



AGENDA PACKET

**CHARTER REVIEW COMMITTEE MEETING
THURSDAY, SEPTEMBER 05, 2024 6:30 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149**



AGENDA

CHARTER REVIEW COMMITTEE MEETING THURSDAY, SEPTEMBER 05, 2024 6:30 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

1. A public hearing seeking input from members of the Everett community regarding proposed amendments to the city's Charter

ADJOURNMENT

(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

David R. Flood

Charter Review Committee Recording Secretary
Everett City Council Office

LEGAL NOTICE
CITY OF EVERETT



EVERETT 2024-2025 CHARTER REVIEW COMMITTEE

PUBLIC HEARING NOTICE

**A PUBLIC HEARING SEEKING INPUT FROM MEMBERS OF THE EVERETT
COMMUNITY REGARDING AMENDMENTS TO THE CITY'S CHARTER**

To all interested parties,

The Everett 2024-2025 Charter Review Committee shall conduct a public hearing on Thursday, September 5, 2024, starting at 6:30 PM in the City Council Chambers at Everett City Hall, Third Floor, 484 Broadway, Everett, MA 02149. This public hearing shall be broadcast live on ECTV, Channel 22.

At said meeting, members of the public shall be allowed to speak on any charter amendments that they would like the committee to consider during their review process. Each member of the public wishing to address the committee at this public hearing shall be granted three minutes to make their presentation to the committee.

In addition to the public hearing, members of the public can also supply the committee with written comments, by e-mail, at any time during the charter review process. All such comments should be sent to the committee using the e-mail address chartercommittee@ci.everett.ma.us,

A copy of the city's current city charter and two pending charter amendments that have been submitted to the state legislature for their approval have been included in the agenda packet for this meeting so that all of the pertinent charter information is readily available for the public's review. The agenda packet for this meeting can be found at the following link:

Questions and comments in advance of the public hearing may be directed to the committee's Recording Secretary, David Flood at David.Flood@ci.everett.ma.us or at 617-394-2237.

After completing their charter review process but before filing any recommendations for any charter amendments with the City Council, the Everett 2024-2025 Charter Review Committee shall conduct an additional public hearing in order to get the public's feedback on their recommendations.

Robert J. Van Campen, Chairman
David Flood, Recording Secretary

August 14, 21, 2024

CITY OF EVERETT, MASSACHUSETTS



HOME RULE CHARTER

Approved: 11/08/2011
Last Revised: 05/15/2021

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ARTICLE 1

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

The inhabitants of the city of Everett, as such, shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations pertaining to and incumbent upon the said city as a municipal corporation and as a body corporate and politic.

SECTION 1-2: SHORT TITLE

This act shall be known and may be cited as the City of Everett Home Rule Charter.

SECTION 1-3: DIVISION OF POWERS

- (a) The administration of the fiscal, prudential and municipal affairs of Everett, with the government thereof, shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a city council.
- (b) The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.

SECTION 1-4: POWERS OF THE CITY

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

SECTION 1-5: CONSTRUCTION

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

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the commonwealth, Everett may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7: DEFINITIONS

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

- (a) "Charter", this charter and any adopted amendments to it.
- (b) "City", the city of Everett.
- (c) "City agency", any multiple member body, any department, division, or office of the city of Everett.

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- (d) "City officer", when used without further qualification or description, shall mean a person having charge of an office or department of the city who in the exercise of the powers or duties of that position exercises some independent statutory authority.
- (e) "Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.
- (f) "Full city council", "full school committee" "full multiple member body", the entire authorized membership of the city council, school committee or other multiple member body notwithstanding any vacancy which might exist.
- (g) "general laws", laws enacted which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities, or to a class of cities and towns of which Everett is a member.
- (h) "General Laws", the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (i) "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.
- (j) "Local newspaper", a newspaper of general circulation within Everett, with either a weekly or daily circulation.
- (k) "Majority vote", when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance or by its own rules, provided however that General Law provisions related to any vote to meet in "executive session" shall always require a majority of members of the body.
- (l) "Measure", an ordinance, resolution, order or vote passed by the city council, or a resolution, order or vote passed by the school committee, as the case may be.
- (m) "Multiple member body", any council, commission, committee, subcommittee or other body consisting of two (2) or more persons whether elected, appointed or otherwise constituted, but not including the city council, the school committee or an advisory committee appointed by the mayor.
- (n) "Organization or reorganization plan", a plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization, or a change in the way in which a municipal service or services are delivered.
- (o) "Quorum", a majority of all members of a multiple member body unless some other number is required by law or by ordinance.
- (p) "Referendum measure", a measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.
- (q) "Remove from the city", when a person ceases to be domiciled within the territorial limits of the city.
- (r) "Voters", registered voters of the city of Everett.

ARTICLE 2
LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION, TERM OF OFFICE

(C0005-1-20/Acts of 2021, Chapter 14)

(a) Composition

There shall be a city council of eleven (11) members that shall exercise the legislative powers of the city.

- (1) Five (5) members of the city council shall be known as councilors-at-large and shall be nominated and elected by and from the voters of the city at large.
- (2) Six (6) members of the city council shall be known as ward councilors. Ward councilors shall be domiciled in the ward from which they seek to be nominated and elected and shall be elected by and from the voters of that ward only, with one (1) such ward councilor to be elected from each of the six (6) wards into which the city is divided.

(b) Term of Office

- (1) The term of office for all councilors shall be for two (2) years each.
- (2) The term shall run from the first business day of January succeeding the councilor's election and until their successors have been qualified.
- (3) Councilors shall be sworn into office no later than January 7 at 8:00 p.m., at a time and place as shall be designated by the city clerk.

(c) Eligibility

- (1) Any voter shall be eligible to hold the office of councilor-at-large.
- (2) A ward councilor shall be a voter domiciled in the ward from which election is sought no later than sixty-four (64) days prior to the date of the preliminary election.
- (3) If a ward councilor or a councilor-at-large removes from the city during the term for which the councilor was elected, such office shall immediately be deemed vacant by the city clerk and shall be filled in the manner provided in section 2-11.
- (4) If a ward councilor removes from the ward from which the councilor was elected during the first eighteen (18) months of the councilor's term, such office shall immediately be deemed vacant and filled in the manner provided in said section 2-11; provided, however, that a ward councilor who removes from the ward from which the councilor was elected during the last six (6) months of the councilor's elected term, and who remains a resident of the city, may serve out the remainder of their term.

SECTION 2-2: PRESIDENT

(C0005-1-20/Acts of 2021, Chapter 14)

(a) Election and Term

- (1) As soon as practicable after the councilors-elect have been qualified following each biennial election, as provided in section 9-11, the members of the city council shall elect from among its members a president who shall serve for one (1) year.
- (2) The method of election of the president shall be prescribed within the rules of the city council.

(b) Powers and Duties

- (1) The president shall preside at all meetings of the city council, regulate its proceedings and decide all questions of order.
- (2) The president shall appoint all members of all committees of the city council, whether special or standing.
- (3) The president shall have the same powers to vote upon all measures coming before the city council as any other member of the city council.
- (4) The president shall perform any other duties consistent with the office that may be provided by charter, ordinance or other vote of the city council.

SECTION 2-3: PROHIBITIONS

(C0005-1-20/Acts of 2021, Chapter 14)

(a) Holding Other City Office or Position

- (1) No member of the city council shall hold any other city office or city employment unless authorized by chapter 268A of the General Laws or by the state ethics commission.
- (2) No former member of the city council shall hold any compensated appointed city office or appointed city employment until thirty (30) days following the date on which the former member's service on the city council has terminated

(C0113-18/Acts of 2018, Chapter 314)

- a. This provision shall not prevent a city officer or other city employee who has vacated a position to serve as a member of the city council from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until thirty (30) days following the termination of service as a member of the city council.

