



EVERETT CITY CLERK'S OFFICE
REC'D 2025 FEB 25 PM 1:36

AGENDA PACKET

**CHARTER REVIEW COMMITTEE MEETING
THURSDAY, FEBRUARY 27, 2025 6:30 PM**

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

**Posted in accordance with the
provisions of Mass. General Laws
Chapter 30A- Sections 18-25**

on 2/25/25 at 1:36 p.m.

Attest:


Sergio Cornelio City Clerk



AGENDA

CHARTER REVIEW COMMITTEE MEETING THURSDAY, FEBRUARY 27, 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 12/05/2024

Minutes of the Charter Review Committee Meeting of 01/09/2025

Minutes of the Charter Review Committee Meeting of 01/30/2025

COMMUNICATIONS

Response to Open Meeting Law Complaint

UNFINISHED BUSINESS

1. Continue Review of Charter – Review Articles 9 (Complete) & 10
2. Outstanding Issues List
3. Other Proposed Changes

NEW BUSINESS

4. Set date, time and agenda for the committee's next meeting / public hearing

ADJOURNMENT

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

Respectfully submitted:

David R. Flood

Charter Review Committee Recording Secretary
Everett City Council Office



MEETING MINUTES

CHARTER REVIEW COMMITTEE MEETING THURSDAY, DECEMBER 05, 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 Costa, David Pretti, David Senatillaka,
Robert Van Campen

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

Mr. Flood called the roll. There were 6 members present. A quorum was established for the transaction of the committee's business.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

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

UNFINISHED BUSINESS

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

Member Costa submitted a document containing language for implementing changes he had proposed at the last meeting. As the committee had only shown interest in one of his proposed changes at the last meeting (the introduction of time limits on the administration to provide information requested by the city council or specific bodies), only the proposed language for that change was reviewed.

Section 2-7(c)(3) Access to Information - Mayor Current Language

New

Proposed Language

City officers, employees and departments shall respond to any formal requests for information issued by the city council within ten (10) business days of receipt, unless a written extension is granted by a majority note of the entire city council,

Item Number {{item.number}}

Committee's Action

The committee accepted the proposed language on a voice vote. The "numbers" format will be changed to be in-line with the accepted format.

Section 2-7(d)(3) Access to Information - Notice

Current Language

New

Proposed Language

The city council shall table consideration of any agenda item for which the requested supporting documentation has not been received by the time the agenda is finalized and publicly posted.

Committee's Action

Chairman Van Campen requested that the word "tabled" be changed to "postponed". The committee accepted the amended proposal via voice vote.

Mr. Flood requested to address the committee with concerns he had with Article 2. The committee granted his request.

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

Current Language

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

Issue

The above charter language was changed in May 2021 as a part of the charter change that made the voting for ward seats ward only rather than city wide. This is the city council term language that was in place when Darren Costa was appointed to fill an unexpired term in the Ward 3 Councilor seat in June of 2022. Therefore, Councilor Costa's term should not have ended until his successor was qualified (sworn in).

Anthony DiPierro was elected to the Ward 3 Councilor seat in November 2023. According to the above language, Mr. DiPierro became the Ward 3 Councilor on January 2, 2024; however, he was not qualified for the seat until January 5, 2024.

This issue can also be found in Section 4-1(b)(2) of the charter in regards to the term of Office for school committee members and a similar change is being proposed for Section 3-1(b) of the charter in regards to the term of office for the Mayor.

Proposed Language

Mr. Flood proposed that the term of office language found in all three Articles of the charter be modified so that an elected official's term shall run for the number of years

specified for the seat and from their qualification in the January following their election, and until their successor has been qualified. Mr. Flood did not provide the actual language needed to implement this change at the time.

Committee's Action

The committee requested Mr. Flood to run this change by the city solicitor and, if the city solicitor thought it was necessary, KP Law.

The committee postponed any decision on this change until Mr. Flood completed his research and submitted the necessary language needed to implement any changes.

Section 2-2(a)(1) President – Election and Term

Current Language

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

Issue

Mr. Flood pointed out that the current language in the section only covers the election of a president in years following an election.

Proposed Language

At the first meeting of the city council held in January of every year, the members of the city council shall begin the process to elect a president from among its members. The president shall serve for a term of 1 year.

Committee's Action

The committee accepted the change proposed by Mr. Flood.

Section 2-6(b)(2) Exercise of Powers; Quorum; Rules – Quorum

Current Language

Except as otherwise provided by general law or by this charter, the affirmative vote, taken by roll call vote, of eight (8) members shall be required to adopt an appropriation order.

Issue

Mr. Flood explained that the language in the charter is misleading because there is general law that states an appropriation order does not require 8 votes. This first came to light soon after the charter was first implemented and a budget (the annual appropriation order) received less than 8 votes in the affirmative. The following morning, former City Clerk Matarazzo did some research and found this a general law that would allow the budget to pass with less than 8 votes.

