



## **AGENDA**

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

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

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#### **CALL TO ORDER**

#### **ROLL CALL**

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF MINUTES OF THE PREVIOUS MEETING**

Minutes of the Charter Review Committee Meeting of 06/06/2024

#### **UNFINISHED BUSINESS**

1. Continue Review of Charter – Complete Article 2, Review Articles 3 & 4

#### **NEW BUSINESS**

Set date, time and agenda for next meeting

## ADJOURNMENT

[www.cityofeverett.com](http://www.cityofeverett.com)

(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



## MEETING MINUTES

### CHARTER REVIEW COMMITTEE MEETING THURSDAY, JUNE 06, 2024 5:30 PM

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

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#### CALL TO ORDER

David Flood, the City Council's Legislative Research System Specialist, substituting for City Clerk Sergio Cornelio, called the meeting to order at 5:30 PM

#### ROLL CALL

Mr. Flood called the roll. All members were present with the exception of Member Mastrocola.

#### PLEDGE OF ALLEGIANCE

Mr. Flood led the committee in the Pledge of Allegiance.

#### NEW BUSINESS

1. Organization of the Charter Review Committee by the election of a Chair, Vice Chair and Recording Secretary

Mr. Flood requested that a motion be made to take Item #2 (Adoption of Robert's Rules) prior to the election of a Chair, Vice Chair and Recording Secretary so there would be rules in place to hold elections. Motion was made by Member Van Campen; seconded by Member DiFlorio. See Item #2 for additional information.

Mr. Flood distributed a document that explained how elections are held under Robert's Rules as there are differences from what is done for City Council and School Committee elections.

Member Robert J. Van Campen was nominated for the position of Chairman by Member Fred Capone.

As the only member nominated for the position, Member Van Campen was elected Chairperson by acclamation.

Newly elected Chairperson Van Campen assumed the chair; Mr. Flood moved to the Clerk's position.

Member Fred Capone was nominated for the position of Vice Chairperson by member Rosa DiFlorio.

Member David Senatillaka nominated himself for the position of Vice Chairperson.

Member Fred Capone was elected to the position of Vice Chairperson by a unanimous roll call vote.

David Flood was nominated for the position of Committee Recording Secretary Chairman by Member Fred Capone.

As the only person member nominated for the position, Mr. Flood was elected the Committee's Recording Secretary by acclamation.

**2. Adoption of Roberts Rules of Order as the official rules of the Charter Review Committee**

Robert's Rules were adopted as the rules of the 2024-2025 Charter Review Commission by unanimous roll call vote of the members

**3. Presentation of the City Charter, and any prior amendments related thereto, by the City Clerk**

The following materials were distributed to the members:

1. An updated copy of the city charter in its original format
2. An updated copy of the city charter in an updated format
3. Copies off the following charter amendments approved since the adoption of the new city charter in 2011:
  - a. Chapter 314 of the Acts of 2018

An act amending the charter of the city of Everett to reduce the amount of time that a former city councilor is required to wait before holding other compensated city employment. (C0113-18)

b. Chapter 332 of the Acts 2020

An act amending the charter of the city of Everett (C0005-2-20)

c. Chapter 14 of the Acts of 2021

An act amending the charter of the city of Everett (C0005-1-20)

4. A redline version of the current charter with changes proposed by the city clerk and KP Law.

4. Discussion of the prescribed process for the Charter Review Committee and timeline for completion of its work

Chairman Van Campen stated that the process that will be used to evaluate changes to the charter will be to review it by article by article, starting with Article 1.

Chairman Van Campen said that the Charter Review Committee will hold two public hearings, which will be broadcast live on ECTV.

One public hearing will be held to seek input on charter changes prior to the commencement of the Committee's deliberations.

The second public hearing will be held by the Committee prior to the issuance of its final report to allow the public to comment on the changes the Committee has proposed.

The Committee members agreed that regular working sessions of the committee would not be televised but would be open to the public in accordance with the open meeting law.

The Committee also determined that there would be no period of public participation during these working sessions.

The Committee will have a dedicated e-mail address to which the public can submit comments. This email will be checked regularly by Committee staff and any comments received will be distributed to all members of the Committee.

Chairman Van Campen also stated that, in accordance with Section 9-6 of the Charter, the charter review committee will file its final report with the City Clerk no

later than May 1, 2025,

5. Consideration to extend an invitation to Lauren Goldberg from KP Law to appear at an upcoming Charter Review Committee meeting for the purpose of presenting potential Charter amendments

The Committee decided to extend an invitation to Lauren Goldberg from KP Law and the City Clerk Sergio Cornelio to attend the next meeting of the Committee to review the proposed changes to the City Charter that they have been working on.

