

An Act Amending the Charter of the City 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:

SECTION 1. The charter of the city of Amesbury, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the general laws, is hereby amended by striking out , in the title, the word “City” and inserting in place thereof the word:- Home Rule.

SECTION 2. The title of part one of said charter is hereby amended by striking out the word “PART” and inserting in place thereof the word:- ARTICLE.

SECTION 3. The first sentence of subsection 2 of section 1 of said part I of said charter is hereby amended by inserting prior to the words “Amesbury Home Rule Charter” the following words:- City of.

SECTION 4. The second sentence of subsection 3 of section 1 of said part I of said charter is hereby amended by striking out the word “municipal” and inserting in place thereof the word:- city.

SECTION 5. Subsection 5 of section 1 of said part I of said charter is stricken in its entirety, and subsections 6 and 7 of said section 1 of said part I of said charter shall be renumbered as subsections 5 and 6, respectively.

SECTION 6. The title of part II of said charter is hereby amended by striking out the word “PART” and inserting in place thereof the word:- ARTICLE.

SECTION 7. The first sentence of subsection 1(c) of section 2 of said part II of said charter is hereby amended by striking out the word “municipal” and inserting in place thereof the word:- city.

SECTION 8. The second sentence of said subsection 1(c) of said section 2 of part II of hereby amended by striking out the word “councillor” and inserting in place thereof the word:- councilors.

SECTION 9. The first sentence of subsection 3 of section 2 of part II of said charter is hereby amended by striking out the word “board” and inserting in place thereof the word:- boards.

SECTION 10. Said subsection 3 of section 2 of part II of said charter is hereby amended by striking out the first sentence in its entirety and inserting in place thereof the following:- The mayor shall appoint the library director, but only from the candidate or candidates recommended by the board of library trustees.

SECTION 11. Said subsection 3 of section 2 of part II of said charter is hereby amended by striking out the third sentence in its entirety and inserting in place thereof the following:- Unless otherwise provided by this charter, appointments of all city officers, department heads, and members of boards, commissions, and committees shall become effective twenty-one days after submission of a written notice of any appointment 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 appointment or has sooner voted to affirm it.

SECTION 12. The third sentence of subsection 5 of section 2 of part II of said charter is hereby amended by striking out the word “effect” and inserting in place thereof the word:- affect.

SECTION 13. The first sentence of subsection 7(b) of section 2 of part II of said charter is hereby amended by striking out the word “councillor” and inserting in place thereof the word:- councilors.

SECTION 14. The title of subsection 8 of section 2 of part II of said charter is hereby amended by striking out the word “of” and inserting in place thereof the word: or.

SECTION 15. The second sentence of subsection 8(d) of section 2 of part II is hereby amended by striking out the words “his or her” and inserting in place thereof the word:- their.

SECTION 16. The third sentence of paragraph one of section 2-10 of said charter is hereby amended by striking out the word “municipal” and inserting in place thereof the word:- city.

SECTION 17. The third sentence of paragraph two of section 2-10 of said charter is hereby amended by striking out the word “councillor” and inserting in place thereof the word: councilor.

SECTION 18. The title of part III of said charter is hereby amended by striking out the word “PART” and inserting in place thereof, the word:- ARTICLE.

SECTION 19. Section 3 of part III of said charter is hereby amended by striking out subsection 1 in its entirety and inserting in place thereof the following subsection:-

(a) Composition

There shall be a city council composed of nine 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, one such district councilor to be elected from each of the six 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 one district to another within the first twelve 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 twelve months of the 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 two years beginning on the first business day of January following the regular city election, and continuing until their successors are qualified.

SECTION 20. The first sentence of subsection 2 of said section 3 of part III of said charter is hereby amended by striking out the word “councillors-elect” and inserting in place thereof the word:- councilors-elect.

SECTION 21. Said section 3 of said part III of said charter is hereby amended by striking subsection 3 in its entirety and renumbering the remaining subsections accordingly.

SECTION 22. The first sentence of subsection 4 of section 3 of part III of said charter is hereby amended by striking out the word “councillor” and inserting in place thereof the word:- councilor.

SECTION 23. The last sentence of said subsection 4 of section 3 of said part III of said charter is hereby amended by striking out the word “councillor” and inserting in place thereof the word:- councilor.

SECTION 24. The third sentence of subsection 5(b) of said section 3 of part III of said charter is hereby amended by striking out the word “councillors” and inserting in place thereof the word:- councilors.