In the years since this charter was first implemented, there have been a number of instances where the administrative and legislative branches have had disagreements over the number of votes required to pass various types of legislation. To address this issue, Chief Financial Officer Demas had outside legal counsel review MGL to determine the votes counts needed to pass various types of financial orders, including

whether the votes counts were based on the full city council or just those members present and voting. Item Number {{item.number}}

Mr. Flood will try to locate a copy of the research that Mr. Demas had done to see if is something that can be/should be incorporated into the charter.

Committee's Action

The committee decided, by a voice vote, to leave this item open until Mr. Flood has completed further research.

Section 2-6(c)(1)a. Exercise of Powers; Quorum; Rules – Rules of Procedure – Regular Meetings

Current Language

Regular meetings of the city council shall be held at a time and place fixed by ordinance.

Issue

Mr. Flood stated that he was surprised that there had not been an amendment proposed by KP Law and the city clerk to modify this subsection as Mr. Cornelio has mentioned to him on at least one occasion that it did not seem right that the mayor would have to sign-off on a matter of internal city council business.

Committee's Action

No actual action was taken by the committee on this matter. Mr. Flood will follow up with the city clerk to determine if there was a reason why this was not addressed in the changes that he worked on with KP Law.

Section 2-9(a)(2) Ordinances and Other Measures - Measures

Current Language

Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of thirty (30) days after adoption or at any other date specified therein.

Issue

Mr. Flood informed the committee that although the charter states that, generally, adopted measures become effective 30 days after adoption, that is not the city's current practice, in most cases.

Mr. Flood explained that he has been working with the city's ordinances for many years, predating the first implementation of the city's current charter. To his recollections, enacting ordinances almost always contain a statement that states: "This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor." Occasionally, a different date will be specified (i.e. plastic bag ordinance.) In either case, ordinances comply with the charter's requirement by specifying an effective date within the enacting ordinance,

The same cannot be said for orders. Mr. Flood said he has started working more closely with orders in the last few years and written orders almost never contain a

statement that says when they are to be effective, Also, for the most part, actual orders are only created when the order requires the mayor's signature. It would be almost impossible to wait 30 days for most orders to become effective without making major changes to the entire city.

Committee's Action

Mr. Flood recommended that the requirement to wait thirty days after passage for a measure to become effective be eliminated, All measures requiring the mayor's signature should require city council passage and the mayor's signature; any measure only requiring city council passage, should be effective upon passage by the city council, However, in either case, another effective date may be specified in the measure itself.

The committee requested Mr. Flood to run this change by the city solicitor and, if, the city solicitor thought it was necessary, KP Law.

The committee postponed any decision on this change until Mr. Flood completed his research and submitted the necessary language needed to implement any changes.

Having completed its review of Article 2, the committee proceeded on to its review of changes proposed for Article 3 – Executive Branch.

Section 3-1(b) Mayor – Term of Office

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

Current Language

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

Proposed Language

The term of office of the mayor shall be 4 years and shall run from the first business day of January succeeding their election, and until their successor has been qualified. The mayor shall be sworn into office no later than January 7 at 8:00 p.m., at a time and place as shall be designated by the city clerk.

Committee's Action

Mr. Flood explained to the committee that the purpose of this change was to apply language similar to the language that was previously applied to the Legislative and School Committee sections of the charter to allow the city clerk flexibility on setting a date for swearing in elected officials. However, adopting this change would introduce the same possible overlapping term issue that Mr. Flood has pointed out already exists in the term of office language for the city council and the school committee.

The committee requested Mr. Flood to run this change by the city solicitor and, if, the city solicitor thought it was necessary, KP Law.

The committee postponed any decision on this change until Mr. Flood completed his research and submitted the necessary language needed to implement any changes. Item Number {{item.number}}

Section 3-1(e) Mayor - Felony Conviction

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

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

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 3-5(a)(2) Communications to the City Council

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

Current Language

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

Proposed Language

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

quarterly, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in such reports any financial or administrative issues facing the city. Item Number {item.number}}

Committee's Action

The committee rejected the changes on a voice vote as they felt the proposed changes were not necessary.

Section 3-5(b) Special Meetings of the City Council

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

Current Language

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

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

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

Proposed Language

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

Committee's Action

The committee rejected the proposed change as they seemed to be, more or less, the shuffling of words.

Section 3-6(a) Approval of Mayor, Exception (Veto)

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

Current Language

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

Proposed Language

Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, appointments by the city council of legislative branch officers or employees, confirmation of mayoral appointments, election

warrants, designation of polling places, opting in or out of local election of early voting by mail and early voting in person, the selection of city officers or employees by the city council and any matters relating to the internal affairs of the city council shall be presented to the mayor for approval.

