meeting of any
897 board, commission or committee, said board, commission or committee shall hold a special
898 meeting within fifteen days of notice from the city clerk that a petition has been filed. Any such
899 petition must state the purpose or purposes for which such meeting is requested.

900 If any member of an appointed board, commission or committee fails to attend one half
901 of the meetings held by such board, commission or committee during a calendar year, upon
902 notice to the mayor from the City Council, board, commission or committee affected, the mayor
903 shall within thirty (30) days of said notice determine, based on his or her own investigation, of
904 which a public record shall be kept, to retain said member or to declare the seat vacant and to fill
905 the vacancy.

906 Each board, commission or committee shall determine its own rules of order of business
907 unless another provision is made by ordinance, and shall provide for the keeping of a journal of
908 its proceedings. Such rules and journal shall be available for public inspection and the city clerk
909 and the public library shall maintain copies .

910 If requested by any member, any vote of any board, commission or committee shall be
911 taken by a call of the roll and the vote shall be recorded in the journal provided, however, if the
912 vote is unanimous, only that fact need be recorded.

913 A majority of the members of a board, commission or committee shall constitute a
914 quorum, but a smaller number may meet and adjourn from time to time.

915 (c) Multiple Office Holding

916 No member of a board, committee or commission may serve on another city board,
917 commission or committee, provided however, nothing shall prohibit any member of a board,
918 committee or commission to serve on an ad hoc, temporary advisory committee, or committee

919 established for the purpose of coordinating the exercise of power, duties and responsibilities of
920 respective boards, commissions, and committees. No city employee may serve on a board,
921 commission or committee unless required by virtue of the office held by said employee.

922 Section 9-6 Inspection of Documents

923 All documents cited in this act as available for public inspection shall be maintained in
924 the office of the city clerk and in the public library. The city clerk shall provide copies of
925 documents to the public library.

926 Section 9-7 Reenactment and Publication of Ordinances

927 No later than the first day in July, at five-year intervals, in each year ending in a five or a
928 zero, the city council shall cause to be prepared a proposed revision or re-codification of all city
929 ordinances which shall be submitted to the city council for re-enactment. A committee
930 established by the city council shall prepare such revision or re-codification. Such revisions or
931 re-codification shall be prepared under the supervision of the city attorney or if the city council
932 so directs by special counsel retained for such purposes. Within eight months following its
933 appointment, the committee shall cause to be published in a local newspaper (a) the times and
934 places within the city where complete copies of the report shall be available for inspection by the
935 public, and (b) the date, time and place not less than fourteen days following such publication
936 when a public hearing shall be held by the committee. Copies of the revised ordinances shall be
937 made available for public distribution. In each year between such re-enactment and publication
938 an annual supplement shall be published containing all ordinances and amendments to
939 ordinances that had been adopted in the previous year.

940 Section 9-8 Code of Ethics

941 The mayor shall prepare and submit to the city council a code of ethics or revisions to the
942 code of ethics, which shall be applicable to all elected and appointed officials and employees of
943 the city. The code or any revisions to it shall become effective upon the approval by a majority
944 vote of the city council.

945 Section 9-9 Periodic Review of the Charter

946 Beginning in 2018 and at ten-year intervals in each year ending in an eight, thereafter, the
947 mayor, subject to approval of the City Council, shall appoint a special committee to review this
948 charter and to issue a report to the mayor and the city council containing any recommendations
949 for changes to the charter deemed advisable by said special committee.

950 Section 9-10 Periodic Review of the Need for Appointed Boards, Commissions and
951 Committees

952 Beginning in 2013 and at ten year intervals in each year ending in a three thereafter, the
953 mayor, subject to approval of the City Council, shall appoint a special committee to review the
954 purpose and need for each appointed board, commission and committee of the city and to issue a
955 report to the mayor and the city council containing any recommendations for changes deemed
956 advisable by said special committee of the city and shall report any findings and
957 recommendations.

958

959 PART X Transition Provisions

960 Section 10-1 Continuation of Existing Laws

961 All ordinances, resolutions, rules, regulations, and votes of the city council, which are in
962 force at the time this act is adopted, not inconsistent with the provisions of this charter, shall
963 continue in full force until amended or repealed.

964 Where provisions of this charter, as amended, conflict with city ordinances, rules,
965 regulations, orders, special acts and acceptances of laws of the Commonwealth, the provisions of
966 this charter shall govern. All provisions of city ordinances, rules, regulations, orders and
967 administrative actions not superseded by this charter shall remain in force.

968 Section 10-2 Existing Officials and Employees

969 Any person holding a town office or employment under the town shall retain such office
970 or employment and shall continue to perform the duties of the office until provision shall have
971 been made in accordance with this charter for the performance of the said duties by another
972 person or agency. No person in the permanent full-time service or employment of the town shall
973 forfeit pay grade or time in service. Each such person shall be retained in a capacity as similar to
974 the person's former capacity as is practical.

975 Section 10-3 Continuation of Government

976 All town officers, boards, commissions or agencies shall continue to perform their duties
977 until reappointed or until successors to their respective positions are fully appointed or elected or
978 until their duties have been transferred and assumed by another town office, board, commission
979 or agency.

980 Section 10-4 Continuation of Obligations

981 All official bonds, obligations, contracts and other instruments entered into or executed
982 by or to the town before the adoption of this act, and all taxes, special assessments, fines,
983 penalties, forfeitures incurred or imposed, due or owing to the town, shall be enforced and
984 collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise

985 provided, shall continue and remain unaffected by this act. No legal act done by or in favor of
986 the town shall be rendered invalid by the adoption of this act.

987 Section 10-5 Transfer of Records and Property

988 All records, property and equipment whatsoever of any office, board, commission,
989 committee or agency or part thereof, the powers and duties of which are assigned in whole or in
990 part to another town office, board, commission, or agency shall be transferred forthwith to such
991 office, board, commission or agency.

992 Section 2: This act shall be submitted for acceptance to the voters of the town of
993 Amesbury at the next regular or special town election in the form of the following question
994 which shall be placed on the official ballot: "Shall an act passed by the general court in the year
995 2011 entitled, 'An Act Relative to the Charter of the Town of Amesbury', be accepted?"

996 Below the question shall appear a fair and concise summary of the proposed charter
997 prepared by the Town, particularly with regard to how it differs from the current charter,
998 prepared by the town attorney. The Town shall hereby be authorized, but not required, to mail to
999 the residence of all voters in the town the proposed charter set forth in section 1 of this act and
1000 the existing charter (or a single document identifying the proposed amendments), the related
1001 ballot question and summary, and a brief explanation of the process for consideration of the
1002 same.

1003 If a majority of the votes cast in answer to the question is in the affirmative, section 1 of
1004 this act shall thereupon take effect, but not otherwise.

1005 Section 3: Notwithstanding section 42C of chapter 54 of the General Laws or any other
1006 general or special law to the contrary, if this act is not in effect on or before October 4, 2011,
1007 inclusion on the November 8, 2011 election ballot of the question set forth in section 1 of this
1008 act, including all acts taken in reliance thereon and with respect thereto, shall be ratified,
1009 validated and confirmed as if this act had been in place prior thereto.

1010 Section 4: Sections 2 through 4 of this act shall take effect upon passage.