6. Establishment of dates for subsequent meetings, and to set a date for a public hearing at which residents will be afforded the opportunity to speak about the Charter review process

A date and time of July 18, 2024 was proposed for the next meeting of the committee. However, the date could change based on Ms. Goldberg's availability,

It was decided that the committee's first public hearing would take place some time after Labor Day.

## **ADJOURNMENT**

The meeting was adjourned at 6:05 pm

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(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

## City of Everett Home Rule Charter

- (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 order or vote passed by the a resolution, order or vote passed by the~~ school committee, ~~but in each case, excluding action on resolutions comprising ordinary routine matters and votes honoring or paying tribute to a person, event or occurrence, and questions posed to the mayor or superintendent 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.

Commented [A2]: "Order" "resolution" "ordinance" - is everything a measure?

# City of Everett Home Rule Charter

## 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.



## City of Everett Home Rule Charter

### 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

**Commented [A3]:** G.L. c 51, § 1, states a person who resides in a municipality may register to vote unless they are "incarcerated in a correctional facility due to a felony conviction, and not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections"

**Commented [A4]:** Should this be included in Article 9, General Provisions?

## City of Everett Home Rule Charter

- (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.~~

**Commented [A5]:** This may need to be further clarified.

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**Commented [A6]:** Should this apply to both future elected and appointed officials? Just elected?

## City of Everett Home Rule Charter

### 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)~~ eighteen (18) 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.

## City of Everett Home Rule Charter

- 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 required by subsection (a) shall be posted in accordance with law and shall be delivered in the manner selected by each councilor at least ~~forty-eight (48)~~ weekday hours in advance of the time set for such meeting.
  - e. ~~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, to the extent not inconsistent with any applicable collective bargaining agreement, 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.

Commented [A7]: This should be reviewed by labor and employment counsel

(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.

## City of Everett Home Rule Charter

- (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 upon the recommendation of the city clerk, appoint 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~~ The city clerk shall comply with all duties and responsibilities imposed on the position by law.
- (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 statutory and regulatory 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~~ their 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.



## City of Everett Home Rule Charter

- (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 members of the city council present and voting, 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~~two members 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~~(~~3~~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-measure~~ bearing a single docket number notwithstanding any amendment to the original ~~matter~~measure.
- (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 through the mayor, request ~~require~~ any person whose name has been referred to it ~~to~~ appear before the committee, or before the city council, or to provide to the

## City of Everett Home Rule Charter

~~committee, or the city council, 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~~<sup>30<sup>th</sup></sup> 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)~~<sup>30</sup> 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 city clerk shall declare the same. If no candidate is eligible or willing to serve under subsection (b) of this section, 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 shall, following receipt of notice from the city clerk and acceptance of the position, and after taking the oath of office, serve for the remainder of the unexpired term;~~ 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 the defeated candidate shall not have is not eligible for appointment under subsection (b), or the eligible candidate under section (b) declines to serve, 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, following acceptance and taking the oath of office, 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)~~ (d) 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.
- ~~(e)~~ (e) 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.

# City of Everett Home Rule Charter

## 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 and shall run from the first business day of January succeeding their election, and until their successors have been qualified. The mayor shall be sworn into office on the first business day in January, and shall be ceremonially sworn to office no later than January 7 at 8:00 p.m., at a time and place as shall be designated by the city clerk, 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 P.M.), and until his successor has been qualified.

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(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 ~~their~~ his actual and necessary expenses incurred in the performance of ~~his~~ their 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.



## City of Everett Home Rule Charter

~~(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.~~

Commented [A8]: Is this or should it be time-limited in any way?

Commented [A9]: Revisit

### 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

## City of Everett Home Rule Charter

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.

## City of Everett Home Rule Charter

(2) The mayor shall, from time to time, as requested by the city council and no more than written communication, but no less than quarterly, keep the city council fully informed in writing 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 posted in accordance with law and delivered in hand or to delivered 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 to city councilors at least forty-eight (48) weekday hours in advance of the time set for the special meeting and shall specify the purpose or purposes for which the meeting is to be held.