Committee's Action

The committee accepted, via a voice vote, the proposed changes as they provide additional information about which measures the mayor is not required to sign in order for them to become effective.

Section 3-6(a) Approval of Mayor, Exception (Veto)

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

Current Language

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

Proposed Language

Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, appointments by the city council of legislative branch officers or employees, confirmation of mayoral appointments, election warrants, designation of polling places, opting in or out of local election of early voting by mail and early voting in person, the selection of city officers or employees by the city council and any matters relating to the internal affairs of the city council shall be presented to the mayor for approval.

Committee's Action

The committee accepted, via a voice vote, the proposed changes as they provide additional information about which measures the mayor is not required to sign in order for them to become effective.

Section 3-7(a)(1) Temporary Absence of the Mayor – Acting Mayor

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

Current Language

Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of the office, the president of the city council shall be the acting mayor.

Proposed Language

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

Committee's Action

The committee rejected the change as it was thought that it would not be a change that the mayor would agree with. The mayor is required to sign the order implementing these charter changes and does not have a line item veto.

Section 3-9(a)(1) Vacancy in the Office of Mayor

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

Current Language

If a vacancy in the office of mayor occurs during the first two (2) years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the city council shall immediately, in the manner provided in section 7-1, order a special election to be held within ninety (90) days following the date the vacancy is created, to fill the vacancy for the balance of the then unexpired term.

Proposed Language

If a vacancy in the office of mayor occurs during the first 2 years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the city council shall immediately, in the manner provided in section 7-1, order a special election, with no preliminary, to be held within 90 days following the date the vacancy is created, to fill the vacancy for the balance of the then unexpired term.

Committee's Action

The committee rejected the changes, on a voice vote, as it did not agree with the elimination of the primary.

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

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

Current Language

A president serving as acting mayor under this subsection, who subsequently stands for office as mayor shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

Proposed Language

A president serving as acting mayor under this subsection, who subsequently stands for office as mayor shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot; provided, however, that should such person subsequently stand for election as a city councilor, they shall be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

Committee's Action

As the proposed change is, more or less, no more than a clarification, the committee accepted the change via a voice vote,

NEW BUSINESS

Item Number {{item.number}}

Set date, time and agenda for next meeting

Chairman Van Campen proposed Thursday January 9, 2025 as the most likely date for the Charter Review Committee's next meeting.

Due to a number of members being absent from this meeting, he requested that the committee's recording clerk e-mail the members to make sure that the date works for everyone.

ADJOURNMENT

The meeting was adjourned at 8:30 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



MEETING MINUTES

CHARTER REVIEW COMMITTEE MEETING THURSDAY, JANUARY 09, 2025 6:30 PM

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

CALL TO ORDER

ROLL CALL

Members Present

Guerline Alcy Jabouin, Fred Capone, David Pretti, David Senatillaka, Robert Van Campen

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

Mr. Flood called the roll. There were 5 members present. A quorum was established for the transaction of the committee's business.

PLEDGE OF ALLEGIANCE

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

UNFINISHED BUSINESS

1. Continue Review of Charter – Review Articles 4, 5 & 6

The committee began its review of Article 4 of the Charter - School Committee.

Section 4-3(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 school committee shall hold any compensated appointed city office or appointed city employment until thirty (30) days following the date on which the former member's service on the school committee has terminated.

Item Number {{item number}}

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

Proposed Language

(2) No former member of the school committee 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 school committee has terminated.

a. This provision shall not prevent a city officer or other city employee who has vacated a position to serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until 120 days following the termination of service as a member of the school committee.

Proposed Language

Member Capone proposed a change to increase the number of days that a school committee member needed to be out of office before they can accept a position of city employment from 30 to 120 days. This modification would match the change previously recommended for city councilors.

Member Capone and Chairman Van Campen agreed that 120 days may not be the correct time period to be out of office before assuming a position of city employment; but it was the number agreed upon in the previous committee discussions on the subject matter.

Member Senatillaka asked if the number of days a school committee member needed to be out of office prior to accepting a position of city employment should be less as school committee members are paid less than city councilors. Chairman Van Campen and Members Capone and Pretti all agreed that salary is not the issue in this case; it is more of question of service to the city.

On a voice vote, the committee accepted the change as proposed by Member Capone.

Chairman Van Campen reminded the committee that it did not have to consider the changes to number formats found throughout the charter as the committee had previously accepted those changes for the entire charter.

Mr. Flood noted that a few number format changes had been missed in the KP Law version of the charter; however, he stated that he had a pretty good eye for those type of issues and he would try his best to ensure that all of those changes were made.

Section 4-3(b) Interference with Administration

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

Current Language

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

Proposed Language

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

Committee's Action

The committee recognized that the proposed language is much more appropriate for the school committee than the current language of the section. The current language is nothing more than a copy of language used for the city council with the body name changed.

On a voice vote, the committee accepted the change.

