

CITY OF AMESBURY



CITY CHARTER

As Amended and Approved at the
Annual Municipal Election on November 2, 2021 and
Signed into law as Chapter 301 of the Acts of 2022 on December 15, 2022

City of Amesbury Charter

ARTICLE I Incorporation, Short Title, Powers

Section 1-1 Incorporation Continued

The inhabitants of the city of Amesbury, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "City of Amesbury".

Section 1-2 Short Title

This instrument shall be cited and known as the City of Amesbury Home Rule Charter.

Section 1-3 Division of Powers

All legislative powers of the city shall be exercised by a city council. The administration of all fiscal, business and city affairs shall be vested in the executive branch headed by the mayor.

Section 1-4 Powers of the City

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

Section 1-5 Interpretation of Powers

The powers of the city under the charter shall be construed and interpreted liberally in favor of the city and the specific mention of any particular power shall not limit in any way the general powers of the city as stated in section 1-4.

Section 1-6 Intergovernmental Relations

Notwithstanding any general or special law to the contrary, the city may, to the maximum extent lawfully possible, participate by contract or otherwise with the commonwealth or any governmental entity or political subdivision thereof and, to the extent feasible, any other state or the United States in the performance of any activity that 1 or more of such entities has the authority to undertake.

ARTICLE II Chief Executive Officer; Mayor

Section 2-1 Office of the Mayor

(a) Mayor; Qualifications; Election

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

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

(b) Term of Office

The mayor shall be elected for a term of 4 years beginning on the first city business day in January following the biennial city election and until a successor is qualified.

(c) Compensation

The city council shall by ordinance establish an annual salary and expense schedule for the mayor; provided, however, that no ordinance increasing or decreasing such salary and expense schedule shall be effective unless it shall have been adopted during the first 18 months of the term for which councilors are elected and the revised salary and expense schedule is to be effective upon the commencement of the next term of office of the mayor. The mayor shall receive no additional compensation from serving as the chairperson of the school committee as provided by section 4-3.

Section 2-2 Executive Powers of the Mayor

The mayor shall cause the laws, ordinances and orders for the city government to be enforced and shall cause a record of all official acts to be kept. The mayor shall execute all lawful contracts on behalf of the city. The mayor may appoint 1 or more qualified assistants to aid in the performance of the official duties, fix their salaries and define their duties.

Section 2-3 Appointments by the Mayor

The mayor shall appoint all city officers, department heads and members of boards, commissions and committees for whom no other method of appointment or selection is provided by the charter, excepting only officials serving under the city council and school committee and persons appointed by state officials. The mayor shall appoint the library director, but only from the candidates recommended by the board of library trustees. Unless otherwise provided by this charter, appointments of all city officers, department heads and members of boards, commissions and committees shall become effective 21 days after submission of a written notice of any appointment to the city clerk, unless the city council, during such period, by a two-thirds vote of the full city council, rejects any such appointment, or has sooner voted to affirm it.

Section 2-4 Certificate of Appointment

In making appointments, the mayor shall sign and file with the city clerk a certificate in substantially the following form:

“I appoint (name of appointee) to the position of (name of office) and I certify that the person is qualified to perform the duties of the office. I make this appointment solely in the interest of the city of Amesbury. This appointment shall not become effective until 21 days following its filing with the city clerk, in accordance with the City of Amesbury Home Rule Charter. (signed Mayor)”

Section 2-5 Removal of Officials

The mayor may remove any person appointed by the mayor by filing a written statement with the city clerk setting forth in detail the specific reason therefor. A copy of the written statement shall be delivered or mailed to the person thus removed, who may make a written reply, which, if the person thus removed desires, may be filed with the city clerk. Such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, persons appointed by state officials or offices subject to chapter 31 of the General Laws.

Any removal by the mayor shall become effective 21 days after submission of the written statement of removal to the city clerk; provided, however, that the city council may, during such period, by a two-thirds vote of the full city council, reject any such removal and reinstate the person.

Section 2-6 Temporary Appointments

If a vacancy in an office appointed by the mayor occurs whether by reason of disability, death, resignation or removal from office for any reason, the mayor may appoint some other person to perform the duties of the office for a period not to exceed 4 months. If a vacancy continues beyond the 4 months, the mayor may make a second 4-month appointment, but no temporary appointment shall be continued beyond 8 months.

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

(a) Communications to the City Council

Not later than 12 weeks following the start of each fiscal year, the mayor shall submit to the city council and make available to the public a complete report on the financial and administrative activities of the city for the preceding fiscal year. On a quarterly basis, the mayor shall provide written communications to the city council in order to keep the council fully informed as to the financial condition and future needs of the city and shall recommend such measures to it, as in the judgment of the mayor, the needs of the city require.

(b) Call for Special Meetings of the City Council

The mayor may at any time call a special meeting of the city council by causing a notice of such meeting specifying the matters that the mayor desires to be considered to be left at the usual place of residence or business of each councilor or given to such councilors in hand. The notice shall, except in an emergency as determined by the mayor, be delivered not less than 48 hours in advance of the time set for such meeting and shall specify the purpose for which the meeting is to be held.