(C0113-18/Acts of 2018, Chapter 314)

(b) Interference with Administration

No city council or any member of the city council shall give orders or directions to any officer or employee of the city appointed by the mayor, either publicly or privately.

(c) Felony Conviction

- (1) Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for, or serve in, any elective or appointive office or position under the city.
- (2) Any councilor who has been finally convicted of a state or federal felony shall be deemed to have vacated their office and shall be disqualified from serving in any other elective or appointive office or position under the city.

SECTION 2-4: COMPENSATION; EXPENSES

(a) Compensation

- (1) The members of the city council shall receive such salary for their services as may, from time to time, be set by ordinance.
- (2) No ordinance increasing the salary of councilors shall be effective unless it shall have been adopted by a two-thirds (2/3) vote of the full city council during the first eighteen (18) months of the term for which the city council is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election.
- (3) No member of the city council shall be eligible to participate in the city's group health or life insurance programs.

(b) Expenses

- (1) Subject to appropriation, council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.
- (2) Actual and necessary expenses shall be defined within the council's rules and regulations.

SECTION 2-5: GENERAL POWERS

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 2-6: EXERCISE OF POWERS; QUORUM; RULES

(a) Exercise of Powers

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

(b) Quorum

- (1) The presence of six (6) members shall constitute a quorum for the transaction of business.
- (2) Except as otherwise provided by general law or by this charter, the affirmative vote, taken by roll call vote, of eight (8) members shall be required to adopt an appropriation order.
- (3) Except as otherwise provided by law or this charter, the affirmative vote, taken by roll call vote, of a majority of the full city council shall be required to adopt any ordinance.

(c) Rules of Procedure

The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

(1) Regular meetings

- a. Regular meetings of the city council shall be held at a time and place fixed by ordinance.
- b. All regular meetings of the city council shall provide for a period of public comment, provided however, the city council may promulgate rules that regulate such period of public comment as deemed appropriate.

(2) Special meetings

- a. Special meetings of the city council shall be held at the call of the president or at the call of any five (5) or more members by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon.
- b. Except in case of an emergency, of which the president shall be the sole judge, this notice shall be delivered at least forty-eight (48) weekday hours in advance of the time set for such meeting.
- c. A copy of the notice shall immediately be posted in accordance with law.

(3) All sessions of the city council and of every committee or subcommittee of the council shall at all times be open to the public unless another provision is made by law.

(4) A full, accurate, up-to-date account of the proceedings of the city council shall be kept by the city clerk, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. Unless otherwise provided by law, the minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purposes of the executive session.

SECTION 2-7: ACCESS TO INFORMATION

(a) In General

The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

(b) City Officers, Members of City Agencies, Employees

The city council may require any city officer, member of a city agency or city employee to appear before it to give any information that the city council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the city council.

(c) Mayor

(1) The city council may require the mayor to provide specific information to it on any matter within the jurisdiction of the city council.

(2) The city council may require the mayor to appear before it, in person, to provide specific information on the conduct of any aspect of the business of the city. The mayor may bring to such meeting any city officer or employee the mayor may deem necessary to assist in responding to the questions posed by the city council.

(d) Notice

(1) The city council shall give a minimum seven (7) days' notice to any person it may require to appear before it under the provisions of this section.

(2) The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing.

SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

(a) City Clerk and Assistant City Clerk

- (1) The city council shall, by a majority vote of the full city council, appoint a city clerk and an assistant city clerk each of whom shall serve for five (5) year terms.
- (2) Any vacancy in the office of city clerk or assistant city clerk shall be filled in a like manner for the remainder of the expired term.
- (3) The city clerk and the assistant city clerk shall receive such compensation as the city council may from time to time determine.
- (4) The city council shall have charge and control over of the office of city clerk.
- (5) The city clerk shall keep full and accurate records of the doings of the city council and perform such other duties as prescribed by the general laws, by this charter or by ordinance.
- (6) In the absence of the city clerk, the assistant city clerk shall perform the duties of the city clerk and shall perform such other duties as prescribed by the city clerk or by ordinance.

(b) Clerk of Committees

- (1) The city council shall biennially in January of the year following a municipal election vote, by a majority vote of the full city council, elect a clerk of committees, who shall hold office for two (2) years, from no later than the first day of March in the year of his election, and until a successor is qualified, unless sooner removed.
- (2) The clerk of committees shall receive such compensation as the city council may from time to time determine.
- (3) The clerk of committees shall keep full and accurate records of the doings of the several committees of the city council, and shall perform such other duties as may be required of the clerk of committees by the city council.

(c) Other Staff

Subject to appropriation, the city council may employ such other staff as it deems necessary.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

(a) Measures

- (1) No measure, except resolutions and other votes constituting ordinary, routine matters, shall be passed finally on the date on which they are introduced, except in the case of an emergency.
- (2) Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of thirty (30) days after adoption or at any other date specified therein.
- (3) No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures.

(b) Emergency Measures

- (1) 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.
- (2) A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds (2/3) of the full city council.
- (3) An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced.
- (4) 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.
- (5) An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection

- (1) 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.
- (2) If two (2) members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least four (4) members, in all, must object.
- (3) This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter.
- (4) A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

SECTION 2-10: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

- (a) The mayor shall submit to the city council the name of each person the mayor desires to appoint to any city office as a department head or as a member of a multiple-member body, but not including any position which is subject to the civil service law.
- (b) The city council may refer each name submitted to it to a standing committee of the council which shall review each candidate for appointment and may make a recommendation to the full city council not less than seven (7) nor more than forty-five (45) days after the referral.
- (c) The committee may require any person whose name has been referred to it to appear before the committee, or before the city council, to give any information relevant to the appointment that the committee, or the city council, may require.
- (d) Appointments made by the mayor shall become effective on the forty-fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the forty-five (45) days.

SECTION 2-11: FILLING OF VACANCIES

- (a) If a vacancy occurs in the office of city councilor, whether by failure to elect or otherwise, the remaining councilors shall, within thirty (30) days following the date of such vacancy, act to fill said vacancy.
- (b) The city council shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate receiving the most votes for said seat from the last regular city election; provided, however, that said defeated candidate shall have received at least twenty percent (20%) of the total ballots cast for the particular seat being vacated.
 - (1) For the purpose of this section, the twenty percent (20%) minimum threshold shall be calculated as a ratio of ballots cast for the particular office being vacated to votes obtained by said defeated candidate.
- (c) If there was no other candidate for said office or said defeated candidate shall not have received at least twenty percent (20%) of the total ballots cast, the city council shall at its discretion choose an individual, who may be the defeated candidate, from among the voters entitled to vote for such office to serve for the remainder of the unexpired term.
 - (1) In such an instance, the city clerk shall post notice of the vacancy at least fourteen (14) days prior to the meeting at which the council shall act to fill the vacancy.
- (d) Any person so chosen shall take the oath of office and commence to serve forthwith.
- (e) Persons serving as councilor under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.
- (f) No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within ninety (90) days following the date the vacancy is declared to exist.

ARTICLE 3
EXECUTIVE BRANCH

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

(a) Mayor, Qualifications

- (1) The chief executive officer of the city shall be a mayor, elected by and from the voters of the city at large.
- (2) Any Everett voter domiciled in the city shall be eligible to hold the office of mayor.