Section 4-3(c) Felony Conviction

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 school committee member who has been finally convicted of a state or federal felony shall be deemed to have vacated their office and shall be disqualified from serving in any other elective or appointive office or position under the city.

Proposed 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 school committee member shall be in accordance with Section 9-14 (a) of this charter.

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

Committee's Action

Item Number {{item.number}}

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, as he has previously with the city council and mayor sections of the charter, 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 4-5(b)(1) Powers and Duties – Superintendent

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

Current Language

To elect a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in by law.

Proposed Language

To appoint a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in by law.

Committee's Action

The only change being proposed to this subsection of the charter is to change its second word from "elect" to "appoint". The committee agreed that this was a more appropriate word to describe the school committee's duty.

On a voice vote, the committee accepted the change.

Section 4-5(b)(5) Powers and Duties – School Building Maintenance

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

Current Language

The school committee shall provide ordinary maintenance of all school buildings and grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established in accordance with law.

Proposed Language

The school committee shall provide ordinary maintenance of all school buildings and grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established in accordance with law or by written agreement between the mayor and the school committee.

Committee's Action

Item Number {{item.number}}

The committee agreed with the change proposed by KP Law

On a voice vote, the committee accepted the change.

Member Alcy Jabouin inquired about the number of similar communities that have the mayor as a member of the school committee. While the committee felt that most similar cities do and the mayor is the chairman of the school committee in many of them. Mr. Flood recalled that Mr. Frank Parker had shared research on the subject matter during the committee's public hearing. Mr. Flood promised to get Member Alcy Jabouin that information.

Having completed its review of Article 4, the committee proceeded on to its review of Article 5 – Administrative Organization / Organization of City Agencies.

Section 5-1(a)

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

Current Language

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council.

Proposed Language

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted by the mayor to the city council. No administrative order may originate with the city council.

Committee's Action

It was noted that the only change proposed in this subsection was to re-position the phrase "by the mayor."

On a voice vote, the committee accepted the change.

Section 5-1(c)

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

Current Language

The mayor may from time to time prepare and submit to the city council administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city.

Proposed Language

The mayor may from time to time prepare and submit to the city council, through its

clerk, administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. Item Number {{item.number}}

Committee's Action

It was noted that the only change proposed in this subsection was to add the phrase “, through its clerk” to specify where an administrative order should be filed.

Mr. Flood informed the committee that items from the administration for the city council agenda are usually filled directly with the city council office. The committee decided that it was more appropriate to have this type of change filled with the clerk

On a voice vote, the committee accepted the change. However, further research should probably be done to determine if there is an impact on when the 45 day clock on addressing administrative orders begins. The clock on Items that are sent directly to the agenda usually begins after the first reading on an item; the clock on items that are sent to the clerk's usually begins when the clerk receives them.

Section 5-1(e)

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

Current Language

Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following said publication.

Proposed Language

Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal for which notice shall be provided no less than 14 days prior thereto by posting the full text of the proposal and a summary thereof on the official website, and, at the discretion of the council, publishing notice in a local newspaper of the date of the hearing with information about how to receive a copy of the full proposal.

Committee's Action

Member Van Campen suggested that the proposed language be amended by deleting the phrase “, at the discretion of the council,” so that a notice of such change and public hearing will continue to be published in a local newspaper.

Member Capone suggested that the word “city's “ be inserted before the phrase “official website”

Mr. Flood asked the committee to consider a change to the minimum number of days that a notice would have to appear in a newspaper before a public hearing on the order could be held from 14 to 10 days. With council meetings generally scheduled at the beginning of the week and the local newspapers published mid to late week, in

non-holiday weeks, a 10 day window would allow 2 opportunities to publish the required notice so that the item could be addressed at the next regular city council meeting. A 14 day window would most likely cause the item to be delayed to a subsequent meeting of the council. Because of the 45 day time limit to address an administrative order, unnecessary delays should be avoided. The committee agreed with Mr. Flood.

On a voice vote, the committee accepted all of the proposed amendments.

On a voice vote, the committee accepted the proposed language, as amended,

NEW BUSINESS

2. [Set date, time and agenda for the committee's next meeting](#)

Chairman Van Campen stated that, due to the number of committee members that were not in attendance, it would probably be best if he e-mailed all of the members with possible dates for the committee's next meeting to get a consensus rather than setting a date without everyone's input.

ADJOURNMENT

The meeting was adjourned at 7:30 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



MEETING MINUTES

CHARTER REVIEW COMMITTEE MEETING THURSDAY, JANUARY 30, 2025 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

Fred Capone, Darren Costa, Rosa DiFlorio, Kathleen Parker, David Pretti, David Senatillaka, Robert Van Campen

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

Mr. Flood called the roll. There were 7 members present. A quorum was established for the transaction of the committee's business.