Section 2-8 Approval or Veto by the Mayor

Every measure relative to the affairs of the city adopted by the city council shall be presented to the mayor for approval except:

- (i) measures relating to the internal affairs of the city council;
- (ii) memorial or other resolutions;
- (iii) emergency measures passed in accordance with this charter; and
- (iv) the budget for the operation of city government

If the mayor approves the measure as demonstrated by their signature, the measure shall be approved. If the mayor does not return any measure not later than 10 days following the day it is presented to the mayor, the measure shall be approved.

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

If, upon the return of the mayor's disapproval of a measure, the city council does not vote on such measure not later than 21 days following the date of the return of the measure to the council, the measure shall be rejected.

Section 2-9 Temporary Absence of the Mayor

If by reason of sickness, absence from the city or other cause, the mayor shall be unable to attend to the duties of the office of mayor for any period of 7 successive days, the president of the city council, or, if the council president is unwilling or unable to serve, then the vice-president of the city council, shall act as mayor, possessing the powers of the mayor but only on those matters not admitting to delay. During any period in which the president or vice-president of the city council is serving as acting mayor, such person shall not serve as the presiding officer of the city council.

Section 2-10 Vacancy in the Office of Mayor

If a vacancy occurs in the office of mayor by death, resignation or removal from office prior to the last 12 months of the term to which the mayor was elected, the city council shall schedule a special election pursuant to this charter. The city council president shall serve as acting mayor until such election. Should the council president be unwilling or unable to serve, the council shall elect from among its members 1 member to serve as mayor until the next scheduled city election.

If a vacancy occurs in the office of mayor during the last 12 months of the term, the city council president shall assume the office of mayor until the next scheduled city election. Should the council president be unwilling or unable to serve, the council shall elect by majority vote from among its members 1 member to serve as mayor until the next scheduled municipal election. Upon qualification of the president or the election and qualification of any member of the city council as acting mayor under this section, a vacancy shall exist in the seat of the councilor selected as acting mayor.

ARTICLE III Legislative Branch

Section 3-1 Composition; Eligibility; Election and Term

(a) Composition

There shall be a city council composed of 9 members that shall exercise the legislative powers of the city. Three members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. Six members, to be known as district councilors, shall be nominated and elected by and from the voters of each district, 1 such district councilor to be elected from each of the 6 council districts into which the city is divided in accordance with section 7-4.

(b) Eligibility

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

A councilor-at-large who shall cease to be a resident of the city during the term for which such councilor was elected shall be deemed to have vacated the office of councilor-at-large and the office shall be considered vacant. If a district councilor moves from 1 district to another within the first 12 months of the term of office for which such councilor was elected, the office shall be considered vacant. Any district councilor who continues to reside in the city but who moves from the district they represent during the last 12 months of their term of office shall continue to serve for the balance of the term for which the district councilor was elected. Any vacancy in the office of councilor-at-large or district councilor shall be filled in accordance with section 3-4.

(c) Election and Term

The term of office of city council members shall be for 2 years beginning on the first business day of January following the regular city election and continuing until their successors are qualified.

Section 3-2 Council Organization

After the councilors-elect have taken the oath of office, the city council shall be called together by the city clerk for the purpose of conducting an election among council members for the office of city council president and vice-president to serve at the discretion of the city council. The president shall preside at all meetings of the city council, perform ceremonial functions and perform such other functions as may be assigned by this charter, by ordinance or by vote of the city council. The vice-president shall perform all duties of the council president during the council president's absence or disability.

Section 3-3 General Powers and Duties

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

Section 3-4 Filling of Vacancies

If a vacancy occurs in the office of city councilor, whether by failure to elect or otherwise, the vacancy shall be filled by the unelected candidate receiving the highest votes in the same election, if any; provided, however, that such candidate received not less than 30 per cent of the vote for that office. The candidate shall be notified by the city clerk of the vacancy and if the candidate declines to be sworn into office within 10 days, has moved from the city or is otherwise unable to serve, the council shall choose a successor to fill the vacancy from among the voters entitled to vote for such office. Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled in the manner herein provided if a regular city election is to be held not later than 120 days following the date the vacancy is declared to exist. The city council shall be the sole judge of whether a vacancy shall exist in the office of city councilor and may declare an office vacant by a majority vote of the council.

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

(a) Exercise of Powers

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

(b) Quorum

A quorum shall be a majority of the full membership of the city council. The affirmative vote of a majority of the full membership of the city council shall be necessary to adopt any appropriation order. Except as otherwise provided by the

laws of the commonwealth or this charter, any other motion or measure may be adopted by a majority vote of those city councilors present.

(c) Rules of Procedure

Within the first 4 months of taking office and from time to time thereafter, the city council shall establish and adopt written rules for its procedures and make public those proposed rules not later than 30 days before final adoption. Prior to adoption of proposed rules, the city council shall operate under the previously adopted rules. Regular meetings of the city council shall be held at a time and place fixed by ordinance but shall be not less frequent than once monthly; provided, however, that the council president may suspend meetings during the month of July or August. Except as otherwise authorized by the laws of the commonwealth, all regular and special sessions of the city council shall be open to the public and an agenda of any regular or special city council meeting shall be posted in the office of the city clerk and on the city bulletin board not less than 48 weekday hours prior to any such meeting, excluding legal holidays, Saturdays and Sundays; special meetings of the city council may be held on the call of the mayor, the council president, or any 3 members. Such required postings shall not preclude the city council from the introduction of additional agenda items as allowed by law and the city council's rules of procedure. Every matter coming before the city council for action shall be put to a vote, the result of which shall be duly recorded. All city council votes on ordinances, appropriation orders or loan authorizations shall be taken by roll call vote and shall be duly recorded. A full, accurate and up-to-date record of the proceedings of the city council shall be kept by the clerk of the city council and shall be open to inspection by the public as required by law. The rules of procedure of the city council shall provide for a period of public comment at regularly scheduled meetings of the city council. Any members of the city council or the mayor may submit an item or measure to the city council for consideration.