SECTION 25. The third sentence of subsection 5(c) of said section 3 of part III of said charter is hereby amended by striking out the word “that” and inserting in place thereof the word:- than.

SECTION 26. The first sentence of subsection 6 of said section 3 of part III of said charter is hereby amended by striking out the word “it” and inserting in place thereof the word- is.

SECTION 27. The last sentence of section 7(b) said section 3 of said part III of said charter is hereby amended by striking out the word “late” and inserting in place thereof the word: later.

SECTION 28. Section 3 of said part III of said charter shall be further amended by deleting the text and title of subsection 9, and by renumbering the remaining subsections accordingly.

SECTION 29. The first sentence of subsection 10 of section 3 of said part III of said charter is hereby amended by striking out word “councillor” and inserting in place thereof the word: councilor.

SECTION 30. Said subsection 10 of section 3 of said part III of said charter is hereby amended by striking out the second sentence in its entirety and inserting in place thereof the following:- No former councilor shall hold any compensated appointive office or employment under the city until one year after the expiration of their service on the city council.

SECTION 31. The second paragraph of section 3-11 of said charter is hereby amended by striking out the word “councillors” and inserting in place thereof the word:- councilors.

SECTION 32. The title of part four of said charter is hereby amended by striking out the word “PART” and inserting in place thereof, the word:- ARTICLE.

SECTION 33. Subsection 1 of section 4 of part IV of said charter is hereby amended by deleting the text thereof and inserting in place thereof the following:- 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 34. Subsection 6 of section 4 of said part IV of said charter is hereby deleted in its entirety, and the remaining sections of said section 6 shall be renumbered accordingly.

SECTION 35. Subsection 7 of section 4 of part IV of said charter is hereby amended by striking out the first sentence and inserting in place thereof the following new sentences:- 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 36. The third sentence of the third paragraph of said subsection 7 of said section 4 of said part IV of said charter is hereby amended by striking out the word: “shall”.

SECTION 37. Said subsection 7 of said section 4 of part IV of said charter is hereby further amended by deleting the last sentence and inserting in place thereof the following:- 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 38. Section 4 of part IV of said charter is hereby further amended by deleting subsection 8 and inserting in place thereof the following:- 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 one 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 39. The title of part five of said charter is hereby amended by striking out the word "PART" and inserting in place thereof the word:- ARTICLE.

SECTION 40. The title of subsection 3 of section 5 of part V of said charter is hereby amended by striking out the word "of" and inserting in place thereof the word:- on.

SECTION 41. The second sentence of subsection 3(a) of said section 5 of said part V of said charter is hereby amended by striking out the word "if" and inserting in place thereof the word:- of.

SECTION 42. The second sentence of subsection 4(b) of said section 5 of part V of said charter is hereby amended by striking out the word "date" and inserting in place thereof the word:- data.

SECTION 43. The second sentence of subsection 4(c) of said section 5 of said part V of said charter is hereby amended by striking out the word "resources" and inserting in place thereof the word:- sources.

SECTION 44. The first sentence of subsection 5 of said section 5 of said part V of said charter section 5-5 of said charter is hereby amended by striking out the word "accounts" and inserting in place thereof the word:- accountants.

SECTION 45. The second sentence of said subsection 5 of said section of said part V of said charter is hereby amended by striking out the word "east" and inserting in place thereof the word:- least.

SECTION 46. Part VI of said charter is hereby amended by striking out the title in its entirety and inserting in place thereof the following words:- ARTICLE VI Administration of City Government.

SECTION 47. Subsection 1(a)(1) of section 6 of part VI of said charter is hereby amended by striking it in its entirety and inserting in place thereof the following new subsection:- 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.

SECTION 48. The first sentence of subsection 3(b) of said section 6 of said part VI of said charter is hereby amended by striking out the word “municipal” and inserting in place thereof the word:- city.

SECTION 49. Subsection 3(b) of said chapter 6 of said part VI of said charter is hereby further amended, by striking out, in the first sentence of the second paragraph, the word “the” prior to the word:- auditing.

SECTION 50. Subsection 4 of section 6 of part VI of said charter is hereby amended by striking the text and title, and inserting in place thereof the following new section:-

6-4 Licensing Commission and Delegation of Licensing Powers

(a) The licensing commission shall be composed of 3 members who shall be appointed by the mayor for 3 year terms, so arranged that the terms of nearly an equal number of members as is possible expire at each biennial city election; provided, however, that following the filing with the city council of notice of an appointment, the city council may, within 21 days, vote to reject such appointment or sooner affirm it. The appointments shall include one member of both of the leading political parties, provided, however, that no more than 2 shall be from any 1 party. Such commission shall serve as the liquor licensing authority of the city, with authority to grant, suspend, or revoke licenses and permits for liquors regulated by chapter 138 of the General Laws. If any member of said board engages directly or indirectly in the manufacture or sale of alcohol, the member will be deemed to have immediately vacated the office, and the mayor may appoint a new member for the remainder of the unexpired term in accord with this section.