(b) Term of Office

The term of office of the mayor shall be four (4) years beginning on the first Monday in the January succeeding his election, except when said first Monday falls on a legal holiday, in which event on the following day, no later than eight o'clock in the evening (8:00 PM), and until his successor has been qualified.

(c) Compensation

- (1) The city council shall, by ordinance, establish an annual salary for the mayor.
 - a. No ordinance increasing the salary of the mayor shall be effective unless it shall have been adopted by a two-thirds (2/3) vote of the full city council during the first eighteen (18) months of the term for which the city council is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election.
- (2) Subject to appropriation, the mayor shall be entitled to reimbursement of his actual and necessary expenses incurred in the performance of his duties.

(d) Prohibitions

- (1) The mayor shall hold no other city office or city employment for which a salary or other emolument is payable from the city treasury.
- (2) No former mayor shall hold any compensated appointed city office or city employment until one (1) year following the date on which the former mayor's city service has terminated.
 - a. This provision shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time the position was vacated, if such position exists, but no such person shall be eligible for any other municipal position until at least one (1) year after the termination of service as mayor.
 - b. This prohibition shall not apply to persons covered under the leave of absence provisions of the civil service law.

(e) Felony Conviction

- (1) Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for or serve in any elective or appointive office or position under

the city.

- (2) Any mayor who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

- (a) The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several city agencies under the general supervision and control of the office of the mayor.
- (b) The mayor shall cause the charter, the laws, the ordinances and other orders for the government of the city to be enforced, and shall cause a record of all official acts of the executive branch of the city government to be kept.
- (c) The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter.
 - (1) Each city agency shall furnish to the mayor, immediately upon request, any information, materials or otherwise as the mayor may request and as the needs of the office of mayor and the interest of the city may require.
- (d) The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter.
- (e) The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and for this purpose shall have authority, consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise.
- (f) The mayor shall be, by virtue of the office, a member of every appointed multiple member body of the city.
 - (1) The mayor shall have a right, as an ex officio member, to attend any meeting of any appointed multiple member body of the city, at any time, including executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.

SECTION 3-3: APPOINTMENTS BY THE MAYOR

- (a) The mayor shall appoint, subject to the confirmation of such appointments by the city council under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by law or this charter, excepting only persons serving under the school committee, and persons serving under the city council.
- (b) All appointments to multiple-member bodies shall be for terms established under section 5-1.
 - (1) Upon the expiration of the term of any member of a multiple member body, a successor shall be appointed in like manner.
 - (2) The mayor shall fill any vacancy for the remainder of the unexpired term of any member of a multiple member body.
- (c) All persons classified as department heads shall, subject to the consent of the mayor, appoint, promote and discipline all assistants, subordinates and other employees of the agency for which that person is responsible.
- (d) All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability
 - (1) Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen.

SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

(a) Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that the vacancy be filled, the mayor may designate the head of another city agency or a city officer or city employee or some other person to perform the duties of the office on a temporary basis until the position can be filled as otherwise provided by law or by this charter.

(1) No city officer or city employee shall receive dual compensation for holding a temporary appointment.

(b) The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

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

(signed)
Mayor

(c) Persons serving as temporary officers under this section shall have only those powers of the office essential to the performance of the duties of the office during the period of the temporary appointment.

(d) Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than ninety (90) days, but not more than two (2) thirty (30) day extensions of a temporary appointment may be made when a permanent vacancy exists in the office.

SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

(a) Communications to the City Council

(1) The mayor shall, from time to time, by written communications, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require.

(2) The mayor shall, from time to time, by written communication, but no less than quarterly, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in such reports any financial or administrative issues facing the city.

(b) Special Meetings of the City Council

(1) The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the city council.

(2) This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight (48) weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

(3) A copy of each such notice shall be posted in accordance with law.

SECTION 3-6: APPROVAL OF MAYOR, EXCEPTION (VETO)

- (a) Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, the selection of city officers or employees by the city council and any matters relating to the internal affairs of the city council shall be presented to the mayor for approval.
- (b) If the mayor approves of the measure, the mayor shall sign it within ten (10) days; if the mayor disapproves of the measure, the mayor shall return the measure within ten (10) days, with the specific reason or reasons for such disapproval attached to it, in writing, to the city council.
- (c) The city council shall enter the objections of the mayor on its records, and not sooner than ten (10) days, nor later than thirty (30) days from the date of its return to the city council, shall again consider the same measure.
- (d) If the city council, notwithstanding the disapproval by the mayor, shall again pass the order, ordinance or vote by a two-third (2/3) vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve it.
- (e) If the mayor has neither signed a measure nor returned it to the city council within ten (10) days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-7: TEMPORARY ABSENCE OF THE MAYOR

- (a) Acting Mayor
 - (1) Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of the office, the president of the city council shall be the acting mayor.
 - a. Should the president of the city council be unable or unwilling to serve, the city council shall forthwith elect one (1) of its members to serve as acting mayor.
- (b) Powers of Acting Mayor
 - (1) The acting mayor shall have only those powers of the mayor that are essential to the conduct of the business of the city in an orderly and efficient manner and on which action may not be delayed.
 - (2) The acting mayor shall have no authority to make any permanent appointment or removal of any individual from city service unless the disability or absence of the mayor shall extend beyond sixty (60) days, nor shall an acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor.
 - (3) During any period in which any member of the city council is serving as acting mayor, that councilor shall not vote as a member of the city council.

SECTION 3-8: DELEGATION OF AUTHORITY BY MAYOR

- (a) The mayor may authorize any subordinate officer or employee of the city to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor, and the mayor may rescind or revoke any such authorizations previously made, but all acts performed under any such delegation of authority during a period of authorization shall be and remain the acts of the mayor.
- (b) Nothing in this section shall be construed to authorize a mayor to delegate his power of appointment to any city office or employment or to sign or return measures approved by the city council.

SECTION 3-9: VACANCY IN OFFICE OF MAYOR

(a) Special Election

- (1) If a vacancy in the office of mayor occurs during the first two (2) years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the city council shall immediately, in the manner provided in section 7-1, order a special election to be held within ninety (90) days following the date the vacancy is created, to fill the vacancy for the balance of the then unexpired term.
- (2) If a regular city election is to be held within one hundred twenty (120) days following the date the vacancy is created a special election need not be held and the position shall be filled by vote at such regular election.

(b) President of City Council to Serve As Acting Mayor

- (1) If a vacancy in the office of mayor occurs in the third or fourth year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall become the acting mayor.
- (2) Upon the qualification of the president of the city council as the acting mayor, under this section, a vacancy shall exist in that seat on the city council which shall be filled in the manner provided in section 2-11.
- (3) A president serving as acting mayor under this subsection, who subsequently stands for office as mayor shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

(c) Powers, Term of Office

- (1) The mayor elected under section 3-9(a) or the acting mayor designated under section 3-9 (b) shall have all the powers of the mayor.
- (2) A person elected under subsection (a), shall serve for the balance of the term unexpired at the time of election to the office.
- (3) A person chosen under subsection (b), shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

ARTICLE 4
SCHOOL COMMITTEE

SECTION 4-1: SCHOOL COMMITTEE

(C0005-1-20/Acts of 2021, Chapter 14)

(a) Composition

There shall be a school committee which shall consist of ten (10) members, nine (9) school committee members and the mayor in an ex officio capacity who shall have a voice and a vote.

(C0005-2-20/Acts of 2020, Chapter 332)

- (1) Three (3) school committee members shall be known as school committee members-at-large and shall be nominated and elected by and from the voters at large.
- (2) Six (6) school committee members shall be known as ward school committee members, shall be domiciled in the ward from which elected and shall be nominated and elected by and from the voters of that ward only, with one (1) such ward school committee member to be elected from each of the six (6) wards into which the city is divided.

