



AGENDA PACKET

**CHARTER REVIEW COMMITTEE MEETING
THURSDAY, FEBRUARY 20, 2025 6:30 PM**

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



AGENDA

CHARTER REVIEW COMMITTEE MEETING THURSDAY, FEBRUARY 20, 2025 6:30 PM

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Charter Review Committee Meeting of 09/30/2024

COMMUNICATIONS

JP Beckta e-mail of February 5, 2025

Open Meeting Law Complaint Form – Minutes Request – JP Beckta

UNFINISHED BUSINESS

1. Continue Review of Charter – Review Articles 8, 9 & 10

NEW BUSINESS

2. Set date, time and agenda for the committee's next meeting

ADJOURNMENT

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

Respectfully submitted:

David R. Flood

Charter Review Committee Recording Secretary



MEETING MINUTES

CHARTER REVIEW COMMITTEE MEETING MONDAY, SEPTEMBER 30, 2024 6:30 PM

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

CALL TO ORDER

Chairman Van Campen called the meeting to order at 6:30 PM.

ROLL CALL

Members Present

Guerline Alcy Jabouin, Fred Capone, Darren M. Costa, Rosa DiFlorio, James Mastrocola, Kathleen Parker, David Pretti, Robert J. Van Campen

Chairman Van Campen instructed the committee's recording secretary to call the roll.

Mr. Flood called the roll. There were 8 members present.

A quorum was established for the transaction of the committee's business.

PLEDGE OF ALLEGIANCE

Chairman Van Campen led the committee and the members of the audience in the Pledge of Allegiance.

NEW BUSINESS

1. Review Articles 1 thru 3 of the current City Charter
 - Evaluate previously proposed modifications to these Articles and vote on acceptance of these modifications
 - Propose additional modifications to these Articles and evaluate. Vote on whether or not to pursue,
 - If language has already been drafted or change is simple, vote on acceptance.
 - If language needs to be drafted, assign member to draft language for future evaluation

Communications received by the committee containing recommended changes to the charter were discussed.

The committee first considered a communication from Member Capone regarding the amount of time a city councilor should be out of office before accepting an appointment to a compensated city position. The discussion on this issue is documented below. (See Section 2-3(a)(2))

A communication from Councilor Katy Rogers asked the committee to consider reinstating the option for city councilors to be eligible for health insurance as a part of their compensation.

Member DiFlorio explained that the position of city councilor was not intended to be a full-time job. As many councilors have other jobs with health insurance, offering health insurance to councilors would not be a benefit that could be offered equitably to all councilors. It was acknowledged, however, at the time of discontinuing council health insurance benefits, there were a couple of councilors who were able to keep the health insurance coverage by retiring.

Member DiFlorio stated that, when she was a councilor, she felt that it was much more equitable to increase the salaries of all city councilors rather than just to offer health insurance to certain members. As such, she supported multiple raises for councilors and an automatic raise provision for councilors every two years. Those efforts have seen the salaries of councilors increase from \$7,200 (for the last year of the board of aldermen) to just over \$27,000, beginning in January 2026.

As no members of the committee spoke in favor of the proposal, no further action was taken on the request.

A communication from Member Costa proposed multiple changes to Articles 1, 2 and 3 of the charter. They included:

- Introducing a citizen oversight committee with the power to audit and investigate complaints related to transparency, timely information provision, and nepotism (related parties, conflicts of interest and impartiality of appearance).
- Including sanctions for failure to comply with transparency or ethics guidelines.
- Introducing time limits on the administration to provide information requested by the city council or specific bodies.
- Mandating an independent ethics committee to review mayoral appointments for potential conflicts of interest
- Changing the frequency of required updates from the mayor on the city's administrative and financial condition from quarterly to monthly.
- Requiring any measure vetoed by the mayor to include a detailed explanation for their reasoning.

Member Costa further explained his reasoning for proposing these changes. The members of the committee failed to support any of these changes with the exception of

the introduction of time limits on the administration to provide information requested by the city council or specific bodies. Item Number {{item.number}}

However, as Member Costa did not submit formal language to implement this change, the committee members asked that he draft some language for implementing his idea. The committee would be willing to further review these proposals at a subsequent meeting.