~~(2) 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, appointments by the city council of legislative branch officers or employees, confirmation of mayoral appointments, election warrants, designation of polling places, opting in or out for local elections of early voting by mail and early voting in person, 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, for a period of one week or longer, shall be unable to perform the duties of the office, by reason of sickness or other cause, or is physically absent from the city, the president of the city council shall be the acting mayor.

## City of Everett Home Rule Charter

- 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.

## City of Everett Home Rule Charter

### 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~~their 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, with no preliminary, 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 ~~aAs~~ 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; provided, however, that should such person subsequently stand for election as a city councilor they shall 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.



# City of Everett Home Rule Charter

## 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 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.

**City of Everett Home Rule Charter**

## City of Everett Home Rule Charter

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### 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.



## City of Everett Home Rule Charter

- 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

(e) No school committee or any member of the school committee shall give orders or directions to any officer or employee of the school department, city appointed by the mayor, either publicly or privately; notwithstanding the previous clause, however, nothing herein shall be a limitation on the authority of the school committee to exercise its authority as a committee to adopt broad policy guidelines, supervise the superintendent, and take such other action as authorized by state law consistent with the provisions of section 4-5(a). ~~Felony Conviction~~

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(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.~~

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~~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~~

(2) ~~be disqualified from serving in any other elective or appointive office or position under the city.~~

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### 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

## City of Everett Home Rule Charter

general laws.

- (b) The powers and duties of the school committee shall include the following:
- (1) To ~~elect~~ appoint 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 or by written agreement between the mayor and the school committee.
  - (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

## City of Everett Home Rule Charter

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.

**Commented [A12]:** While there is no one "right way" to identify a candidate to fill a position on the school committee if no eligible candidate is available, there may be a way to allow the school committee to make a recommendation to the council rather than elect from amongst all eligible registered voters. For example, the charter could allow the school committee to put forward at least 2 or 3 names for action by the council, rather than having nominations be made from all eligible registered voters.

## City of Everett Home Rule Charter

### 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 by the mayor 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 through its clerk, 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 for which notice shall be provided no less than 14 days prior thereto by posting the full text of the proposal and a summary thereof on the official website, and, at the discretion of the council, publishing notice in a local newspaper of the date of the hearing with information about how to receive a copy of the full 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.

## Consolidated Charter Changes (Articles 1 -4)

### Global Changes

1. Reformatting of the Charter (KPL, DF)
2. Change number format standard from number (X) to X (KPL)
3. Change masculine gender reference to neutral gender reference (KPL)

### Article I

#### Incorporation; Short Title; Definitions

1. Section 1-7 Measure (KPL)

Current "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.

Proposed "Measure", an ordinance, order or vote passed by the city council or order or vote passed by the school committee, but, in each case, excluding action on resolutions comprising ordinary routine matters and votes honoring or paying tribute to a person, event or occurrence, and questions posed to the mayor or superintendent.

Reason ?

### Article II

#### Legislative Branch

1. Section 2-1(b)(2) Term of Office (DF)

Question Who was the Ward 3 Councilor on January 3rd of this year?

Current The term shall run from the first business day of January succeeding the councilor's election and until their successors have been qualified.

Proposed Solution A city councilor's term of office shall run from their qualification in the January following their election thru their successor's qualification.

2. Section 2-2: President

(a)(1) Election and Term (DF)

Issue Current language only covers the election of a president in years following an election.

Current 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.

- Proposed Solution At the first meeting of the city council held in January of every year, the members of the city council shall elect a president from among its members. The president shall serve for a term of 1 year.
3. Section 2-3 Prohibitions  
(a)(2) -Holding Other City Office or Position (FC)  
Current 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.  
Suggested Increase to 120 days
4. Section 2-3: Prohibitions  
(c) -Felony Conviction (KPL)  
Current (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.  
Proposed Eliminate  
Alternate (1) The impact of a final state or federal felony conviction on the convicted person's eligibility to petition for or serve in the office of city councilor shall be in accordance with Section 9-14 (a) of this charter.  
(2) The impact of a final state or federal felony conviction on a person serving in the office of city councilor shall be in accordance with Section 9-14 (b) of this charter.
5. Section 2.4 Compensation; Expenses  
(a)(3) Compensation (KR)  
Current (3) No member of the city council shall be eligible to participate in the city's group health or life insurance programs.  
Request Councilor Katy Rogers has asked that the committee considers recommending the repeal of this charter provision  
Recommendation Leave as is