(b) The city council may, at its discretion, delegate to the licensing commission the authority to issue any or all other licenses and permits now or hereafter vested by the general laws in the city councils of cities of the commonwealth, including all licenses and permits not placed by the charter within the jurisdiction of another city department, agency, officer or employee, and may at its discretion, rescind any such delegation without prejudice to any prior action. Any licensing or permit fees established by the licensing commission under this paragraph shall be subject to the approval of the city council.

(c) To implement this section the city council may promulgate regulations or adopt ordinances so providing.

SECTION 51. The title of part seven of said charter is hereby amended by striking out the word “PART” and inserting in place thereof the word “ARTICLE.”

SECTION 52. The second sentence of subsection 1 of section 7 of part VII of said charter is hereby amended by striking out the word “municipal” and inserting in place thereof the word:- city.

SECTION 53. The first sentence of subsection 2(a) of section 7 of part VII of said charter is hereby amended by striking out the words “councillor-at-large” inserting in place thereof the words:- councilor-at-large.

SECTION 54. The first sentence of said subsection 2(a) of said section 7 of part VII of said charter is hereby further amended by striking out the word “councillor” and inserting in place thereof the word:- councilor.

SECTION 55. Subsection 4 of said section 7 of said part VII of said charter is hereby further amended by inserting prior to the word “known” the word:- of.

SECTION 56. Subsection 5 of said section 7 of said part VII of said charter is hereby amended by striking out the word “municipal” and inserting in place thereof the word:- city.

SECTION 57. The title of part eight of said charter is hereby amended by striking out the word “PART” and inserting in place thereof the word:- ARTICLE.

SECTION 58. Subsection 2(b) of section 8 of part VIII of said charter is hereby amended by striking out the entire section and replacing it with the following words:- The city clerk or the clerk of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city attorney. The city attorney shall, within 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 as proposed may lawfully be proposed by the initiative process and whether, in its present form, it 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.

SECTION 59. The title of part IX of said charter is hereby amended by striking out the word “PART” and inserting in place thereof the word:- ARTICLE.

SECTION 60. Subsection 4(d) of section 9 of part IX of said charter is hereby amended by striking out the entire section and replacing it with the following words:- The phrase ‘city bulletin board’ shall mean the bulletin board posted outside the office of the city clerk, 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 location(s) as may be designated from time to time by the City Council.

SECTION 61. Subsection (5)(a) of said section 9 of said section 9 of said part IX of said charter is hereby amended by inserting, after the first sentence, the following new sentences:- 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 their sooner vacating of office. Failure to reappoint at the end of an expired term shall not constitute removal from office.

SECTION 62. The second sentence of subsection 5(b) of said section 9 of said part IX of said charter is hereby amended by striking out the word “nor” and inserting in place thereof the word:- or.

SECTION 63. Said subsection 5(b) of said section 9 of part IX of said charter is hereby further amended by striking out the seventh sentence in its entirety and inserting in place thereof the following sentence:- 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 within thirty (30) days of said notice determine, based on their own investigation, of which a public record shall be kept, whether to retain said member or to declare the seat vacant and to fill the vacancy.

SECTION 64. The title of part X of said charter is hereby amended by striking out the word "PART" and inserting in place thereof the word:- ARTICLE.

SECTION 65. Subsection 2 of section 10 of part X of said charter shall be stricken and the following shall be inserted in place thereof:- 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 66. Subsection 3 of said section 10 of said part X of said charter shall be stricken and the following shall be inserted in place thereof:- 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 67. Subsection 4 of said section 10 of said part X of said charter shall be stricken and the following shall be inserted in place thereof:- All official bonds, obligations, contracts and other instruments entered into or executed by or to the city before the adoption of this act, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the town, 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 act. No legal act done by or in favor of the city shall be rendered invalid by the adoption of this act.

SECTION 68. Subsection 5 of said section 10 of said part X of said charter is hereby amended by striking out the word "town" and inserting in place thereof the word:- city.