(b) Term of Office

- (1) The term of office for school committee members shall be for two (2) years each.
- (2) The term shall run from the first business day of January succeeding their election, and until their successors have been qualified.
- (3) Such school committee members shall be sworn into office no later than January 7 at 8:00 p.m., at a time and place as shall be designated by the city clerk.

(c) Eligibility

- (1) Any voter shall be eligible to hold the office of school committee member-at-large.
- (2) A ward school committee member shall be a voter domiciled in the ward from which election is sought no later than sixty-four (64) days prior to the date of the preliminary election.
- (3) If a ward school committee member or a school committee member-at-large removes from the city during the term for which such school committee member was elected, such office shall immediately be deemed vacant by the city clerk and shall be filled in the manner provided in section 4-6.
- (4) If a ward school committee member removes from the ward from which such school committee member was elected during the first eighteen (18) months of the member's term, such office shall immediately be deemed vacant and filled in the manner provided in said section 4-6; provided, however, that a ward school committee member who removes from the ward from which such school committee member was

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elected during the last six (6) months of their elected term, and who remains a resident of the city, may serve out the remainder of their term.

SECTION 4-2: SCHOOL COMMITTEE CHAIR

(C0005-1-20/Acts of 2021, Chapter 14)

(a) Powers and Duties, Chair

- (1) As soon as practicable after the school committee members-elect have been qualified following each biennial city election, as provided in section 9-11, the school committee shall organize by electing one (1) of the school committee members to serve as school committee chair.
- (2) The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and decide all questions of order.
- (3) The school committee chair shall appoint all members of all sub-committees of the school committee, whether special or standing.
- (4) The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee.
- (5) The school committee chair shall perform such other duties consistent with the office as may be provided by this charter or by vote of the school committee.

(b) Powers and Duties, Vice Chair

- (1) As soon as practicable after the school committee members-elect have been qualified following each biennial city election, as provided in section 9-11, the school committee shall organize by electing one (1) of the school committee members to serve as school committee vice chair.
- (2) In the absence, of the chair, the vice chair shall exercise all of the duties and authority of the chair, other than appointing members of subcommittees, whether special or standing.

(c) School Committee meetings

Except in the case of an emergency or in the event of a joint meeting, the school committee shall not meet on the same date as a regular city council meeting.

SECTION 4-3: PROHIBITIONS

(C0005-1-20/Acts of 2021, Chapter 14)

(a) Holding Other City Office or Position

- (1) No member of the school committee shall hold any other city office or city employment unless authorized by chapter 268A of the General Laws or the state ethics commission.
- (2) No former member of the school committee shall hold any compensated appointed city office or appointed city employment until thirty (30) days following the date on which the former member's service on the school committee has terminated.
 - a. This provision shall not prevent a city officer or other city employee who has vacated a position to serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until thirty (30) days following the termination of service as a member of the school committee.

(b) Interference with Administration

No school committee or any member of the school committee shall give orders or directions to any officer or employee of the city appointed by the mayor, either publicly or privately.

(c) Felony Conviction

- (1) Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for, or serve in, any elective or appointive office or position under the city.
- (2) Any school committee member who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.

SECTION 4-4: COMPENSATION; EXPENSE

(a) Compensation

- (1) The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance.
- (2) No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted by a two-thirds (2/3) vote of the full city council during the first eighteen (18) months of the term for which the school committee is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election.
- (3) No member of the school committee shall be eligible to participate in the city's group health or life insurance programs.

(b) Expenses

- (1) Subject to appropriation, school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.
- (2) Actual and necessary expense shall be defined in the school committee's rules and regulations.

SECTION 4-5: POWERS AND DUTIES

- (a) The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, and/or otherwise and not inconsistent with the grant of powers conferred by general laws.
- (b) The powers and duties of the school committee shall include the following:
 - (1) To elect a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in by law.
 - (2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable.
 - (3) To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the city council.
 - (4) The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment.
 - (5) The school committee shall provide ordinary maintenance of all school buildings and grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established in accordance with law.
 - (6) Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the school committee, or a designee of the school committee, shall serve on the agency, council or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 4-6: FILLING OF VACANCIES

(a) Runner-Up to Fill Vacancy

- (1) If a vacancy occurs in the office of school committee member, whether by failure to elect or otherwise, the remaining school committee members shall, within thirty (30) days following the date of such vacancy, act to fill said vacancy.
- (2) The school committee shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate receiving the most votes for said seat from the last regular city election; provided, however, that said defeated candidate shall have received at least twenty percent (20%) of the total ballots cast for the particular seat being vacated.
 - a. For the purpose of this section, the twenty percent (20%) minimum threshold shall be calculated as a ratio of ballots cast for the particular office being vacated to votes obtained by said defeated candidate.
- (3) Any person so chosen shall take the oath of office and commence to serve forthwith.
- (4) Persons serving as school committee member under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.
- (5) No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within ninety (90) days following the date the vacancy is declared to exist.

(b) Filling of Vacancies By City Council and School Committee

- (1) Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill the vacancy in the manner provided in section 4-6 (a), the president of the city council shall, within 30 days following the date of the vacancy, call a joint meeting of the city council and the school committee to act to fill the vacancy.
- (2) Persons elected to fill a vacancy by the city council and school committee shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected.
- (3) Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed against their names on the election ballot.

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

- (a) The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council.
- (b) The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides.
- (c) The mayor may from time to time prepare and submit to the city council administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city.
- (d) These administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the city council if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances.
- (e) Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following said publication.
- (f) An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within such period vote to disapprove the plan.
- (g) The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5-2: MERIT PRINCIPLES

- (a) All appointments and promotions of city officers and employees must be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability.
- (b) Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen.

ARTICLE 6

FINANCE AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

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

SECTION 6-2: ANNUAL BUDGET POLICY

The mayor shall call a joint meeting of the city council and school committee, to include the superintendent of schools, before the commencement of the budget process to review the financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget.

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

- (a) At least forty-five (45) days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents.
- (b) The budget message submitted by the mayor shall:
 - (1) Explain the operating budget in fiscal terms and in terms of work programs for all city agencies;
 - (2) It shall outline the proposed fiscal policies of the city for the ensuing fiscal year;
 - (3) Describe important features of the proposed operating budget; and
 - (4) Include any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes.
- (c) The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable.
- (d) The school budget, as adopted by the school committee shall be submitted to the mayor at least thirty (30) days before the submission of the proposed operating budget to the city council.
 - (1) The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor.
 - (2) The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

SECTION 6-4: ACTION ON THE OPERATING BUDGET

(a) Public Hearing

The city council shall publish in at least one (1) newspaper of general circulation in the city a notice of the proposed operating budget as submitted by the mayor. The notice shall state:

- (1) The times and places where copies of the entire proposed operating budget are available for inspection by the public; and
- (2) The date, time and place not less than fourteen (14) days after its publication, when a public hearing on the proposed operating budget will be held by the city council.

(b) Adoption of the Budget

- (1) The city council shall adopt the proposed operating budget, with or without amendments, within forty-five (45) days following the date the proposed budget is filed with the city clerk.
- (2) In amending the proposed operating budget, the city council may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the general laws.
- (3) If the city council fails to take action on any item in the proposed operating budget within forty-five (45) days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year, and be available for the purposes specified.