Section 3-6 City Clerk and Council Staff

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

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

(a) In General

No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property or other matters not admitting of delay. Except as otherwise provided by this charter, every adopted measure shall become effective at the expiration of 15 days after the date of adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption or at such later time as may be specified in such measure. No ordinance shall be amended or repealed

except by another ordinance adopted in accordance with this charter or as provided in the initiative and referendum procedures.

(b) Emergency Measures

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

(c) Objection

On the first occasion that the question on adoption of a measure is put to the city council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special. If more than 1 member shall object, such postponement shall be until the next regular meeting. For an emergency measure to be postponed, not less than 3 members must object, in which case such postponement shall be until the next regular meeting. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

(d) Publication of Measures

Upon final passage, notice of the subject matter of every ordinance, appropriation order or loan authorization shall be published in at least 1 newspaper of general circulation within the city and posted on the city bulletin board. Any such publication notice required shall state the title of the finally enacted ordinance or ordinances, appropriation order or loan authorizations and the times and places at which copies of such measures may be obtained or reviewed by the public. Copies shall be permanently filed at the public library and with the city clerk. The city council shall annually prepare a document describing the action of the council in the preceding fiscal year, which shall include the text of every ordinance, appropriation order or loan authorization, which will also be filed at the public library and with the city clerk.

Section 3-8 Inquiries and Investigations

The city council may require the mayor, any city officer or employee or member of an appointed board, commission or committee to appear before it or a subcommittee of the

city council and give such information as the city council may require in relation to the office or position held by or administered by such person, its function and performance. The city council shall give to any person required to appear before it, or any subcommittee of the council, not less than 5 days written notice of the scope of the inquiry under this section.

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

Section 3-9 Delegation of Licensing Powers

The city council may delegate to 1 or more city boards, committees, commissions or departments, the powers vested in the city council by the laws of the commonwealth to grant and issue licenses and permits and may regulate the granting and issuing of licenses and permits by any such city board, committee, commission or department and may at its discretion rescind any such delegation without prejudice to any prior action which has been taken.

Section 3-10 Prohibitions

No councilor shall, while a member of the city council, hold any other office, including membership on a board, commission or committee, or position under the city. No former councilor shall hold any compensated appointive office or employment under the city until 1 year after the expiration of their service on the city council. This provision shall not prevent a city officer or employee who has taken a leave of absence from such duties in order to serve as a member of the city council from returning to such office or employment following service as a member of the city council.

Section 3-11 Compensation; Expenses

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

No ordinance increasing such salary or expense allowance shall be effective unless it shall have been adopted by a two-thirds vote of the full city council membership during the first 18 months of the term for which councilors are elected and the revised salary and expense schedule is to be effective upon the commencement of the terms of office of the next city council to be elected.

Section 3-12 Involvement in Administrative Affairs

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

ARTICLE IV Other Elected Officials

Section 4-1 Elected Officers in General

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

Section 4-2 Eligibility

Any voter shall be eligible to hold elective city office; provided, however, that no person shall simultaneously hold more than 1 elective city office and no elected officer shall hold an appointed city position or office or be otherwise employed by the city unless otherwise provided for by this charter.

Section 4-3 School Committee

(a) Composition; Term of Office

There shall be a school committee composed of 7 members, 6 members of whom shall be nominated and elected by and from the voters at large and 1 of whom shall be the mayor. The term of office of the 6 elected school committee members shall be for 4 years so arranged that the terms of nearly an equal number of members as possible expire at each regular city election. Following each biennial city election, the school committee shall reorganize and choose from amongst its membership a chair, vice chair and clerk.

(b) Powers and Duties

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

Section 4-4 Planning Board

(a) Composition; Term of Office

There shall be a planning board consisting of 7 members elected for terms of 4 years. Terms of office shall be so arranged that the terms of as nearly an equal number of members as is possible expire at each regular election.

(b) Powers and Duties

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

Section 4-5 Board of Library Trustees

(a) Composition; Term of Office

There shall be a board of library trustees consisting of 9 members elected for terms of 4 years. Terms of office shall be so arranged that the terms of as nearly an equal number of members as is possible expire at each regular election.

(a) Power and Duties

The board of library trustees shall recommend candidates for the position of library director. The board of library trustees shall have all of the powers and duties given to boards of library trustees under the constitution and laws of the commonwealth and such additional powers and duties as may be authorized by the charter, ordinance or other city council vote.

Section 4-6 Vacancies in Elected Offices Other Than Mayor and City Council

If a vacancy occurs in the membership of the school committee, planning board or board of library trustees, whether by failure to elect or otherwise, the remaining members of the board or committee shall notify the president of the city council who shall declare such vacancy to exist. The council president shall, not later than 30 days following the date such vacancy is declared to exist, call a joint meeting of the city council and the remaining members of the board or committee on which such vacancy exists for the purpose of filling the vacancy. At any such joint meeting, a majority of those present and voting shall choose the unelected candidate who received the highest number of votes, if any, at the last regular city election immediately preceding the date of the vacancy for the seat declared vacant if the unelected candidate shall have received not less than 30 per cent of the total votes cast for that office. Should more than 1 unelected candidate meet the criterion as described above, the vote of the affected board or committee and the council shall include all such candidates.