PLEDGE OF ALLEGIANCE

Chairman Van Campen led the committee in the Pledge of Allegiance.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Charter Review Committee Meeting of July 18, 2024

Minutes of the Charter Review Committee (Public Hearing) of September 5, 2024

The members approved the minutes of the Charter Review Committee meetings of July 18, 2024 and September 5, 2024 (Public Hearing) via a voice vote.

UNFINISHED BUSINESS

1. Continue Review of Charter – Review Articles 6, 7 & 8

Member DiFlorio inquired if it was possible to get agenda packets out to the members

earlier so that they would have more time to review them. Mr. Flood responded that he would do whatever the committee members wanted. Item Number {{item.number}}

Chairman Van Campen reminded the members that, as far as charter resource materials go, the members received a full set of that information last summer and nothing has changed since then. Most of what is found in the agenda packets is just a smaller subset of that information that is anticipated to be reviewed at the current meeting.

Chairman Van Campen also offered that, if any member wanted a printed copy of the agenda packet to be delivered to them, it would be possible to arrange that.

The committee began its review of Article 6 of the Charter – Finance and Fiscal Procedures

Section 6-4(a) Action on the Operating Budget: Public Hearing

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

Current Language

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

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

Proposed Language

The city council shall provide notice of the availability of the entire proposed operating budget no less than 14 days prior to the hearing thereon by posting on the official website the time, date and place of the hearing and the full text of the proposed operating budget and a summary thereof, and at the discretion of the council, publishing a notice in a local newspaper of the time, date and place of the hearing with information about how to receive a copy of the full proposed operating budget..

Committee's Action

The committee agreed to adopt the proposed language with the following amendments:

1. Member Capone requested that the phrase "official website" be changed to "official city website". It was agreed that all references to the city's website in the charter would be changed to "official city website".
2. Chairman Van Campen recommended that the phrase "at the discretion of the council," be deleted so that a budget hearing notice shall always be published in a local paper.

Item Number {{item.number}}

3. Member Senatillaka requested that language from the current charter be retained so that the budget notice can be printed in multiple local newspapers. In order to implement this change, the phrase “a local newspaper” will be replaced with the phrase “at least one local newspaper”.

The committee recommended, via voice vote, to accept the proposed language as amended.

Amended Language Recommended

The city council shall provide notice of the availability of the entire proposed operating budget no less than 14 days prior to the hearing thereon, by posting on the city’s official website, the time, date and place of the hearing and the full text of the proposed operating budget and a summary thereof and publishing notice in at least one local newspaper of the time, date and place of the hearing with information about how to receive a copy of the full proposed operating budget.

Section 6-5(a) Capital Improvement Plan - Submission

This change was requested by the City’s Chief Financial Officer Eric Demas. The language was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

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

Proposed Language

The mayor shall submit a capital improvement program to the city council no later than the date the proposed operating budget is submitted, which capital improvement program shall include:

Committee’s Action

The committee discussed their concept of a five-year capital improvement plan as a living document that should be updated constantly. They felt that the only change that would need to be made annually would be to drop the last year’s projects and add the new fifth year’s projects. They felt that the current lead time gives the city councilors more time to review the capital improvement plan without having to take time away from the council’s review of the proposed general operating budget. However, it was admitted that it was not likely that every councilor would take advantage of this additional time.

The committee, by a voice vote, recommended not to accept this proposed change,

Section 6-5(b) Capital Improvement Plan – Public Hearing

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

Current Language

The city council shall publish in at least one (1) newspaper of general circulation in the city a notice stating: Item Number {{item.number}}

(1) The times and places where entire copies of the capital improvements program are available for inspection by the public; and,

(2) The date, time and place not less than fourteen (14) days after such publication, when a public hearing on said plan will be held by the city council.

Proposed Language

The city council shall provide notice of the availability of the capital improvement budget no less than 14 days prior to the hearing thereon by posting on the official website the time, date and place of the hearing and the full text of the proposed capital improvement program and a summary thereof, and at the discretion of the council, publishing notice in a local newspaper of the the time, date and place of the hearing with information about how to receive a copy of the full proposed capital improvement program. Such hearing may, but need not, be scheduled simultaneously with the council hearing on the proposed operating budget.

Committee's Action

The committee agreed to adopt the proposed language with the following amendments

1. Member Capone requested that the phrase "official website" be changed to "official city website".as previously agreed upon.

2. Chairman Van Campen recommended that the phrase "at the discretion of the council, " be deleted so that a capital improvement plan hearing notice shall always be published in a local paper.

3. Member Senatillaka requested that language from the current charter be retained so that the budget notice can be printed in multiple local newspapers. In order to implement this change the phrase "a local newspaper" will be replaced with the phrase "at least one local newspaper".

The committee recommended via voice vote to accept the proposed language as amended.