Before the committee began its review of the individual articles of the Charter, Mr. Flood requested that the committee vote to accept or deny the three “global” changes to the charter that KP Law and the City Clerk had recommended. These recommendations are:

- 1) To adopt a new format for the charter which makes it more readable and accessible.
- 2) The format for numbers in the charter should be changed from “text number (numeric value)” to “numeric value”. The Massachusetts State Legislature recommends this change as they want to avoid situations where the text number and the numeric value do not match. Currently, there is an example of this issue in Section 8-2(e)(3) of the Charter (“thirty (35”).
- 3) All references to gender in the charter should be changed to be gender neutral.

The committee adopted these changes on three separate voice votes. Adopting these changes in this fashion will make it unnecessary to review these changes individually as the charter is reviewed in detail.

The committee began its review of Article 1 of the Charter – Incorporation, Short Title Definitions.

Section 1-7 – (I) Measures

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

"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 Language

"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.

Committee’s Action

The committee was unable to determine the reasoning for the change, As the word “measure” is used frequently throughout the charter, the committee wanted to make sure that any change to its meaning did not have any unintended consequences.

Instead of accepting or rejecting the proposed change, the committee voted via voice vote to have the recording secretary follow up with the city clerk and the city solicitor to see if they could shed any light on the subject.

As the above definition was the only proposed change in Article 1, the committee moved to begin its review of Article 2 of the Charter – Legislative Branch

Section 2-3(a)(2) Prohibitions – Holding Other City Office or Position

This change was proposed by Member Fred Capone.

Current Language

(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.

Proposed Language

(2) No former member of the city council shall hold any compensated appointed city office or appointed city employment until 120 days following the date on which the former member’s service on the city council has terminated.

Committee’s Action

The committee had a discussion as to what was the right amount of time that an elected official (councilors in this case) should be out of office before they were allowed to serve in any compensated city position. Various options were discussed. One option was to go back to the charter’s original one year requirement. Another option was to use the state conflict of interest law requirement of six months. The option of more than one year, which is used in other communities, was also mentioned. In the end, it was recommended to use the 120 days, as proposed by Member Capone in his written communication, as a compromise.

Section 2-3(c) Prohibitions- Felony Convictions

This change was proposed by KP Law, working with the City Clerk to review the charter; the recording secretary suggested a modification to the proposed change,

Current Language

(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 city 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 Language

Eliminate

Alternate Proposed Language

(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.

Committee's Action

The change suggested by KP Law consolidates the charter's felony conviction language in one place in the charter, rather than repeating it in three sections of charter (city council, mayor and school department). Mr. Flood suggested that rather than totally removing all references to felony convictions in each of these sections of the charter, references to where the felony convictions language will be located in the revised charter be inserted in place of the existing language.

On a voice vote, the committee accepted the hybrid change.

Section 2-6 Exercise of Powers, Quorum Rules – Special meetings

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

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.

Proposed Language

a. Special meetings of the city council shall be held at the call of the president or at the call of any 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.

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.

c. Eliminated

Committee's Action

The members of the committee questioned whether or not the majority of the proposed

changes were necessary. As proposed, only exactly 5 members of the city council can call for a special meeting. Also, how agendas are delivered to councilors does not seem to qualify as an issue that needs to be included in the charter. The only proposed change that seems to improve the current language is, in subsection b, to change the phrase “this notice” to the phrase “the notice required by subsection a.”.

The committee voted by voice vote to reject the changes with the exception the enhanced notice description,

Section 2-7(b) – Access to information - (b) City Officers, Members of City Agencies, Employees

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

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.

Proposed Language

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.

Committee’s Action

While the inclusion of the phrase “, to the extent not inconsistent with any applicable collective bargaining agreement,” made some sense to the committee members, they wanted more information on why it is being included at this time. Normally, the city council only invites department heads and above to appear before it,

On a voice vote, the committee conditionally accepted the change but requested that the recording secretary follow up with the City Clerk and KP Law, if necessary, to determine if there was a particular reason for the change.

Section 2-8(a) - Appointments of the City Council - City Clerk and Assistant City Clerk

These changes were proposed by KP Law, working with the City Clerk to review the charter.

Current Language

- (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.

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

(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 Language

(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.

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

(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 such other duties as prescribed by the city clerk or by ordinance..

Committee’s Action

The committee rejected, by voice vote, all three of the proposed changes in this section.