If there is no eligible candidate for the vacant office, or the eligible candidate declines to be sworn into office within 10 days, has removed from the city or is otherwise unable to serve, the city council and the remaining members of the board or committee on which the vacancy exists will choose from among the voters entitled to vote for such office. The vacancy shall be posted for not less than 30 days and the council and the affected board or committee shall meet at a special council meeting called to fill the vacancy or at a regularly scheduled council meeting where such eligible candidates will be granted equal time to speak. At the same meeting, or the next following meeting, the council and the remaining members of the affected board or committee shall vote to fill the vacancy from among the announced candidates. The council and the affected board or committee shall act in this matter as a committee of the whole, requiring a majority vote of the full council membership and remaining members of the affected board or committee, to choose a candidate to fill the vacancy.

Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held not later than 120 days following the date the vacancy is declared to exist. If a vacancy is filled under this section and that term of office continues beyond the next regular city election, the person chosen to fill the vacancy shall serve only until the next regular city election. At such regular city election, the voters shall fill the unexpired balance of the term of office.

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

Section 4-7 Prohibitions

No elected member of the school committee, board of library trustees or planning board shall hold any compensated appointive office or employment under the city until 1 year after the expiration of the term of office of such elected member. This provision shall not prevent a city officer or employee, who has been granted a leave of absence by their appointing authority, from such duties in order to serve as a member of such elected office from returning to such employment or office following service as an elected member of the school committee, board of library trustees or planning board.

Section 4-8 Eligibility for Health Insurance

Notwithstanding chapter 32B of the General Laws and excluding the mayor and city councilors, officials of the city of Amesbury elected under section 4-1 who receive a salary or a stipend shall not be eligible for participation in the city's contributory health and life insurance plan. Officials elected under section 4-1 who receive a salary or a stipend and who elect to pay 100 per cent of the cost of the official's participation in the city's health and life insurance benefit plan, plus any administrative costs that may be assessed by the city council, may be considered eligible to participate.

ARTICLE V Financial Procedures

Section 5-1 Budget Policy

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

Section 5-2 Submission of Operating Budget; Budget Message

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

The operating budget as adopted by the school committee shall be submitted to the mayor not less than 30 days prior to the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the operating budget of the school committee shall be submitted to the mayor. The chief financial officer shall coordinate the preparation of the budget with the superintendent of schools and the school committee's budget process in accordance with the laws of the commonwealth.

Section 5-3 Action on the Budget

(a) Public Hearing

The city council shall publish, in not less than 1 newspaper of general circulation in the city, a notice of the recommended operating budget as submitted by the mayor. The notice shall state: (i) the times and places where copies of the recommended operating budget are available for inspection by the public and (ii) the date, time and place not less than 15 days after such publication when a public hearing on the proposed operating budget will be held by the city council.

(b) Adoption of the Budget

The city council shall adopt the operating budget, with or without amendments, not later than 45 days following the date the budget is filed with the clerk of the city council. In amending the operating budget, the city council may delete or decrease any amounts except expenditures required by law. Except upon the

recommendation of the mayor, the city council shall not increase any item in or the total amount of the proposed operating budget, unless otherwise allowed by the laws of the commonwealth.

If the city council fails to take action with respect to any item in the operating budget not later than 45 days after its receipt, the item shall, without any action by the city council, become a part of the appropriations for the next fiscal year and be available for the purposes specified.

Section 5-4 Financial Planning

(a) Financial Planning Practices

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

(b) Capital Improvements Program

The chief financial officer shall annually prepare and submit a capital improvement program to the city council not less than 90 days prior to the date for submission of the operating budget, unless some other time is provided by ordinance. The capital improvement program shall include:

- (i) an itemization of all capital improvements proposed to be undertaken for not less than 5 fiscal years;
- (ii) supporting data;
- (iii) cost estimates;
- (iv) method of financing;
- (v) estimated effect of the program on the tax rate; and
- (vi) other features as deemed necessary by the mayor or requested by the city council.

(c) Financial Forecast

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

Section 5-5 Annual Audit

The city council shall provide for an annual audit of the books and accounts of the city and the school department to be made by a certified public accountant or firm of certified public accountants who shall have no personal interest, direct or indirect, in the fiscal affairs of the city government. The city council shall publish in at least 1 newspaper of

general circulation in the city a notice stating the availability of the final audit report for public inspection.

Section 5-6 Public Access to Financial Documents

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

ARTICLE VI ADMINISTRATION OF TOWN GOVERNMENT

Section 6-1 Administrative Organization

(a) Organization of City Agencies

The organization of city government into operating agencies for the provision of services and the administration of government may be accomplished under either section 6-1 (a) (1) or (2). Subject only to the express prohibitions of the laws of the commonwealth or the provisions of this charter, the city may organize operating agencies as deemed in the best interest of the city.

(1) Organization by Ordinance

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

(2) Executive Reorganization Plans

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

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

(b) Publication of Administrative Orders

For the convenience of the public, copies of reorganization plans adopted under this section shall be filed in the office of city clerk and shall be printed as an

appendix to the ordinances of the city. However, failure to print and publish such reorganization plans shall not invalidate the same.