Amended Language Recommended

The city council shall provide notice of the availability of the capital improvement budget no less than 14 days prior to the hearing thereon by posting on the city's official website the time, date and place of the hearing and the full text of the proposed capital improvement program and a summary thereof and publishing notice in at least one local newspaper of the time, date and place of the hearing with information about how to receive a copy of the full proposed capital improvement program. Such hearing may, but need not, be scheduled simultaneously with the council hearing on the proposed operating budget.

Section 6-6(d) Independent Audit

Item Number {{item.number}}

The clerk of committees requested this change as he feels that he does not have the knowledge or the experience to perform this task. The language for this change was proposed by KP Law, working with the City Clerk to review the charter.

Current Language

The clerk of committees shall coordinate the work of the individual or firm selected.

Proposed Language

The chief financial officer shall notify the clerk of committees as to the anticipated scope and timeline for the work of the individual or firm selected, and, as may be reasonably requested by the council, shall provide periodic reports on the status of the work.

Committee's Action

Although the committee recognized that the clerk of committees might not have all of the necessary experience might not have all of the necessary experience to conduct the city's annual audit, they also felt that it might not be the best practice for the city's chief financial officer to be mainly responsible for overseeing the auditing of his own work.

Member Capone offered his own amendment to the subsection's current language which the committee recommended rather than the KP Law recommendation. This amended language appears below.

Amended Language Recommended

The clerk of committees, with the assistance of the city's chief financial officer, shall coordinate the work of the individual or firm selected

Having completed its review of Article 6 of the Charter, the committee moved on to its review of Article 7 of the Charter – Elections..

Section 7-1 Preliminary Election for Mayor

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

Current Language

(a) A preliminary election for the purpose of nominating candidates for mayor shall be held on the third Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday.

(b) Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, twenty-eight (28) days before the date established for the special election.

Proposed Language

A preliminary election for the purpose of nominating candidates for mayor at the biennial city election shall be held on the third Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. Item Number {item.number}}

Committee's Action

The committee accepted the changes to subsection (a) which only consists of inserting the phrase "at the biennial city election". The committee did not accept the change to eliminate subsection (b) as the members did not believe that preliminary elections should be eliminated without regard to the number of candidates running in any race.

Section 7-2 Preliminary Election for City Council and School Committee

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

Current Language

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

Proposed Language

A preliminary election for the purpose of nominating candidates for city councilors and school committee members who are to be elected shall be held on a Tuesday in September, on such date as the board of election commissioners shall determine, in each odd-numbered year in which a city councilor or school committee member is to be elected.

Committee's Action

The committee voted, via voice vote, to accept the changes which allow primary elections in biennial city election years that do not feature the nomination of candidates for mayor to be held on any Tuesday in September.

Section 7-3(a)(1) Preliminary Election Procedures – Ballot Preparation and Signature Requirements

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

Current Language

The board of election commissioners and city clerk shall prepare separate nomination papers for nomination to at-large and ward positions, and make the same available not earlier than April 2 in each preliminary election year.

Proposed Language

The board of election commissioners and city clerk shall prepare separate papers for nomination to mayor and at-large and ward city council and school committee positions and shall make the papers available not earlier than April 2 in each preliminary election year.

Committee's Action

The committee voted, via voice vote, to accept the changes which clarify nomination paper procedures.

Section 7-3(a)(4) Preliminary Election Procedures – Ballot Preparation and Signature Requirements

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

Current Language

Nomination papers shall be signed by the following number of voters for each office::

Proposed Language

Nomination papers shall be created by the board of election commissioners for each of the following offices, to be available no earlier than April 2 in each preliminary election year, which papers shall include the number of certified signatures of voters as specified for each office:

Committee's Action

The committee voted, via voice vote, to accept the changes which clarify nomination papers signature requirements.

Section 7-3(a)(5) Preliminary Election Procedures – Ballot Preparation and Signature Requirements

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

Current Language

The number of signatures for nomination may be changed from time to time by an affirmative vote of no fewer than seven (7) councilors.

Proposed Language

The number of signatures for nomination may be changed from time to time by an affirmative vote of no fewer than 7 councilors; provided however, that such vote shall take place no later than March 15 in any preliminary election year and, further that a certified copy of such vote shall be posted in the city clerk's office and of the city's official website.

Committee's Action

The committee voted, via voice vote, to increase the number of affirmative city councilor votes needed to change the number of signatures required to be considered for nomination from 7 to 8 so that it would be a 2/3rd vote of the full city council. Member DiFlorio requested to be recorded as a "No" vote.

The committee voted, via voice vote, to accept the amended proposal (if implemented) time limit on when a vote on modifying the number to signatures needed to be considered for nomination to an elected city office and subsequent procedures that need to be followed when such vote prevails.