SECTION 69. The changes made in subsections 1, 6, 7, and 8 of section 4 of part IV of said charter deleting, in each place in which it appears, reference to the elected housing thereby abolishes the elected housing authority and creates an appointed housing authority consistent with the provisions of section 5 of chapter 121B of the general laws; provided, however, that all persons elected to the housing authority as of the effective date of this act shall first serve for a time equivalent to the remainder of their respective elected term or sooner vacating of office. As vacancies arise, whether by expiration of term or otherwise, the mayor shall fill such vacancies consistent with the provisions of section 5 of chapter 121B of the General Laws and this section,

so that the term of one member expires each year, and thereafter all members shall be appointed in accordance with subsection 3 of section 2 of said part II of the said charter and consistent with the provisions of section 5 of chapter 121B as it may be amended from time to time.

SECTION 70. To implement the provisions of section 54 of this act, the terms of all appointees holding office on the effective date of this act, that would otherwise expire prior to the last day of February in the third year following appointment, shall nevertheless continue until said last day of February that year, and the terms of appointees holding office on the effective date of this act that would otherwise expire following the last day of February in the third year of appointment shall instead expire on said last day of February.

SECTION 71. This act shall take effect upon its passage.

An Act Amending the Charter of the City of Amesbury to Increase the Term of the Mayor to 4 Years

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

SECTION 1. The charter of the city of Amesbury, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the general laws is hereby amended by deleting subsection 1(b) of section 2 of part II of said charter, and inserting in place thereof the following: 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.

SECTION 2. (a) This act shall be submitted to the voters of said city at the next biennial city election in the form of the following question which shall be placed upon the official ballot to be used at said election:-

Shall an act passed by the General Court in the year 2021 entitled 'An Act Amending the Charter of the City of Amesbury to Increase the term of the Mayor to 4 Years, be accepted?'

Below said question shall appear a brief summary of the act prepared by the city solicitor.

If the voters at the biennial city election approve the question, then this act shall be applicable to the city, but not otherwise.

SECTION 3. This act shall be effective upon its passage.

An Act Amending the Charter of the City of Amesbury Relative to the Position of School Committee Chair

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

SECTION 1. The charter of the city of Amesbury, as on file with the archivist of the commonwealth, in accordance with section 12 of chapter 43B of the general laws, is hereby amended by deleting subsection 3(a) of section 4 of part IV of said charter and inserting in place thereof, the following:-

There shall be a school committee composed of seven members. Six members shall be nominated and elected by and from the voters at large, and the seventh member shall be the mayor. The term of office of six school committee members elected to the school committee shall be for four years. Terms of office shall be so arranged that the terms of nearly an equal number of members as is possible expire at each regular election. Following each biennial city election, the school committee shall reorganize and choose from amongst its membership a chair, a vice chair, and a clerk.

SECTION 2. This act shall be submitted to the voters of said city at the next biennial city election in the form of the following question which shall be placed upon the official ballot to be used at said election:-

Shall an act passed by the General Court in the year 2021 entitled ‘An Act Amending the Charter of the City of Amesbury Relative to the Position of School Committee Chair, be accepted?’

Below said question shall appear a brief summary of the act prepared by the city solicitor. If the voters approve this question, this act shall be applicable to the city of Amesbury, but not otherwise. If approved, any person elected as mayor at said biennial election may, but need not at the discretion of the school committee, serve as chair.

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

**An Act Amending the Charter of the City of Amesbury
Relative to the Health Insurance Coverage
for Certain Elected Officials**

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

SECTION 1. The charter of the city of Amesbury, as on file with the archivist of the commonwealth, in accordance with section 12 of chapter 43B of the general laws, is hereby amended by inserting, in subsection 1 of chapter 4 of part IV of said charter, a new paragraph providing as follows:-

Notwithstanding chapter 32B of the General Laws, officials of the city of Amesbury elected under this section 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 this section 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.

SECTION 2. This act shall be submitted to the voters of said city at the next biennial city election in the form of the following question which shall be placed upon the official ballot to be used at said election:-

Shall an act passed by the General Court in the year 2021 entitled 'An Act Amending the Charter of the City of Amesbury Relative to Health Insurance Coverage for Certain Elected Officials, be accepted?'

Below said question shall appear a brief summary of the act prepared by the city solicitor. If the voters approve this question, this act shall be applicable to the city of Amesbury, but not otherwise. If the question is approved, any person elected after November 2, 2021 under subsection 1 of chapter 4 of part IV of said charter shall be eligible to participate in the city's contributory health and life insurance benefit plan until the end of their then current term or sooner vacating of office.

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