Section 6-2 Management of Human Resources

The mayor shall adopt rules and regulations establishing a human resources system. The human resources system shall make use of current concepts of human resources management and may include, but not be limited to, the following:

- (i) a method of administration;
- (ii) human resources policies indicating the rights, obligations and benefits of employees;
- (iii) a classification plan;
- (iv) a compensation schedule;
- (v) a method of recruiting and selecting employees based upon merit principles;
- (vi) a centralized record keeping system;
- (vii) a performance appraisal system;
- (viii) disciplinary procedures; and
- (ix) other elements that are determined necessary.

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

Section 6-3 Department of Administration and Finance

(a) Department Established

There shall be a department of administration and finance under the direction of a chief financial officer. The chief financial officer shall be appointed by and responsible to the mayor. The chief financial officer shall be a person especially qualified by education, experience and training to perform the duties of the office. The mayor may from time to time establish such additional qualifications for the role of chief financial officer as deemed necessary and appropriate.

(b) Responsibilities of the Chief Financial Officer

The chief financial officer shall be responsible for: (i) coordinating all financial services and activities; (ii) maintaining all accounting records and other financial statements; (iii) paying all obligations; (iv) receiving all funds due; (v) assisting all other city agencies in any matter related to financial affairs; (vi) monitoring expenditures of all funds, including periodic reporting to appropriate agencies on the status of accounts; (vii) maintaining a full and complete inventory of city real and personal property; (viii) acting as the chief procurement officer; (ix) supervising all data processing or information management functions, unless otherwise

provided; and (x) any other matter relating to city finances as may be determined necessary or desirable. The chief financial officer shall assist the mayor with the preparation of an annual operating budget, financial forecasts, capital improvement program and other financial documents. The chief financial officer shall also keep the mayor fully informed as to the financial condition of the city and make recommendations as deemed necessary and perform such other duties as necessary or as may be assigned.

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

The department of administration and finance may be subject to reorganization in accordance with section 6-1.

Section 6-4 Liquor Licensing Commission

There shall be a liquor licensing commission established in accordance with the laws of the commonwealth.

ARTICLE VII Nominations and Elections

Section 7-1 City Elections; General and Preliminary

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

On the seventh Tuesday preceding every regular city election, there shall be held a preliminary election for the purpose of nominating candidates, if necessary, to assure that not more than twice the number of candidates for the available offices appear on the regular city election ballot.

Section 7-2 Preliminary Elections

(a) Signature Requirements

The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: (i) for the office of mayor, the signature requirement shall be not less than 50 signatures; (ii) for the office of councilor-at-large, the signature requirement shall be not less than 50 signatures; (iii) for the office of district councilor, the signature requirement shall be not less than 25 signatures from the district; and (iv) for the offices of school

committee member, planning board member and member of the board of library trustees, the signature requirement shall be not less than 50 signatures.

(b) Ballot Position

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

(c) Determination of Candidates for Election

The 2 persons receiving the highest number of votes at a preliminary election for nomination for an office shall be the sole candidates for that office whose names are printed on the official ballot to be used at the regular city election at which such office is to be filled. No acceptance of a nomination at a preliminary election shall be necessary to assure its validity.

If 2 or more persons are to be elected to the same office at such regular city election, the several persons in number equal to twice the number to be so elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names are printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which but for said tie vote would entitle a candidate receiving the same number of votes to have such candidate's name printed upon the official ballot for the regular city election, all candidates participating in said tie vote shall have their names printed upon the official ballot; provided, however, that in consequence thereof, there shall be printed on such ballots the names of the candidates exceeding twice the number to be elected.

(d) Nomination of Candidates

If at the expiration of the time for filing petitions of candidates to be voted for at any preliminary election, not more than twice as many such petitions have been filed with the city clerk for an office as are to be elected to such office, the candidates whose petitions have thus been filed shall be deemed to have been nominated to said office, their names shall be voted on for such office at the succeeding regular election, the city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.

Section 7-3 Regular Election

(a) Information to Voters

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

(b) Ballot Position

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

Section 7-4 Districts

The territory of the city shall be divided into 6 districts so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory and bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each district shall be composed of voting precincts established in accordance with the laws of the commonwealth. Every 10 years in years ending in 1, the city council shall review these districts to ensure their uniformity in number of inhabitants.

Section 7-5 Applications of State Laws

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

ARTICLE VIII Citizen Participation Mechanisms

Section 8-1 Free Petition

The city council or the school committee shall hold a public hearing and act with respect to every petition that is addressed to it, signed by not less than 150 voters and seeks the passage of a measure. The hearing shall be held by the city council or the school committee or, in either case, by a committee or subcommittee thereof, and the action by the city council or the school committee shall be taken not later than 6 weeks after the petition is filed with the clerk of the council or the secretary of the school committee, as may be appropriate. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the 10 persons whose names appear first on the petition not less than 7 days prior to the hearing. Notice, by publication, of all such hearings shall be at public expense.

Section 8-2 Citizen Initiative Measures

(a) Commencement of Proceedings.