The change in sub-section (1) was rejected because the committee members felt that the city council would want to retain full authority over the appointments of the city clerk and the assistant city clerk.

The change in sub-section (4) was rejected it seemed to remove the office of the city clerk from the purview of the city council. Mr. Flood explained that this sub-section of the charter has always been problematic. It has never been clear whether the phrase “office of the city clerk” refers to the position held by the city clerk or the physical office itself.

The change in sub-section (6) was rejected because the committee members felt that it was not necessary to put any limitations on the Assistant City Clerk when performing the duties of the City Clerk

Section 2-9(b)(2) – Ordinances and Other Measures – Emergency Measures

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

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 Language

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.

Committee’s Action

The committee adopted, via voice vote, to accept the proposed amendment as submitted because it made more sense to base the vote required for an emergency preamble on the number of members attending the meeting at which the emergency preamble is required rather than a full complement of city councilors.

Section 2-10(c) – City Council Confirmation of Certain Appointments

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

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 Language

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.

Committee's Action

The committee accepted the proposed change. While a good portion of the changes being proposed are, more or less, the shuffling of words, the main change to the language reflects the fact that city council is not allowed to give orders to any members of the administration.

Section 2-11 – Filing of Vacancies

This change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

(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.

(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.

(d) Any person so chosen shall take the oath of office and commence to serve

forthwith.

Item Number {{item.number}}

Proposed Language

(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 defeated 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.

(b) 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.

(c) If there was no other candidate for said office, the defeat candidate is not eligible for appointment under subsection (b) or the eligible candidate 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.

(d) delete

Committee's Action

The committee determined that the main reason for this change was not to require city council action to fill a vacancy when an eligible, willing candidate to fill said vacancy exists. The committee accepted the change as the city council is just going thru the motions when this situation occurs.

2. Discuss and set date, time and location for the next meeting of the committee

The committee decided not to meet until after the upcoming Presidential election. An actual date will be determined at a later time.

ADJOURNMENT

The meeting was adjourned at 8:05 PM

(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

Sergio Cornelio

From: JP Beakta <jpbeakta@gmail.com>
Sent: Wednesday, February 5, 2025 9:24 PM
To: chartercommittee
Subject: Additions to the Charter

Hi, I could find nothing in the Charter that addressed the following issues. It may be in there, but I couldn't find it.

1. The mayor must submit the appointment of a department head to the City Council for approval, to be put on the next agenda, within 5 days of making the appointment. It does not seem wise to hand over the keys to someone who hasn't been vetted and bonded, especially for critical or sensitive departments like Finance and Human Resources.
2. If the City Council does not approve the mayor's candidate for department head, the mayor shall immediately file the paperwork with the City Clerk's Office (per Section 3-4 Temporary Appointments) and name and install a qualified temporary head of that department.
3. For multiple-member bodies, when a member's appointment has expired, he or she must vacate the board or commission. Where exceptions occur under statute or CMR that a Chair may stay on after expiration of their appointment because no suitable replacement can be found, as soon as a new Chair is named, the retained member must immediately

stop acting as a member of the body. Any decisions made with an expired member still voting shall be null and void.

Call me if you have any questions. 508-287-2871 (afternoons and evenings)

J.P. Beckta

PEOPLE FIRST!

Item Number {{item.number}}



The Commonwealth of Massachusetts
 Office of the Attorney General
 One Ashburton Place
 Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

EVERETT CITY CLERK
2017-03-01 10:31 AM

Your Contact Information:

First Name: Joan Last Name: Beckta

Address: 19 Hancock Street

City: Everett State: MA Zip Code: 02149

Phone Number: 5082872871 Ext. _____

Email: jpbeckta@mail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Charter Review Commission

Specific person(s), if any, you allege committed the violation: David Flood

Date of alleged violation: 02/04/202

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Several of us have been trying to get the Minutes of the Charter Review Commission meetings. Paula Sterite has been trying since Oct. On Jan. 1, 2025 I filed public records request 2025-0046 for the minutes of the June, July, Sept 5, Sept. 30, Oct. and Dec. 2024 meetings. It was due 2/3/2025. On 2/4/2025 I sent David Flood an email reminding him of the request. I received 3 sets of minutes: June, July, and Sept. 5. I'm still waiting for the others. I don't feel there is any excuse for this failure to keep records in good order.