6. Section 2-5 General Powers (DC)
- Reasoning Could be expanded to include sanctions for failure to comply with transparency or ethics guidelines.
- Recommendation Introduce provisions for penalties or disciplinary actions for elected officials or city employees who repeatedly fail to provide information, comply with transparency regulations, or are found guilty of nepotism or other ethical violations.
7. Section 2-6: Exercise of Powers; Quorum; Rules
- (b)(2) Quorum (DF)
- Current (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.
- Issue Not true
- Proposed ?
- (c)(2)a. Rules of Procedure/Special Meeting (KPL)
- Current 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.
- Proposed a. Special meetings of the city council shall be held at the call of the president or at the call of any five (5) 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.
- Issue Necessary?
- (c)(2)b. & c. Rules of Procedure/Special Meeting (KPL)
- Current 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.
- Proposed b. Except in case of an emergency, of which the president shall be the sole judge, the notice required by subsection (a) shall be posted in accordance with law and shall be delivered in the manner selected by each councilor at least 48 weekday hours in advance of the time set for such meeting.



<u>Issue</u>	Necessary?
8.	<u>Section 2-7: Access to Information (DC)</u>
<u>Reasoning</u>	Could be modified to introduce time limits on the administration to provide information requested by the City Council or specific bodies
<u>Recommendation</u>	Introduce a clause that mandates all city officers, employees, and departments to respond to requests for information within a set timeframe (e.g., within 10 business days) unless an extension is approved by a majority vote of the city council.
	<u>(b) City Officers, Members of City Agencies, Employees (KPL)</u>
<u>Current</u>	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.
<u>Proposed</u>	The city council may require any city officer, member of a city agency or, to the extent not inconsistent with any applicable collective bargaining agreement, 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.
9.	<u>Section 2-8: Appointments of the City Council</u>
(a)	City Clerk and Assistant City Clerk
	<u>(a)(1) City Clerk and Assistant City Clerk (KPL)</u>
<u>Current</u>	(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.
<u>Proposed</u>	(1) The city council shall, by a majority vote of the full city council, appoint a city clerk and, upon the recommendation of the city clerk, appoint an assistant city clerk, each of whom shall serve for 5 year terms.
<u>Question</u>	Does this mean that the City Clerk decides who the assistant city clerk will be?
	<u>(a)(4) City Clerk and Assistant City Clerk (KPL)</u>



Current (4) The city council shall have charge and control over of the office of city clerk.

Proposed (4) The city clerk shall comply with all duties and responsibilities imposed on the position by law.

Issue The word "office" has always been problematic.

(a)(6) City Clerk and Assistant City Clerk (KPL)

Current (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.

Proposed (6) In the absence of the city clerk, the assistant city clerk shall perform the statutory and regulatory duties of the city clerk and shall perform such other duties as prescribed by the city clerk or by ordinance.

10. Section 2-9: Ordinances and Other Measures

(a)(2) Measures (DF)

Current (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.

Proposed (2) ?

Issue Does not match current practice

(b)(2) Emergency Measures (KPL)

Current (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.

Proposed (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 members of the city council present and voting.

(c)(1)(2)(3) Charter Objection (KPL)

Current (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 measure bearing a single docket number notwithstanding any amendment to the original matter.

Proposed

(1) On the first occasion that the question on adoption of a measure is put to the city council, if two members object 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 3 members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least 4 members, in all, must object.

(3) This procedure shall not be used more than once for any measure bearing a single docket number notwithstanding any amendment to the original measure.

11. Section 2-10:

City Council Confirmation of Certain Appointments

Section 2-10(c)

Current

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.

Proposed

The committee may, through the mayor, request any person whose name has been referred to it to appear before the committee, or before the city council, or to provide to the committee, or the city council, information relevant to the appointment.

12. Section 2-11

Filling of Vacancies (KPL)

Section 2-11(a)

Current

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.

Proposed

If a vacancy occurs in the office of city councilor, whether by failure to elect or otherwise, the city clerk shall declare the same. If no candidate is eligible or willing to serve under subsection (b) of this section, the remaining councilors shall, within 30 days following the date of such vacancy, act to fill said vacancy.

Section 2-11(b)

Current

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.

Proposed

The defeated candidate receiving the most votes for said seat from the last regular city election shall, following receipt of notice from the city clerk and acceptance of the position, and after taking the oath of office, serve for the remainder of the unexpired term; provided, however, that said defeated candidate shall have received at least 20% of the total ballots cast for the particular seat being vacated.

Section 2-11(c)

Current

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.