Initiative procedures shall be started by the filing of an originating petition with the city clerk. The originating petition shall:

- (i) be addressed to the city council or to the school committee;

- (ii) contain a request for the passage of a particular measure, which shall be set forth in full in the petition; and
- (iii) be signed by not less than 250 voters with their addresses. The originating petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating that those voters shall constitute the petitioners' committee and be responsible for circulating and filing the initiative petition. The city clerk shall, forthwith following receipt of the originating petition, provide for the certification of signatures thereon. The city clerk shall notify the city council and, as appropriate, the school committee, not later than 5 days thereafter of the number of signatures so certified.

(b) Referral to City Attorney.

If the originating petition is certified by the city clerk as containing the requisite number of certified signatures, the city clerk shall forthwith deliver a copy of the petition to the city attorney. The city attorney shall, not later than 15 days following receipt of a copy of the petition, in writing, advise the city council, or the school committee, and the city clerk whether the measure may lawfully be proposed by the initiative process and whether, in its present form, the measure may lawfully be adopted by the city council or the school committee. If the opinion of the city attorney is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city attorney shall be mailed to the members of the petitioners' committee.

(c) Submission to City Clerk.

If the city attorney determines that the originating petition is in proper form, the city clerk shall provide blank initiative petition forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city attorney, together with the names and addresses of the petitioners' committee who signed the originating petition. The city clerk shall notify the petitioners' committee that the blank petition forms are issued. Not later than 30 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by not less than 10 per cent of the total number of registered voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on 1 sheet of paper, but all papers pertaining to any single measure shall be fastened together and shall be filed as a single instrument with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each signer. Not more than 10 days following the filing of the petition, the city clerk shall provide for the board of registrars to certify the names of registered voters on the petition and ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular city election. The city clerk shall cause a certificate of the board of registrars to be attached to the petition showing the results of the board's examination. A copy of

the registrars of voters' certificate shall also be provided to the members of the petitioners' committee.

(d) Action on Petitions.

Not later than 60 days following the date an initiative petition has been returned to the city clerk, the city council or the school committee shall act with respect to each initiative petition by passing it without change, passing a measure which is stated to be in lieu of the initiative measure or rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act not later than 60 days following the date the measure is returned to the city clerk, the measure shall be deemed to have been rejected. If an initiative measure is rejected, the city clerk shall promptly give notice of that fact to the petitioners' committee by certified mail.

(e) Supplementary Petitions.

Not later than 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk, but only by persons constituting the original petitioners' committee. The supplemental initiative petition shall be signed by a number of additional voters equal to not less than 5 per cent of the total number of registered voters as of the date of the most recent regular city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of not less than 15 per cent of the total number of registered voters as of the date of the most recent regular city election. The city clerk shall forthwith provide to the board of registrars for certification the signatures to this supplemental petition. If sufficient, the clerk shall attach the certificate of the board of registrars to the petition and forward the same to the city council, which council shall call a special election to act on the measure, without alteration, on a date fixed by the council not less than 35 days nor more than 90 days following the date of the board of registrars certification, but in no event earlier than 35 days from the date the city council votes and provides notice to the city clerk of the election; provided, however, that if any other city election is to be held not later than 120 days following the date of the certificate that a sufficient number of voters have signed the supplemental initiative petition, the city council may omit calling the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication.

The full text of an initiative measure to be submitted to the voters shall be published in at least 1 local newspaper for not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk and posted on the city bulletin board.

(g) Form of Question.

The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

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

(Here insert the fair, concise summary of the proposed measure, as determined by the city attorney as referenced in subsection (c)).

YES NO

(h) Time of Taking Effect

Subject to section 8-6, if a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

Section 8-3 Citizen Referendum Procedures

(a) Petition, Effect on Final Vote.

If, not later than 21 days following the date on which the city council or the school committee has voted finally to approve any measure, a petition signed by a number of voters equal to not less than 12 per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee, protesting against the measure or any part of it is filed with the city clerk, the effective date of that measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the city council shall provide for the submission of the question to the voters at a regular city or special election occurring not less than 35 days following the vote to place the question on the ballot and provision of written notice to the city clerk; provided, however, that pending submission to the voters, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply.

The petition described in this section shall be termed a referendum petition and subsection (c) of section 8-2, as the section relates to the filing and certification of signatures, shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative". Subject to section 8-6, the measure or part thereof protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

Section 8-4 Ineligible Measures

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

- (i) proceedings relating to the internal organization or operation of the city council or of the school committee;

- (ii) an emergency measure adopted under the charter;
- (iii) the city budget or any appropriation contained therein or the school committee budget or any appropriation contained therein;
- (iv) any appropriation for the payment of the city's debt or debt service;
- (v) any appropriation of funds to implement a collective bargaining agreement;
- (vi) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;
- (vii) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
- (viii) any proceedings providing for the submission or referral to the voters at an election; and
- (ix) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

Section 8-5 Recall

(a) Application

Any holder of an elected office in the city, with more than 6 months remaining in the term of office to which the officer was elected, may be recalled therefrom by the voters of the city in the manner provided in this section. No recall petition shall be filed against an officer not more than 6 months after taking office.