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

(a) Submission

The mayor shall submit a capital improvement program to the city council at least one hundred twenty (120) days before the start of each fiscal year. The capital improvement program shall include:

- (1) A clear and concise general summary of its contents;
- (2) A list of all capital improvements proposed to be undertaken during the next ensuing five (5) years, with supporting information as to the need for each capital improvement;
- (3) Cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (4) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

(b) Public hearing

The city council shall publish in at least one (1) newspaper of general circulation in the city a notice stating:

- (1) The times and places where entire copies of the capital improvements program are available for inspection by the public; and,
- (2) The date, time and place not less than fourteen (14) days after such publication, when a public hearing on said plan will be held by the city council.

(c) Adoption

At any time after the public hearing, but before the first day of the last month of the current fiscal year, the city council shall, by order, adopt the capital improvements program, with or without amendment, provided that:

- (1) Each amendment must be voted separately; and
- (2) That any increase in the capital improvements program as submitted must clearly identify the method of financing proposed to accomplish such increase.

SECTION 6-6: INDEPENDENT AUDIT

- (a) The city council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant, or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers.
- (b) The mayor shall annually provide to the city council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the city council.
- (c) The award of a contract to audit shall be made by the city council on or before September 15 of each year.
- (d) The clerk of committees shall coordinate the work of the individual or firm selected.
- (e) The report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award.

SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

- (a) Except as otherwise may be provided by law, no official of the city of Everett shall knowingly and intentionally:
 - (1) Expend, in any fiscal year, any sums in excess of the appropriations, awards, grants or gifts, duly made in accordance with law, or
 - (2) Involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts.
- (b) It is the intention of this section that section 31 of chapter 44 of the General Laws shall be strictly enforced.
- (c) Any official who violates this section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

**ARTICLE 7
ELECTIONS**

SECTION 7-1: PRELIMINARY ELECTION FOR MAYOR

- (a) A preliminary election for the purpose of nominating candidates for mayor shall be held on the third Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday.
- (b) Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, twenty-eight (28) days before the date established for the special election.

SECTION 7-2: PRELIMINARY ELECTION FOR CITY COUNCIL AND SCHOOL COMMITTEE

A preliminary election for the purpose of nominating candidates for city councilors and school committee members who are to be elected shall be held on the third Tuesday in September in each odd-numbered year in which a city councilor or school committee member is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday.

SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

- (a) Ballot Preparation and Signature Requirements
(C0005-1-20/Acts of 2021, Chapter 14)
 - (1) The board of election commissioners and city clerk shall prepare separate nomination papers for nomination to at-large and ward positions, and make the same available not earlier than April 2 in each preliminary election year.
(C0114-18/Acts of 2018, Chapter 316)
 - (2) Said papers shall be submitted to the city clerk on or before 4 p.m. on the forty-fifth day prior to the declared date of such preliminary election.
 - (3) An individual may appear on the ballot for only one (1) office at any preliminary, regular or special election.
 - (4) Nomination papers shall be signed by the following number of voters for each office:
 - a. Mayor, no fewer than five hundred (500) signatures, with no fewer than twenty-five (25) signatures certified from each ward;
 - b. Councilor at large or school committee member at large, no fewer than two hundred fifty (250) signatures; and
 - c. Ward councilor or ward school committee member, no fewer than one hundred (100) signatures from the ward in which election is sought.
 - (5) The number of signatures for nomination may be changed from time to time by an affirmative vote of no fewer than seven (7) councilors.

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- (6) Any candidate taking out papers shall be advised of the number of signatures required for nomination to the office sought.
- (b) Ballot Position
The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least forty (40) days before the preliminary election. Such drawing shall be open to the public.
- (c) Determination of Candidates
- (1) The two (2) persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
 - (2) If two (2) or more persons are to be elected to the same office at such regular or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.
 - (3) 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 person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.
- (d) Condition Making Preliminary Unnecessary
- (1) If, at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office:
 - a. The candidates whose statements have thus been filed shall be deemed to have been nominated to said office; and
 - b. Their names shall be voted on for such office at the succeeding regular or special election, as the case may be; and
 - c. 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.
 - (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

SECTION 7-4: REGULAR ELECTION

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

SECTION 7-5: BALLOT POSITION, REGULAR ELECTION

The order in which names of candidates for each office appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the city clerk no later than 7 days after the certification of the preliminary election results. Such drawing shall be open to the public.

SECTION 7-6: NON-PARTISAN ELECTIONS

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

SECTION 7-7: WARDS

- (a) The territory of the city shall be divided into six (6) wards by the city clerk so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits.
- (b) Each such ward shall be composed of voting precincts established in accordance with general laws.
- (c) The city council shall from time to time, but at least once in each ten (10) years, review these wards to insure their uniformity in number of inhabitants.

SECTION 7-8: APPLICATION OF STATE GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, 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, voting places, the conduct of preliminary, regular and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

ARTICLE 8

CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1: FREE PETITION

- (a) The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred (100) or more voters, and which seeks the passage of a measure.
- (b) The hearing shall be held by the city council or the school committee and the action by the city council or the school committee shall be taken not later than six (6) weeks after the petition is filed with the city clerk or the secretary of the school committee.
- (c) Hearings on two (2) or more petitions filed under this section may be held at the same time and place.
- (d) The city clerk or the secretary of the school committee shall mail notice of the hearing to the ten (10) persons whose names appear first on the petition at least seven (7) days before the hearing.
- (e) Notice, by publication, of all such hearings shall be at public expense.

SECTION 8-2: CITIZEN INITIATIVE MEASURES

- (a) Commencement
 - (1) Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary of the school committee.
 - (2) The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least two hundred fifty (250) voters. At least twenty-five (25) signatures must be certified from each ward.
 - (3) The petition shall be accompanied by an affidavit signed by ten (10) voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- (b) Referral to City Solicitor
 - (1) The city clerk or the secretary of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city solicitor.
 - (2) The city solicitor shall, within fifteen (15) days following receipt of a copy of the petition, in writing, advise the city council or the school committee whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee.
 - (3) If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full.
 - (4) A copy of the opinion of the city solicitor shall also be mailed to the person designated as clerk of the petitioners committee.

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(c) Submission to City Clerk

- (1) If the opinion of the city solicitor is that the petition is in a proper form, the city clerk shall provide blank 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 solicitor, together with the names and addresses of the first ten (10) voters who signed the originating petition.
- (2) Within thirty (30) days following the date the blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by at least ten percent (10%) of the total number of voters as of the date of the most recent city election.
- (3) Signatures to an initiative petition need not all be on one (1) paper, but all papers pertaining to any one (1) measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.
- (4) Within ten (10) days following the filing of the petition, the board of election commissioners shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent regular city election.
(C0114-18/Acts of 2018, Chapter 316)
- (5) The board of election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk, or the secretary of the school committee, depending on how the petition is addressed.
(C0114-18/Acts of 2018, Chapter 316)
- (6) A copy of the board of election commissioners' certificate shall also be mailed to the person designated as clerk of the petitioners committee.
(C0114-18/Acts of 2018, Chapter 316)

(d) Action on Petitions

- (1) Within thirty (30) days following the date a petition has been returned to the city clerk or the secretary of the school committee, and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by 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.
- (2) If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within thirty (30) days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day.
- (3) If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.

(e) Supplementary Petitions

- (1) Within sixty (60) days following the date an initiative petition has been rejected, a

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supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners committee.

- (2) The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least five (5) per cent of the total number of voters as of the date of the most recent city election, and 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 at least fifteen percent (15%) of the total number of voters in the city.
- (3) If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date fixed by it not less than thirty (35) nor more than ninety (90) days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if any other city election is to be held within one hundred twenty (120) days following the date of the certificate, the city council may omit the calling of such special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication

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

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

- YES
- NO

(h) Time of Taking Effect

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

- (1) If, within twenty-one (21) days following the date on which the city council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least twelve (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 as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of such measure shall be temporarily suspended.
- (2) 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 for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply

- (1) The petition described in this section shall be termed a referendum petition and the applicable provisions of section 8-2 as they relate 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".
- (2) The measure or part 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 protested against at the election.