Proposed

If there was no other candidate for said office, the defeated candidate is not eligible for appointment under subsection (b) declines to serve, 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, following acceptance and taking the oath of office, for the remainder of the unexpired term.

Section 2-11(d)

Current

Any person so chosen shall take the oath of office and commence to serve forthwith.

Proposed

Delete

Article III

Executive Branch

1. Section 3-1(b)

Term of Office (KPL)

Current

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 their successor has been qualified.

Proposed

The term of office of the mayor shall be 4 years and shall run from the first business day of January succeeding their election, and until their successor has been qualified. The mayor 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.

2. Section 3-1(e)

Felony Conviction (KPL)

Current

(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 their office and shall be disqualified from serving in any other elective or appointive office or position under the city.

Proposed

Eliminate

Alternate

(1) The impact of a final state or federal felony conviction on the convicted person's eligibility to petition for or serve in the office of mayor shall be in accordance with Section 9-14 (a) of this charter.

(2) The impact of a final state or federal felony conviction on a person serving in the office of mayor shall be in accordance with Section 9-14 (b) of this charter.

3. Section 3-5(a)(2)

Communications to the City Council (KPL)

Current

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.

Proposed

The mayor shall, from time to time, as requested by the city council and no more 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.

4. Section 3-5(b)

Special Meetings of the City Council (KPL)

Current

(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.

Proposed

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 posted in accordance with law and delivered to each member of the city council. This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered to the city councilors at least 48 weekday hours in advance of the time set for the special meeting and shall specify the purpose or purposes for which the meeting is to be held.

5. Section 3-6(a)

Approval of Mayor, Exception (Veto) (KPL)

Current

Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, and any matters relating to the internal affairs of the city council shall be presented to the mayor for approval.

Proposed

Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, appointments by the city council of legislative branch officers or employees, confirmation of mayoral appointments, election warrants, designation of polling places, opting in or out of local election of early voting by mail and early voting in person, 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.

6. Section 3-7(a)(1)

Temporary Absence of the Mayor (KPL)

Current

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.

Proposed Whenever the mayor, for a period of 1 week or longer, shall be unable to perform the duties of the office, by reason of sickness or other cause, or is physically absent from the city, the president of the city council shall be the acting mayor.

7. Section 3-9(a)(1) Vacancy in Office of Mayor – Special Election (KPL)

Current 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.

Proposed Whenever the mayor, for a period of 1 week or longer, shall be unable to perform the duties of the office, by reason of sickness or other cause, or is physically absent from the city, the president of the city council shall be the acting mayor.

8. Section 3-9(b)(3) Vacancy in Office of Mayor – President of City Council to Serve as Acting Mayor (KPL)

Current 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.

Proposed 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; provided, however, that should such person subsequently stand for election as a city councilor, they shall be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

Article 4 School Committee

1. Section 4-3(b) Interference with Administration (KPL)

Current 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.

Proposed No school committee or any member of the school committee shall give orders or directions to any officer or employee of the school department either publicly or privately; notwithstanding the previous clause, however, nothing herein shall be a limitation on the authority of the school committee to exercise its authority as a committee to adopt broad policy guidelines, supervise the

superintendent, and take such other action as authorized by state law consistent with the provisions of section 4-5(a).

2. Section 4-3(b)(5)

Felony Conviction (KPL)

Current

(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 their office and shall be disqualified from serving in any other elective or appointive office or position under the city.

Proposed

Eliminate

Alternate

(1) The impact of a final state or federal felony conviction on the convicted person's eligibility to petition for or serve in the office of school committee member shall be in accordance with Section 9-14 (a) of this charter.

(2) The impact of a final state or federal felony conviction on a person serving in the office of school committee member shall be in accordance with Section 9-14 (b) of this charter.

3. Section 4-5(b)(1)

Powers and Duties – Superintendent (KPL)

Current

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.

Proposed

To appoint 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.

4. Section 4-5(b)(5)

Powers and Duties – School Building Maintenance (KPL)

Current

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.

Proposed

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 or by written agreement between the mayor and the school committee.

Article 5

Administrative Organization

1. Section 5-1(a)

Current

Proposed

2. Section 5-1(b)

Current

Proposed

3. Section 5-1(c)

Current

Proposed

Article 6

Finance and Financial Procedures

1. Section 6-4(a)

Current

Proposed

2. Section 6-5(a)

Current

Proposed

3. Section 6-5(b)&(c)

Current

Proposed

4. Section 6-6(d)

Current

Proposed