EVERETT CITY CLERK'S OFFICE
REC'D 2025 FEB 10 10:41

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Well, I am a bit of a hard case, so I think the man should be fired for leaving the city open to this complaint and the one to the Supervisor or Public Records. He knows better. We cut him a little slack and he got 6 months behind. Short of that, his bosses ought to demand to see draft copies of the Minutes within 20 days of the meeting, with the final minutes done within 30 days.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Joan P. Beckta

Date: February 10, 2025

For Use By Public Body Date Received by Public Body: For Use By AGO Date Received by AGO:

Article 8

Citizen Participation Mechanisms

1. Section 8-1

Free Petition (KPL)

Current

(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.

Proposed

(a) The city council or the school committee shall hold a public hearing and act with respect to every petition which is filed with the city clerk and addressed to it, signed by 100 or more voters, and which seeks the passage of a measure.

Current

(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.

Proposed

(d) The city clerk shall by electronic or first-class mail provide to the person whose **names** is listed first on the petition notice of the time, date and place of the hearing.

Current

(e) Notice, by publication, of all such hearings shall be at public expense.

Proposed

(e) Notice of the hearing generally shall be provided by posting on the **official website** no later than 7 days prior to the time, date and place of the hearing and the full text of the proposed measure and, at the discretion of the city clerk or city council, posted or published by any other means appropriate to inform the general public.

2. Section 8-2(a)

Citizen Initiative Measures – Commencement (KPL)

Current

(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.

Proposed

(1) Initiative procedures shall be started by the filing of a proposed initiative petition (“originating petition”) with the city clerk.

Current

(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.

- | | |
|--------------------------|---|
| <u>Proposed</u> | (3) The originating petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address identifying the lead petitioner stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. |
| 3. <u>Section 8-2(b)</u> | <u>Citizen Initiative Measures – Referral to City Solicitor (KPL)</u> |
| <u>Current</u> | (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. |
| <u>Proposed</u> | (1) The city clerk shall, immediately following receipt of the originating petition, deliver a copy of the petition to the city solicitor. |
| <u>Current</u> | (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. |
| <u>Proposed</u> | (2) The city solicitor shall, within 15 days following receipt of a copy of the originating 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. |
| 4. <u>Section 8-2(c)</u> | <u>Citizen Initiative Measures – Submission to City Clerk (KPL)</u> |
| <u>Current</u> | (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. |
| <u>Proposed</u> | (1) If the opinion of the city solicitor is that the originating petition is in a proper form, the city clerk shall provide blank petition forms for the use of subsequent signers, and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first 10 voters who signed the originating petition. |

- | | |
|--------------------------|--|
| <u>Current</u> | (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. |
| <u>Proposed</u> | (2) Within 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 10% of the total number of registered voters as of the date of the most recent city election. |
| 5. <u>Section 8-2(e)</u> | <u>Citizen Initiative Measures – Supplementary Petitions (KPL)</u> |
| <u>Current</u> | (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. |
| <u>Proposed</u> | (2) The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least 5 per cent of the total number of registered voters as of the date of the most recent biennial 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 15% of the total number of registered voters as of the date of the most recent biennial city election. |
| 6. <u>Section 8-2(f)</u> | <u>Citizen Initiative Measures – Publication (KPL)</u> |
| <u>Current</u> | (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. |
| <u>Proposed</u> | (1) The full text of any initiative measure submitted to the voters shall be posted in full on the city website not less than 7 days preceding the date of the election at which the question is to be voted upon, copies of which shall be available in the office of the city clerk, and further, at the discretion of city council, notice of the availability and |

locations at which . copies of the full text may be accessed shall be printed in a newspaper of local circulation.