SECTION 8-4: INELIGIBLE MEASURES

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

- (a) Proceedings relating to the internal organization or operation of the city council or of the school committee;
- (b) An emergency measure adopted under the charter;
- (c) The city budget or the school committee budget as a whole;
- (d) Any appropriation for the payment of the city's debt or debt service;
- (e) An appropriation of funds to implement a collective bargaining agreement;
- (f) Proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- (g) Any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
- (h) Any proceedings providing for the submission or referral to the voters at an election; and
- (i) Resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

SECTION 8-5: RECALL

(a) Application

- (1) Any holder of an elected office in the city, with more than six (6) months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the city in the manner provided in this section.
- (2) No recall petition shall be filed against an officer within six (6) months after taking office.

(b) Recall Petition

(C0005-1-20/Acts of 2021, Chapter 14)

- (1) 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 is signed by no fewer than five hundred (500) voters for any officer elected city-wide and no fewer than three hundred (300) voters for any officer elected by ward.
- (2) The city clerk shall thereupon deliver to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available.
 - a. Such blanks shall be issued by the city clerk, with signature and official seal attached thereto.
 - b. Such blanks shall be dated, addressed to the city council and contain the names of all the persons to whom they are issued, 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.
- (3) A copy of the petition shall be entered in a record book to be kept in the office of the city clerk.
- (4) The recall petition shall be returned and filed with the city clerk within twenty-eight (28) days after the filing of the affidavit, and shall have been signed by no fewer than twenty per cent (20%) of the voters of the city for offices elected city-wide and no fewer than twenty per cent (20%) of the voters of the ward for offices elected by ward. The city clerk shall immediately submit the petition to the election commissioners, and the commission shall, within five (5) working days, certify thereon the number of signatures that are names of voters.

(C0114-18/Acts of 2018, Chapter 316)

(c) Recall Election

- (1) If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within five (5) working days, and the city council shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five (5) days thereafter, order an election to be held on a date fixed by them not less than sixty-four (64) days and not more than ninety (90) days after the

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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 within one hundred fifty (150) 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.

- (2) 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

- (1) The incumbent shall continue to perform the duties of the office until the recall election.
- (2) If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before.
- (3) If recalled, the officer shall be deemed removed and the office vacant.
- a. The vacancy created thereby shall be filled in accordance with the provisions of Articles 2, 3 and 4 of this charter for filling vacancies in such office.
 - b. A person chosen to fill the vacancy caused by such recall shall hold office until the next regular city election.
 - c. Should the person be a candidate in the subsequent election, he or she 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?"

- o YES
- o NO

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

(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 at least two hundred seventy (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 or position of employment within two (2) years after such recall or such resignation.

SECTION 8-6: REQUIRED VOTER PARTICIPATION

(C0005-1-20/Acts of 2021, Chapter 14)

- (a) For any measure to be effective under any initiative procedure and for any measure to be declared null and void under any referendum procedure, no fewer than twenty per cent (20%) of the voters as of the most recent regular city election shall vote at an election that includes on the ballot submission of at least one (1) initiative or referendum questions to the voters.
- (b) For any recall election to be effective, no fewer than twenty per cent (20%) of the voters as of the most recent regular city election for those offices elected city-wide, and no fewer than twenty per cent (20%) of the voters as of the most recent regular city election in the ward for those offices elected by ward, shall vote in such recall election.

SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

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

SECTION 8-8: CONFLICTING PROVISIONS

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

**ARTICLE 9
GENERAL PROVISIONS**

SECTION 9-1: CHARTER CHANGES

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

SECTION 9-2: SEVERABILITY

- (a) The provisions of this charter are severable.
- (b) If any provision of this charter is held invalid the other provisions shall not be affected by this holding.
- (c) If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

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

SECTION 9-4: RULES AND REGULATIONS

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

SECTION 9-5: PERIODIC REVIEW OF ORDINANCES

- (a) Not later than the first day of July, at ten (10) year intervals, in each year ending in a five (5), the mayor and city council shall provide for a review to be made of the ordinances of the city for the purpose of preparing a proposed revision or recodification of them, without substantive change.
- (b) This review shall be made by a special committee to consist of nine (9) members, six (6) of whom shall be appointed by the city council president and three (3) of whom shall be appointed by the mayor.
 - (1) At least two (2) of the persons appointed by the city council president shall be members of the city council and all of the remaining members shall be voters of the city.
- (c) The special committee shall file its report with the city clerk not later than the first day of May in the year following the year in which the committee is appointed.
- (d) The recommendations of the special committee shall appear on the city council agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the city council for action at its next meeting held following the fifteenth day of June, and no other business shall be in order until the report has been acted upon, by roll call vote.
- (e) The city solicitor shall serve as an advisor to the special committee.
- (f) A revision, recodification or republication of the ordinances shall be made at ten (10) year intervals.
- (g) Copies of the revision, recodification or republication shall be made available to the public at a cost not to exceed the actual cost of the reproduction.
- (h) In each year between these reenactments, an annual supplement shall be printed which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

SECTION 9-6: PERIODIC REVIEW OF CHARTER

- (a) Not later than the first day of July, at ten (10) year intervals, in each year ending in a four (4), the mayor and city council shall provide for a review to be made of the city charter.
- (b) This review shall be made by a special committee to consist of nine (9) members.
 - (1) Four (4) members shall be appointed by the city council president, two (2) of whom shall be members of the city council and two (2) of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city.
 - (2) Five (5) members shall be appointed by the mayor, all of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city.
- (c) The special committee shall file its report with the city clerk, not later than the first day of May in the year following the year in which the committee is appointed.
- (d) The recommendations of the special committee shall appear on the city council's agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the city council for action at its next meeting held following the fifteenth day of June, and no other business shall be in order until such report has been acted

upon, by roll call vote.

SECTION 9-7: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

(a) Meetings

- (1) All appointed multiple member bodies of the city shall meet regularly at the times and places that they by their own rules prescribe.
- (2) Special meetings of any multiple member body shall be held on the call of the chairman or by one-third (1/3) of the members of the body by written notice delivered in hand or to the place of residence of each member at least forty-eight (48) hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the notice shall also be posted in accordance with law.
- (3) Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public.

(b) Rules and Journals

- (1) Each appointed multiple member body shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings.
- (2) These rules and journals shall be a public record, and certified copies shall be placed on file in the office of the city clerk and in the Everett Public Library.

(c) Voting

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

(d) Quorum

- (1) A majority of the members of an appointed multiple member body shall constitute a quorum.
- (2) Unless some other provision is made by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an exercise of the powers of the multiple member body, and that General Law provisions related to any vote to meet in "executive session" shall always require a majority of members of the body.

SECTION 9-8: NUMBER AND GENDER

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

SECTION 9-9: REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 9-10: COMPUTATION OF TIME

- (a) In computing time under this charter, the day of the act or event after which the designated period of time begins to run shall not be included.
- (b) The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday.
- (c) When the period of time designated is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is seven (7) days or more, every day shall be counted.