Section 7-3(d)(1) Preliminary Election Procedures – Condition Making Preliminary Unnecessary

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

Current Language

If, at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for election to such office or offices:

Proposed Language

If, at the expiration of the time for filing statements of candidates to be voted for at any preliminary election at which the office of mayor appears on the ballot, not more than twice as many such statements have been filed with the city clerk for election to such office or offices:

Committee's Action

The committee voted, via voice vote, to deny the proposed changes to be consistent in not eliminating preliminary elections for city council and school committee offices.

Section 7-3(d)(1)b. Preliminary Election Procedures – Condition Making Preliminary Unnecessary

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

Current Language

Their names shall be voted on for such office at the succeeding regular election; and

Proposed Language

Their names shall be voted on for such office at the succeeding regular or special election, as the case may be; and

Committee's Action

The committee voted, via voice vote, to accept the proposed changes to include special elections.

Section 7-3(d)(3) Preliminary Election Procedures – Conditions Making Preliminary Unnecessary

Current Language

None

Proposed Language

A preliminary election shall not be held prior to any election at which the full term of the office of mayor does not appear on the ballot. Item Number {{item.number}}

The committee voted, via voice vote, to deny the proposed changes to be consistent in not eliminating primary elections for city council and school committee offices, as well as special elections for mayor.

Section 7-5 **Regular Election – Ballots Positions**

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

Current Language

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

Proposed Language

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, date and location of the drawing shall be posted no later than 48 weekday hours prior in the office of the city clerk and on the city's official website. Such drawing shall be open to the public.

Committee's Action

The committee voted, via voice vote, to accept the changes which clarify when the drawing need to be held and when and how the public needs to be notified of such drawing.

Member Costa introduced two proposals to extend voting rights in municipal elections.

The first proposal was to extend voting rights to 16 and 17 year-olds. Member Costa laid out his justification for this proposal as follows::

- It empowers young residents who are already contributing members of the community;
- It encourages civic engagement and political participation from an earlier age; and
- It aligns with movements in other U.S. cities and states that have successfully implemented lower voting ages for local elections.

For the most part, the other members of the committee did not feel that this was a good idea, as most, but not all, as most 16 and 17-year-olds were not mature enough to be entrusted with the vote.

Mr. Flood mentioned that this type of change is probably not something that can be included in the Charter. It was more likely, though, that this type of change would have to be implemented as a separate special act. Item Number {item.number}}

As it became apparent to Member Costa that he did not have the Committee's support for this change, no discussion was on the language he had provided to implement it was necessary..

Member Costa's second proposal was to extend voting rights to lawful permanent residents and other non-citizen residents. He laid out his justification for this proposal as follows:

- It recognizes the contributions of taxpaying, long-term residents who are actively engaged in the community.
- It strengthens local democracy by ensuring all residents impacted by municipal policies have a voice.
- Follows precedents set by cities in Massachusetts. Several municipalities have taken steps to extend voting rights to non-citizens in local elections. Cities such as Arlington, Amherst, Boston, Brookline, Cambridge, Chelsea, Newton, Northampton, Somerville, and Wayland have approved measures to allow non-citizen residents to vote in municipal elections.

For the most part, the other members of the committee did not feel that this was a good idea as voting was a right that went along with citizenship.

Again, Mr. Flood mentioned that this type of change is probably not something that can be included in the Charter. It was more likely that this type of change would have to be implemented as a separate special act.

Both Members Costa and Senatillaka pointed out that there were some activity at the state level to change state law to extend voting rights in municipal elections to non-citizens.

As it became apparent to Member Costa that he did not have the Committee's support for this change, no discussion on the language he had provided to implement it was necessary.

Section 7-6 Non-Partisan Elections

This change was proposed by Member Darren Costa..

Current Language

None – New subsection

Proposed Language

Any individual who is at least 16 years of age and meets all residency and registration requirements shall be eligible to vote in municipal elections, including elections for city council, school committee, mayor, and municipal ballot measures.

Committee's Action

As the committee's higher-level discussion on the subject matter of extending voting rights in municipal elections to 16 and 17-year-olds was not favorable to the concept, no discussion was held on the above language and; therefore, it will not be included in the committee's proposed charter changes.

Proposed Language

Notwithstanding any general or special law to the contrary, the minimum voting age for all municipal elections in the City of Everett shall be 16 years of age for residents who meet all other voter eligibility requirements.

For the purposes of municipal elections only, the term 'voter' shall include lawful permanent residents (LPRs) and other non-citizen residents who have resided in the City of Everett for at least 1 year and are otherwise eligible to vote under state law, except for U.S. citizenship requirements. Such voters shall be allowed to participate in local elections, including for mayor, city council, school committee, and municipal ballot questions.

Committee's Action

As the committee's higher-level discussion on the subject matter of extending voting rights in municipal elections to lawful permanent residents, other non-citizen residents and 16 and 17-year-olds were not favorable to the concepts, no discussion was held on the above language and; therefore, neither of these subsections will be included in the committee's proposed charter changes.