(b) Recall Petition

A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall; provided, however, that the affidavit shall be signed by not less than 300 registered voters for the office of mayor, not less than 200 registered voters for any office elected at large and not less than 75 voters registered in the appropriate district for a district councilor. Each such affidavit shall be accompanied by a letter identifying the 10 lead petitioners who will be the petitioner's committee responsible for circulating and filing the petition. The city clerk shall forthwith, and not later than 5 business days following submittal, provide for the certification by the board of registrars of the signatures of such persons who are registered voters of the city and provide notice to the city council of the number of signatures so certified. The city clerk shall, not later than 5 business days following certification by the registrars of voters, issue to those voters constituting the petitioner's committee, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available. The blanks shall be issued by the city clerk, with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to the city council and shall contain the names of the petitioner's committee, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. Said recall petition shall be returned and filed with the city

clerk not later than 28 days after the filing of the affidavit and shall be signed by not less than 20 per cent of the voters of the city for any officer elected at large and by not less than 20 per cent of the voters of the district for an officer elected by district. The city clerk shall submit the petition to the registrars of voters and the registrars shall, within 5 days, certify thereon the number of signatures which are names of voters.

(c) Recall Election

If the petition shall be found and certified by the registrars of voters to be sufficient, the city clerk shall submit such certificate to the city council within 5 days and the city council shall give written notice of the receipt of the certificate to the officer sought to be recalled. If that officer does not resign within 5 days thereafter, the city council shall order an election to be held on a date fixed by it not less than 35 days from the date the council votes to place the question on the ballot and provides written notice thereof to the city clerk, nor more than 90 days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur not later than 120 days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder

The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled under articles II, III and IV for filling vacancies in such office. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular city election. Should the person chosen to fill the vacancy be a candidate in the subsequent election, that person will not be allowed to have "candidate for re-election" appear on the ballot at such election.

(e) Ballot Proposition

The form of the question to be voted upon shall be substantially as follows:

"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"

Yes No

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled. No recall election shall be effective unless not less than 30 per cent of the total number of voters of the city at the last regular city election shall have voted in such election.

(f) Repeat of Recall

In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until not less than 270 days after the election at which the officer's recall was submitted to the voters of the city.

(g) Office Holder Recalled

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any city office not later than 2 years after such recall or such resignation.

Section 8-6 Required Voter Participation

For any measure to be effective under initiative or referendum procedure, not less than 20 per cent of the total number of voters of the city at the last regular city election shall vote at an election upon which an initiative or referendum question is submitted to the voters.

Section 8-7 Submission of Proposed Measure to Voters

The city council may, on its own motion, and shall, upon request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at a regular or special city election for adoption or rejection a measure in the same manner and with the same force and effect as is provided for submission by initiative or referendum petitions.

Any measure adopted pursuant to initiative procedures shall not be subject to amendment or repeal by the city council for a period of 6 months after the election at which said measure was adopted.

Notwithstanding any general or special law to the contrary, the city council may place 1 or more non-binding public opinion advisory questions on the ballot for either a regular or special city election under the procedures established by the laws of the commonwealth.

Section 8-8 Conflicting Provisions

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

ARTICLE IX General Provisions

Section 9-1 Revision or Amendment of Act

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

Section 9-2 Severability

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

Section 9-3 Rules of Interpretation

The following rules shall apply when interpreting the charter:

(a) Specific Provisions to Prevail

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

(b) Number and Gender

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

(c) References to General Laws

All references to the general laws or the laws of the commonwealth contained in this charter refer to the general laws of the commonwealth and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of this act.

(d) Computation of Time

Except as pertaining to the computation of time for elections and open meetings of government bodies, in computing time under this charter: (i) if not more than 7 days, only business days, not including Saturdays, Sundays or legal holidays shall be counted; (ii) if more than 7 days, every day shall be counted. All days shall be considered 24 hours long commencing at 12 midnight and ending at 11:59:59 p.m.

Section 9-4 Definitions

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

- (a) Charter – The word “charter” shall mean this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.
- (b) Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

- (c) City – The word “city” shall mean the city of Amesbury.
- (d) City Bulletin Board – The words “city bulletin board” shall mean the display on the city’s website established and maintained by the city as its online repository of city information or the display at any other locations or in any other manner as may be designated from time to time by the city council.
- (e) Voters - The word “voters” shall mean registered voters of the city as defined by the laws of the commonwealth.
- (f) City Agency or Agency – The words “city agency” or the word “agency” shall mean any board, commission, committee, department or office of city government, whether elected, appointed or otherwise constituted.
- (g) Board, Commission, Committee or Authority – The words “board, commission, committee, or authority” shall mean any board, commission, committee or authority, except advisory boards, committees or commissions appointed by the mayor.
- (h) Measures – The word “measures” shall mean all matters to come before the council which are inherently legislative in nature, including ordinances, charter amendments, free petitions, appropriations, loan orders, lease approvals, acceptance of statutes, petitions to the general court, tax classification votes, contract approvals or property transactions, real and personal.
- (i) Full council, full school committee or full multiple-member body -_The words “full council”, “full school committee” or “full multiple-member body” shall mean the entire authorized complement of the council, school committee or other multiple-member body notwithstanding any vacancy which might exist.
- (j) Majority vote – The words “majority vote”, when used in connection with a meeting of the council, school committee or a multiple-member body, shall mean a majority of those present and voting provided a quorum is present, unless another provision is made by general law or ordinance.
- (k) Multiple-member body –_The words “multiple-member body” shall mean any board, commission, committee, subcommittee or other body consisting of not less than 2 persons whether elected, appointed or otherwise constituted, but not including the council, the school committee or executive ad hoc or working groups advisory to the mayor.
- (l) Ordinance – The word “ordinance” shall mean any rule, law or regulation adopted by the city in accordance with this charter.