SECTION 9-11: OATH OF OFFICE OF MAYOR, CITY COUNCIL, AND SCHOOL COMMITTEE

- (a) A mayor-elect (as applicable), the city council-elect, and the school committee members-elect shall, on the first Monday in the January of each even-numbered year, except when said first Monday falls on a legal holiday, in which event on the following day, no later than eight o'clock in the evening (8:00 PM), meet and be sworn to the faithful discharge of their duties.
- (b) The oath may be administered by the city clerk, the assistant city clerk, or by any person qualified to take oaths or affirmations.
- (c) A certificate that the oath or oaths have been taken shall be entered in the journal of the city council.
- (d) In case of the absence of the mayor-elect or any members-elect of the city council or school committee on the day the oath of office is administered, the oath may at any time thereafter be administered to those persons by the city clerk, the assistant city clerk or by any person qualified to take oaths or affirmations. A certificate of each oath subsequently taken shall be entered in the journal of the city council.
- (e) After the oath has been administered to the city council members present, they shall organize by electing from among their number a person to serve as the president as provided in section 2-2. The member senior in years of continuous service on the city council shall preside during this election. If two (2) or more members are equally senior in continuous years of service on the city council, the member senior both in continuous years of service and age shall preside.
- (f) After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the chair, as provided in section 4-2. The member senior in years of continuous service on the school committee shall preside during the election. If two (2) or more members are equally senior in continuous years of service on the school committee the member senior both in continuous years of service and age shall preside.

SECTION 9-12: CERTIFICATE OF ELECTION OR APPOINTMENT

- (a) Every person who is elected, including those elected by the city council, or appointed to an office of the city, shall receive a certificate of such election or appointment from the city clerk.
- (b) Except as otherwise provided by law, every person who is elected, including those elected by the city council, or appointed to an office of the city before performing any act under this appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties.
- (c) A record of this oath shall be kept by the city clerk.

SECTION 9-13: LIMITATION ON OFFICE HOLDING

- (a) Unless otherwise allowed by law or this charter, no person shall simultaneously hold more than one (1) full-time city office or position of employment.
- (b) Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position.

SECTION 9-14: ENFORCEMENT OF CHARTER PROVISIONS

- (a) It shall be the duty of the mayor to see that the charter is faithfully followed and complied with by all city agencies and city employees.
- (b) Whenever it appears to the mayor that any city agency or city employee is failing to follow any provision of this charter, the mayor shall, in writing, cause notice to be given to that agency or employee directing compliance with the charter.
- (c) If it shall appear to the city council that the mayor personally is not following the provisions of the charter, the city council shall, by resolution, direct the attention of the mayor to those areas in which the city council believes there is a failure to comply with charter provisions.
- (d) The procedures made available in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

**ARTICLE 10
TRANSITIONAL PROVISIONS**

SECTION 10-1: CONTINUATION OF EXISTING LAWS

- (a) All general laws, special laws, city ordinances, and rules and regulations of or pertaining to Everett, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation.
- (b) In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail.
- (c) Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

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

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

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, 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 otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL LAWS

(a) Certain Special Laws Recognized and Retained

The following special acts are hereby retained:

- (1) Chapter 417 of the Acts of 1991 relative to the police chief;
- (2) Chapter 86 of the Acts of 1933 relative to the fire chief;
- (3) Chapter 33 of the Acts of 1989 relative to the auditor;
- (4) Chapter 73 of the Acts of 1982 relative to the development and financial corporation;
- (5) Chapter 133 of the Acts of 1990 relative to the economic development and industrial corporation,
- (6) Chapter 308 of the Acts of 1988 relative to licensing of establishments with pool tables;
- (7) Chapter 318 of the Acts of 1988 relative to a general liability insurance fund;
- (8) Chapter 423 of the Acts of 2002 relative to retiree health insurance;
- (9) Chapter 60 of the Acts of 1939 relative to the laying out of public ways; and
- (10) Chapter 24 of the Acts of 2008 relative to special police officers.

(b) Certain Special Laws Recognized and Retained, in part

The following special acts relating to the organization of the city's government are recognized and retained in part as follows:

- (1) So much of Chapter 432 of the Acts of 1962 creating a purchasing department;
- (2) Chapter 453 of the Acts of 1990 relative to the board of park commissioners,
- (3) Chapter 115 of the Acts of 2001 providing for an Executive Director of City Services, and
- (4) Chapter 332 of the Acts of 2010 creating an inspectional services department.

These acts shall remain in effect only until such time as the mayor may act to modify provisions contained in these acts pursuant to Article 5 of this charter.

(c) Certain special laws recognized and retained with respect to incumbents in office at the time of charter adoption

Incumbents now serving in the following offices shall have all the rights afforded by these acts, but upon the vacating of office by the incumbents by resignation, retirement, or other cause, such offices will be subject to the city's charter provisions relating to appointment, and the city's personnel policies and procedures:

- (1) The building inspector pursuant to Chapter 518 of the Acts of 1920;
- (2) The city engineer pursuant to Chapter 136 of the Acts of 1927;
- (3) The Director of Veterans' Services (Commissioner of Soldier's Relief and State and Military Aid) pursuant to Chapter 92 of the Acts of 1932;
- (4) The city clerk and assistant city clerk pursuant to Chapter 8 of the Acts of 1926; and
- (5) The treasurer pursuant to Chapter 166 of the Acts of 1947.

(d) Certain Borrowing Authorizations, Retained

The following special acts which authorized the city to borrow certain sums of money, for

certain purposes, are hereby recognized and retained:

- (1) Chapter 455 of the Acts of 1998; and
- (2) Chapter 309 of the Acts of 2002.

(e) Certain Other Obsolete Special Laws Repealed

The following acts hereby stand repealed:

- (1) Chapter 355 of the Acts of 1892, Chapter 366 of the Acts of 1896; and Chapter 152 of the Acts of 1902 of or relating to the city's charter;
- (2) Chapter 260 of the Acts of 1917, Chapter 57 of the Acts of 1933, and Chapter 161 of the Acts of 1934 relating to preliminary elections;
- (3) Chapter 183 of the Acts of 1918 relating to vacancies;
- (4) Chapter 349 of the Acts of 1928 and Chapter 288 of the Acts of 2002 relating to the mayor's term;
- (5) Chapter 361 of the Acts of 1930 relating to biennial municipal elections;
- (6) Chapter 135 of the Acts of 1933 and Chapter 64 of the Acts of 1935 relating to the municipal inaugural;
- (7) Chapter 525 of the Acts of 1943 and Chapter 146 of the Acts of 1990 relating to the school committee;
- (8) Chapter 259 of the Acts of 1949 relating to office-holding; and
- (9) Chapter 308 of the Acts of 1977 relating to initiative petition.

SECTION 10-6: TIME OF TAKING EFFECT

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

- (1) All city officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter.
- (2) The first election of officers under this charter shall be held on the first Tuesday following the first Monday in November 2013 for the purpose of electing a mayor, a city council and members of the school committee. A preliminary election for the purpose of nominating candidates to be elected shall be held on the third Tuesday of September 2013, if necessary, as provided in Article 7 of this charter.
- (3) On the first Monday in January 2014 the persons elected as mayor, city council members, and school committee members shall be sworn to the faithful performance of their duties.
- (4) Not later than thirty (30) days following the date of the ratification of this charter by the voters, the city clerk shall give to each member of the General Court who represent any part of Everett a copy of the vote ratifying this charter.
- (5) Immediately after the election at which this charter is adopted, the board of aldermen shall appoint four (4) persons to a committee, at least one of which shall be a member of the charter commission elected in November 2009, to begin a review of the city ordinances for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. The city clerk shall be the fifth member and chair of this committee. The

City of Everett Home Rule Charter Item Number 1

committee shall submit a report, with recommendations, within one (1) year following its creation and may submit interim reports with recommendations at any time. The city solicitor, or special counsel appointed for this express purpose, shall serve as an advisor to the committee.