- | | |
|-----------------------------|--|
| <u>Current</u> | (2) Additional copies of the full text shall be available for distribution to the public in the office of the city clerk. |
| <u>Proposed</u> | Delete |
| 7. <u>Section 8-3(a)(1)</u> | <u>Citizen Referendum Procedures – Petition, Effect on Final Vote (KPL)</u> |
| <u>Current</u> | 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. |
| <u>Proposed</u> | If, within 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 12 per cent of the total number of registered voters as of the date of the most recent biennial 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 city clerk, the effective date of such measure shall be temporarily suspended. |
| 8. <u>Section 8-3(b)(2)</u> | <u>Citizen Referendum Procedures – Certain Initiative Provisions to Apply (KPL)</u> |
| <u>Current</u> | 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. |
| <u>Proposed</u> | The measure or part protested against shall be null and void if a majority of those voting on the question shall vote against the measure or part protested against at the election. |
| 9. <u>Section 8-4(c)</u> | <u>Ineligible Measures (KPL)</u> |
| <u>Current</u> | The city budget or the school committee budget as a whole; |
| <u>Proposed</u> | The city budget or the school department portion of the budget as a whole; |
| 10. <u>Section 8-5(b)</u> | <u>Recall – Recall Petition (KBL)</u> |

- | | |
|-----------------|---|
| <u>Current</u> | (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. |
| <u>Proposed</u> | (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 500 voters for any officer elected city-wide and no fewer than 300 voters for any officer elected by ward, which affidavit shall identify a lead petitioner for purposes of the recall. |
| <u>Current</u> | (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. |
| <u>Proposed</u> | (2) The city clerk shall thereupon make available to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available. |
| Current | (2)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. |
| Proposed | (2)b. Such blanks shall be dated, addressed to the city council and contain the names of the first 10 signatories to the petition, 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. |
| <u>Current</u> | (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.

Proposed

- (4) The petition shall be returned and filed with the city clerk within 30 days after the filing of the affidavit, and shall have been signed by no fewer than 15% of the total number of the registered voters of the city as of the last biennial city election. The city clerk shall immediately submit the petition to the election commissioners, and the commission shall, within 5 working days, certify thereon the number of signatures that are names of voters.

11. Section 8-5(c)(1)

Recall – Recall Election (KBL)

Current

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 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.

Proposed

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 5 working days and provide written or actual notice of the certified petition to the officer sought to be recalled; if the officer does not resign within 5 days thereafter, the city council, following consultation with board of election commissioners, shall order a special election to be held on a date fixed by not more than 90 days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 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.

12. Section 8-6

Required Voter Participation (KPL)

Current

- (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.

Proposed

(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 20% of the total number voters as of the most recent biennial city election shall vote at an election that includes on the ballot submission of at least 1 initiative or referendum questions to the voters.

Current

(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.

Proposed

(b) For any recall election to be effective, for those offices elected city-wide no fewer than 15% of the total number of voters as of the most recent **regular** city election, and for those offices elected by ward no fewer than 15% of the total number of voters as of the most recent biennial city election in the ward, shall vote in such recall election.

13. Section 8 -7

Submission of Other Matters to Voters

Current Title

Submission of Other Matters to Voters

Proposed Title

Submission of Other Measures to Voters

Article 9

General Provisions

1. Section 9-6(a)

Periodic Review of Charter (KPL)

Current

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.

Proposed

Not later than the **first** day of July, at **10 year** intervals, in each year ending in a **zero**, the mayor and city council shall provide for a review to be made of the city charter.

2. Section 9-6(b)

Periodic Review of Charter (KPL)

Current

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.

Proposed

This review shall be made by a special committee of 7 members.

- (1) 3 members shall be appointed by the city council president from amongst the registered voters of the city, one of which may be a city councilor and one of which shall not be an elected or appointed officer or employee of the city.
- (2) 4 members shall be appointed by the mayor, all of whom shall be voters of the city of which no more than 2 may be elected or appointed officers or employees of the city

3. Section 9-7(d)

Uniform Procedures Governing Multiple-Member Bodies (KPL)

Quorum

Current

- (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.

Proposed

- (1) A majority of the full membership of an appointed multiple member body shall constitute a quorum.
- (2) Unless some other provision is made by law or the multiple member body's own rules while a quorum is present, a majority of those present and voting shall be required to vote on any matter representing an exercise of the powers of the multiple member body.

(d) Section 9-8

Number and Gender (KPL)

Current

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.

Proposed

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 a particular gender shall be interpreted to include any,

(e) Section 9-10(b)

Computation of Time (KPL)

Current

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.

Proposed

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 unless otherwise provided by law.

(f) Section 9-11

Oath of Office of Mayor, City Council, and School Committee (KPL)

Current

- (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.