- (m) Referendum – The word “referendum” shall mean_a measure adopted by the council or the school committee that is protested under the referendum procedures of this charter.
- (n) Resolution – The word “resolution” shall mean_a formal expression of opinion or a ceremonial declaration voted by the council not requiring the signature of the mayor and having no force of law.

Section 9-5 Board, Committees or Commissions

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

Except subcommittees of the city council and as otherwise provided by law or this charter, all boards, commissions and committees shall consist of not less than 3 members appointed by the mayor for terms of 3 years each, so arranged that the term of one-third of the members, or as nearly that number as may be possible, shall expire each year. Appointments made hereunder shall begin on March 1 and shall expire on the last day of February of the third year following appointment; provided, however, that any person appointed hereunder shall serve until their successor is appointed and qualified, or until they sooner vacate the office. Failure to reappoint at the end of an expired term shall not constitute removal from office. All members of boards, commissions and committees shall serve without compensation or benefits and shall be sworn into office not later than 4 weeks of their appointment; provided, however, that members of the school committee shall receive such compensation as may be included in the budget and appropriated by the city council from time to time. All board, commission or committee members shall take the oath of office prior to entering upon the duties of their office.

All appointed multiple-member body members shall be residents of the city. However, the residency requirement established by this subsection may be waived by majority vote of the city council upon recommendation of the mayor. The mayor’s recommendation shall set out the reasons why said waiver is in the best interest of the city.

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

All boards, commissions and committees shall meet regularly at such times and places as they shall determine, but not less than quarterly. Special meetings of any board, commission or committee shall be held on the call of the chair or by a majority of its members, by written notice delivered in hand or to the place of residence of each member and containing notice of the matters to be acted upon. Except in the case of any emergency, all notices shall be delivered to the members and posted on the city bulletin board not less than 48 hours in advance of the time set forth for such meeting.

Upon petition filed with the city clerk and signed by not less than 100 voters requesting a special meeting of any board, commission or committee, said board,

commission or committee shall, not more than 15 days after notification from the clerk of the petition, hold a special meeting. Any such petition must state the purpose or purposes for which such meeting is requested.

If any member of an appointed board, commission or committee fails to attend one half of the meetings held by such board, commission or committee during a calendar year, upon notice to the mayor from the city council, board, commission or committee affected, the mayor shall not later than 30 days of said notice determine, based on the mayor's own investigation, of which a public record shall be kept, to retain said member or to declare the seat vacant and to fill the vacancy.

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

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

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

(c) Multiple Office Holding

No member of a board, committee or commission may serve on another city board, committee or commission; provided, however, that nothing shall prohibit any member of a board, committee or commission to serve on an ad hoc, temporary advisory committee or committee established for the purpose of coordinating the exercise of power, duties and responsibilities of the respective board, committee or commission. No city employee may serve on a board, committee or commission unless required by virtue of the office held by said employee. The provisions of the subsection may be waived by majority vote of the city council upon recommendation of the mayor. The mayor's recommendation shall set out the reasons why said waiver is in the best interests of the city.

Section 9-6 Inspection of Documents

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

Section 9-7 Reenactment and Publication of Ordinances

Not later than the first day in July, at intervals of 5 years, in each year ending in a 5 or a 0, the city council shall cause to be prepared a proposed revision or re-codification of all city ordinances that shall be submitted to the city council for re-enactment. A committee

established by the city council shall prepare such revision or re-codification. Such revisions or re-codification shall be prepared under the supervision of the city attorney or, if the city council so directs, by special counsel retained for such purposes. Not later than 8 months following its appointment, the committee shall cause to be published in a local newspaper: (i) the times and places within the city where complete copies of the report shall be available for inspection by the public; and (ii) the date, time and place not less than 14 days following such publication when a public hearing shall be held by the committee. Copies of the revised ordinances shall be made available for public distribution. In each year between such re-enactment and publication, an annual supplement shall be published containing all ordinances and amendments to ordinances that had been adopted in the previous year.

Section 9-8 Code of Ethics

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

Section 9-9 Periodic Review of the Charter

Not later than the first day in April, at intervals of 10 years, in each year ending in an 8, the mayor, subject to approval of the city council, shall appoint a special committee to review this charter and to issue a report to the mayor and the city council containing any recommendations for changes to the charter deemed advisable by said special committee.

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

At intervals of 10 years, in each year ending in a 3, the mayor, subject to approval of the city council, shall appoint a special committee to review the purpose and need for each appointed board, commission and committee of the city and to issue a report to the mayor and the city council containing any recommendations for changes deemed advisable by said special committee of the city and shall report any findings and recommendations.

ARTICLE X Transition Provisions

Section 10-1 Continuation of Existing Laws

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

Where provisions of this charter, as amended, conflict with city ordinances, rules, regulations, orders, special acts and acceptances of laws of the commonwealth, the

provisions of this charter shall govern. All provisions of city ordinances, rules, regulations, orders and administrative actions not superseded by this charter shall remain in force.

Section 10-2 Existing Officials and Employees

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

Section 10-3 Continuation of Government

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

Section 10-4 Continuation of Obligations

All official bonds, obligations, contracts and other instruments entered into or executed by or to the city before the adoption of this charter and all taxes, special assessments, fines, penalties and forfeitures incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this charter. No legal act done by or in favor of the city shall be rendered invalid by the adoption of this charter.

Section 10-5 Transfer of Records and Property

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