NEW BUSINESS**2. [Set date, time and agenda for the committee's next meeting](#)**

A discussion was held on the scheduling of the next meeting of the Charter Review Committee. The chairman's goal in setting up future meetings was to wrap up the Committee's review of the charter so that the committee can hold a public hearing on its recommendations in March.

To that end, the Committee agreed to set up its next two meetings for February 20 and February 27, 2025, both nights at 6:30 PM. The location of the meetings is TBD as the City Council Chambers cannot be booked until it is determined whether or not the City Council's Clerk of Committees needs the chamber for City Council Committee Meetings.

ADJOURNMENT

The meeting was adjourned at 8:05 PM.

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

Respectfully submitted:

Item Number {{item.number}}

David R. Flood

Charter Review Committee Recording Secretary
Everett City Council Office



Item Number {{item.number}}
CHARTER REVIEW COMMITTEE
484 BROADWAY
EVERETT, MA. 02149

Robert J. Van Campen, Chair

February 25, 2025

Joan Beckta
19 Hancock Street
Everett MA, 02149

Re: Open Meeting Law Complaint

Dear Ms. Beckta:

This correspondence acknowledges your Open Meeting Law (“OML”) complaint dated February 10, 2025. I am writing to advise you as to the actions taken by the Charter Review Committee (“Committee”) in response to your OML complaint.

During its scheduled meeting on Thursday, February 20, 2024, the Committee reviewed your OML complaint and agreed that it is delayed by approximately four (4) meetings in approving minutes from previous meetings. The Committee voted to authorize me to send this responsive communication to you, with a copy – as required by the OML – to the Division of Open Government of the Massachusetts Attorney General’s office. Please be advised that the Committee will – within thirty (30) days of the date of this letter, and going forward - be approving all prior meeting minutes that have been completed or will be completed. Additionally, the Committee will comply with all aspects of the OML, and particularly in this instance, as relates to the approval and retention of meeting minutes.

Thank you for bringing this issue forward, and I apologize for any delay in the Committee’s important work.

Very truly yours,


Robert J. Van Campen, Chair

Cc: Charter Review Committee (via email)
Colleen Mejia, City Solicitor (via email)
Sergio Cornelio, City Clerk (via email)

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.

Formatted: Indent: Left: 0.5"

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

(a) Meetings

- (1) All appointed multiple member bodies of the city shall meet regularly at the times and places that they by their own rules prescribe.
- (2) Special meetings of any multiple member body shall be held on the call of the chairman or by one-third (1/3) of the members of the body by written notice delivered in hand or to the place of residence of each member at least forty-eight (48) 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 a 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.~~
- (c) ~~(b) A certificate that the oath or oaths have been taken shall be entered in the journal of the city council.~~
- ~~(d) (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 9-14 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.

Formatted: Font: (Default) Times New Roman, Bold
Formatted: Font: (Default) Times New Roman
Formatted: Font: Bold
Formatted: Default, No bullets or numbering
Formatted: Font: Times New Roman, 12 pt
Formatted: Font: Times New Roman, 12 pt
Formatted: List Paragraph, Indent: Left: 0.25", Line spacing: single
Formatted: List Paragraph, Line spacing: single, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

2-3(e)

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.

Formatted: Indent: Left: 0", First line: 0"

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;~~

- Formatted: No bullets or numbering
- Formatted: Indent: Left: 0"
- Formatted: Space After: 6 pt, No bullets or numbering

City of Everett Home Rule Charter

(7) Chapter 325 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-holdings; 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

Formatted: Space After: 6 pt

Formatted: Indent: Left: 0", First line: 0"

Formatted: No bullets or numbering

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, 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.

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.

Formatted: Space After: 6 pt

Article 9General Provisions1. 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)QuorumCurrent

- (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.

Article 10Transitional Provisions1. Section 10-1 (a)Continuation of Existing Laws (KPL)Current

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.

Proposed

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.

2. Section 10-2Continuation of Government and Administration (KPL)Current

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.

Proposed

Delete

3. Section 10-3Transfer of Records and Property (KPL)Current

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.

Proposed

Delete

4. Section 10-4/2Effect on Obligations, Taxes, Etc. (KPL)Current

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter;

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

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.

ProposedDelete7. 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

Outstanding Charter Items

- 1 Definition of Measure
 Spoke with City Clerk, needs more research
- 2 Term of Office
 Still need to talk to city solicitor; putting together a document for discussion
- 3 Vote Requirements
 Still need get list from CFO and talk to city solicitor
- 4 City Council Meeting Ordinance
 Spoke with City Clerk, KP Law agrees that should not be an ordinance as it should not require mayoral approval, should have been in proposed changes, change to city council rules
- 5 Effective Date of Measures
 Still need to talk to city solicitor; putting together a document for discussion