Proposed

- (a) The oath of office may be administered by the city clerk, the assistant city clerk, or by any person qualified to take oaths or affirmations.
- (b) A certificate that the oath or oaths have been taken shall be entered in the journal of the city council.
- (c) 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.

(g) Section 9-14

Felony Convictions (KPL)

Current

N/A (New)

Proposed

- (1) Any person who has been finally convicted of a state or federal felony involving a violation of the public within the **five** years preceding the date of the general or special election at which they

seek to be elected shall not be eligible to petition for, or serve in, any elective office.

- (2) Any elected official of the city who has been finally convicted of a state or federal felony while serving shall be deemed to have vacated their office and shall be eligible for election or appointment to any city position only after the expiration of 5 years from the date of said conviction; provide, however, if the felony at issue involves a breach of the public trust, such person shall be eligible for election or appointment to any city position only after the expiration of 10 years from the date of said conviction.

<u>Article 10</u>	<u>Transitional Provisions</u>
<p>1. <u>Section 10-1 (a)</u></p> <p> <u>Current</u></p> <p> <u>Proposed</u></p>	<p><u>Continuation of Existing Laws (KPL)</u></p> <p>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.</p> <p>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 or any amendments thereto takes effect, and not specifically or by implication repealed by this charter or any amendments thereto, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation.</p>
<p>2. <u>Section 10-2</u></p> <p> <u>Current</u></p> <p> <u>Proposed</u></p>	<p><u>Continuation of Government and Administration (KPL)</u></p> <p>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.</p> <p>Delete</p>
<p>3. <u>Section 10-3</u></p> <p> <u>Current</u></p> <p> <u>Proposed</u></p>	<p><u>Transfer of Records and Property (KPL)</u></p> <p>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.</p> <p>Delete</p>
<p>4. <u>Section 10-4/2</u></p> <p> <u>Current</u></p>	<p><u>Effect on Obligations, Taxes, Etc. (KPL)</u></p> <p>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;</p>

and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

Proposed

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter or amendments thereto, 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.

5. Section 10-5(c) Disposition of Certain Special Laws – Incumbents (KPL)

Current

(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.

Proposed

Delete

6. Section 10-5(e) Disposition of Certain Special Laws - Special Laws (KPL)

Current

(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.

Proposed

Delete

7. Section 10-6 Time of Taking Effect (KPL)

Current

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 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.

Proposed

Delete

City of Everett Home Rule Charter

(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.

(2)

(3) A preliminary election shall not be held prior to any election at which the full term of office of mayor does not appear on the ballot.

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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, or, if no preliminary election is held, no later than 34 days prior to the election. Notice of the time and date of such the drawing shall be posted no later than 48 weekday hours prior in the office of the city clerk and on the official webpage, and 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.

City of Everett Home Rule Charter

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 filed with the city clerk and 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 by electronic or first-class mail provide notice of the hearing to the person ~~ten (10) persons whose names is listed appear first on the petition notice of the time, date and place of the hearing at least seven (7) days before the hearing.~~
- (e) Notice of the hearing generally shall be provided by posting on the official website no later than 7 days prior thereto the time, date and place of the hearing and the full text of the proposed measure and, at the discretion of the city clerk or city council, posted or published by any other means appropriate to inform the general public. 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 ("originating 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 originating petition shall be accompanied by an affidavit signed by ~~ten (10)~~ voters and containing their residential address identifying the lead petitioner and stating that 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~~ the originating 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 originating 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

City of Everett Home Rule Charter

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 provided to the person designated as clerk of the petitioners committee.

(c) Submission to City Clerk

- (1) If the opinion of the city solicitor is that the originating petition is in a proper form, the city clerk shall provide blank petition forms for the use of subsequent signers, and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city 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 registered voters as of the date of the most recent biennial 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~~ 30th day.

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City of Everett Home Rule Charter

- (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.

City of Everett Home Rule Charter

(e) Supplementary Petitions

- (1) Within ~~sixty~~ (60) days following the date an initiative petition has been rejected, a 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 registered voters as of the date of the most recent biennial 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 registered voters in the city as of the date of the most recent biennial city election.
- (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

The full text of any initiative measure ~~which is~~ submitted to the voters shall be posted in full on the city website ~~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, copies of which shall be available in the office of the city clerk, and, further, at the discretion of the city council, notice of the availability and locations at which copies of the full text may be accessed shall be printed in a newspaper of local circulation.~~

(+)

- (2) ~~Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.~~

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(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.)