- (6) No later than September 2014, the mayor shall promulgate a series of administrative orders providing for the organization of city government into operating agencies in accordance with section 5-1.
- (7) Forthwith following the 2013 municipal election, the persons elected as members of the city council shall meet for the sole purpose of reviewing and revising policies and procedures, rules, or interim rules that will govern the conduct of the business of the city council until such time following the taking of the oath of office when the city council adopts permanent rules. Such meetings shall be called by the council member-elect most senior in age and shall be open to the public, although the business of any such meetings shall be confined to the topics identified here. The city clerk shall serve as an advisor to the city council-elect in this endeavor.
- (8) As soon as practical following the election at which this charter is adopted, the city clerk and the registrars of voters shall, using existing precinct boundary lines and voting places, divide the city into six (6) equal voting districts, or, as nearly equal as may be, using such existing precinct lines. At the first municipal election held in the odd numbered year following adoption of this charter, until the city has been reapportioned, as provided in Massachusetts General Laws, chapter 54, one (1) ward councilor shall be elected from each such ward, based on the city's most recent reapportionment pursuant to Massachusetts General Laws, chapter 54, and five (5) councilors shall be elected from the city at large.
- (9) Until such time as another salary is established in accordance with the provisions of this charter, the initial salaries for the mayor and for a school committee member shall be the same amount established for those offices at the time of the municipal election next following the election at which this charter is adopted. Until such time as another salary is established in accordance with the provisions of this charter, the initial salary for a city councilor shall be the same amount established for the board of aldermen at the time of the municipal election next following the election at which this charter is adopted.
- (10) No later than May 1, 2014, the city council shall promulgate an ordinance providing for a code of conduct and a code of ethics applicable to all appointed and elected officials and employees of the city.
- (11) The mayor and the board of aldermen and common council, in office at time this charter is adopted, and the mayor and successor city council elected pursuant to this charter, shall have the authority to adopt measures that clarify, confirm, or extend any of the transitional provisions in order that such transition may be made in the most expeditious manner possible.
- (12) So much of this charter as is possible shall take effect following its adoption by the voters. Provisions relating to the election of the city council shall take effect for the municipal election next following the adoption of this charter. Upon taking of office, such council shall operate pursuant to the provisions of Article 2 of this charter.



CITY COUNCILNo. C0082-22 & C0083-22

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

**AN ORDER REQUESTING THAT THE STATE LEGISLATURE APPROVE
AMENDMENTS TO SECTIONS 2 AND 4 OF THE CITY OF EVERETT HOME RULE
CHARTER**

/s/Councilors Stephanie V. Smith, Stephanie Martins, Jimmy Tri Le & Wayne A. Matewsky

Whereas: Members of the City Council and the School Committee are now allowed to hold other city/school office or city/school employment if authorized under MGL 268A per the revised City Charter (C0005-1-20/Acts of 2021, Chapter 14); and

Whereas: Any restrictions preventing City or School department employees from collecting a salary from both the City or School department and the elected position of City Council member or School Committee member were removed in a previous charter revision; and

Whereas: Restrictions need to be reinstated as to not allow City or School department employees from collecting a salary from both the City or School department and the elected position of City Council member or School Committee member; and

Whereas: It has been determined that although city employees can now run for elected city office, a waiting period should be established for new employees before they can run for city office; and

Whereas: The act that revised the waiting period for a former City Council or School Committee member to hold a compensated, appointed city office or city employment from 365 days to 30 days was determined to be too short of a time-period (C0113-18/Acts of 2018, Chapter 314).

Now therefore, it is hereby ordered that, consistent with the City of Everett’s authority under Section 8 of the Home Rule Amendment of the Massachusetts Constitution, that the following special legislation amending the City of Everett Charter be filed with the City’s State Representative and State Senator, and further, that the City Council President and Mayor be authorized to take such action as may be necessary to accomplish the purposes of this order.

An Act Relative to the City of Everett Home Rule Charter

The charter of the city of Everett, as on file with the archivist of the Commonwealth in accordance with Massachusetts General Law Chapter 43B Section 12, is hereby amended as follows:

SECTION 1.

SECTION 2-3: PROHIBITIONS of the charter of the city of Everett shall be amended as follows:

SECTION 2-3(a)(1) shall be amended by inserting the phrase “said office is under the school department jurisdiction and ” between the words “unless” and “authorized”; and

SECTION 2-3(a)(1) shall be further amended by deleting the phrase “ or by the state ethics commission”; and

SECTION 2-3(a) shall be further amended by inserting a new subsection (2) as follows and resequencing the existing subsection (2) accordingly:

“(2) A member of the city council shall not hold any appointed school department office or school department employment unless said office or employment was held one hundred twenty (120) days prior to nomination papers being pulled for city council position.”; and

The newly re-sequenced SECTION 2-3(a)(3) shall be amended by changing the phrase “thirty (30)” to “ninety (90)”); and

The newly re-sequenced SECTION 2-3(a)(3)(a.) shall be amended by changing the phrase “thirty (30)” to “ninety (90)”).

SECTION 2.

SECTION 2-4: COMPENSATION; EXPENSES of the charter of the city of Everett shall be amended as follows:

SECTION 2-4(a) shall be amended by adding a new subsection (3) as follows and resequencing the existing subsection (3) accordingly.

“(3) If authorized by the city council as a special municipal employee under chapter 268A of the General Laws, a city council member shall not collect compensation for the special municipal employee position if the member holds another compensated city employment or city office, including but not limited to employment or office under the school department jurisdiction.”.

SECTION 3.

SECTION 4-3: PROHIBITIONS of the charter of the city of Everett shall be amended as follows:

SECTION 4-3(a)(1) shall be amended by inserting the phrase “said office is under the jurisdiction of the administration or the legislature and ” between the words “unless” and “authorized”; and

SECTION 4-3(a)(1) shall be further amended by deleting the phrase “ or the state ethics commission”; and

SECTION 4-3(a) shall be further amended by inserting a new subsection (2) as follows and resequencing the existing subsection (2) accordingly:

“(2) A member of the school department shall not hold any appointed city office or

city employment unless said office or employment was held one hundred twenty (120) days prior to nomination papers being pulled for school committee position.”; and

The newly re-sequenced SECTION 4-3(a)(3) shall be amended by changing the phrase “thirty (30)” to “ninety (90)”); and

The newly re-sequenced SECTION 4-3(a)(3)(a.) shall be amended by changing the phrase “thirty (30)” to “ninety (90)”).

SECTION 4.

SECTION 4-4: COMPENSATION; EXPENSES of the charter of the city of Everett shall be amended as follows:

SECTION 4(a) shall be amended by adding a new subsection (2) as follows and resequencing the existing subsection (2) accordingly:

- “(2) If authorized by the city council as a special municipal employee under chapter 268A of the General Laws, a school committee member shall not collect compensation for the special municipal employee position if the member holds another compensated city employment or city office.”.

SECTION 5. This act shall take effect upon its passage.

The proposed Special Act contained in this order, once approved by the City Council and subsequent approval by His Honor the Mayor, shall be filed with the City’s State Representative and State Senator for consideration by the State Legislature,

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk

Docket Number: C0082-22 & C0083-22

APPROVALS

Presentation

Date Presented to His Honor the Mayor: 03/30/2022

Presented to His Honor the Mayor By: City Clerk, Sergio Cornelio

Mayoral Action

Signature: Mayor, Carlo DeMaria

Date: 05/05/2022



A true copy attest

Sergio Cornelio

Sergio Cornelio, City Clerk