- o YES
- o 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.

City of Everett Home Rule Charter

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 registered voters as of the date of the most recent regular biennial 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 ~~if~~ unless a majority of those voting on the question shall vote ~~in favor of~~ against 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 department portion of the 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.

City of Everett Home Rule Charter

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, which affidavit shall identify a lead petitioner for purposes of the recall.
- (2) The city clerk shall thereupon ~~deliver~~ make available 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 the first 10 signatories all the persons to whom they are issued to the petition, 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)~~ 30 days after the filing of the affidavit, and shall have been signed for offices elected city-wide by no fewer than ~~twenty per cent (1520%)~~ of the total number of the registered voters of the city as of the last biennial city election for offices elected city-wide and for offices elected by ward no fewer than ~~twenty per cent (1520%)~~ of the total number of registered voters of the ward as of the last biennial city election 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 provide written or actual notice of the certified petition -and the city

City of Everett Home Rule Charter

~~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, the city council, following consultation with the board of election commissioners, shall order a special recall election to be held on a date fixed by them [not less than sixty-four (64) days and not no more than ninety (90) days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur 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~~ they 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.

City of Everett Home Rule Charter

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~~ (1520%) of the total number of voters as of the most recent ~~biennial 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, for those offices elected city-wide no fewer than ~~twenty-per-cent~~ (2015%) of the total number of voters as of the most recent regular city election ~~for those offices elected city-wide~~, and for those offices elected by ward no fewer than ~~twenty-per-cent~~ (2015%) of the total number of voters as of the most recent ~~regular biennial~~ city election in the ward ~~for those offices elected by ward~~, shall vote in such recall election.

SECTION 8-7: SUBMISSION OF OTHER MEASURES AFFECTS 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.

City of Everett Home Rule Charter

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.

City of Everett Home Rule Charter

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)~~zero~~, 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 of 7 members to consist of nine (9) members.
 - (1) ~~Four (34) members shall be appointed by the city council president from amongst the registered voters of the city, one of which may be a city councilor and one of which shall not be an elected or appointed officer or employee of the city, 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 (15) members shall be appointed by the mayor, all of whom shall be voters of the city of which not more than 2 but shall not may 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.

City of Everett Home Rule Charter

- (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

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(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) weekday 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 full membership members of an appointed multiple member body shall constitute a quorum.
- (2) Unless some other provision is made by law or the multiple member body's own rules while a quorum is present, ~~except on procedural matters,~~ a majority of those present and voting ~~of 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 a particular gender ~~the masculine gender shall be interpreted to include any.~~ ~~include the feminine gender.~~

SECTION 9-9: REFERENCES TO GENERAL LAWS

City of Everett Home Rule Charter

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 unless otherwise provided by law.
- (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)(a) The oath of office for the mayor, city council and school committee may be administered by the city clerk, the assistant city clerk, or by any person qualified to take oaths or affirmations.~~
- ~~(b) A certificate that the oath or oaths have been taken shall be entered in the journal of the city council.~~
- ~~(c) 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.~~

City of Everett Home Rule Charter

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.

~~(d)~~ SECTION 9-15: FELONY CONVICTION

(a) Any person who has been finally convicted of a state or federal felony involving a violation of the public trust within the five years preceding the date of the general or special election at which they seek to be elected shall not be eligible to petition for, or serve in, any elected office.

Any elected official of the city who has been finally convicted of a state or federal felony while serving shall be deemed to have vacated their office and shall be eligible for election or appointment to any city position only after the expiration of 5 years from the date of said conviction; provided, however, if the felony at issue involves a breach of the public trust, such person shall be eligible for election or appointment to any city position only after the expiration of 10 years from the date of said conviction.

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City of Everett Home Rule Charter

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 or any amendments thereto takes effect, and not specifically or by implication repealed by this charter or any amendments thereto, 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 10-24: 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 or amendments thereto, 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.

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SECTION 10-35: 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

City of Everett Home Rule Charter

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.

City of Everett Home Rule Charter

(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)(c) 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;~~

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City of Everett Home Rule Charter

(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 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

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City of Everett Home Rule Charter

~~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, 2011, 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.~~

~~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.~~

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