




**AGENDA PACKET**

**CHARTER REVIEW COMMITTEE MEETING  
THURSDAY, APRIL 10, 2025 6:30 PM**

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

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

on 4/8/2025 at 2:01 p.m.  
Attest:  
  
Sergio Cornelio City Clerk

EVERETT CITY CLERK'S OFFICE  
REC'D 2025 APR 8 PM2:01



## AGENDA

### CHARTER REVIEW COMMITTEE MEETING THURSDAY, APRIL 10, 2025 6:30 PM

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

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#### CALL TO ORDER

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### COMMUNICATIONS

April 3<sup>rd</sup>, 2025 communications from JP Beckta

#### NEW BUSINESS

1. Conduct a final review of Articles 1-10 of the Charter
2. Charter Standardization Changes
3. Other Items for Consideration – DP
4. Next Steps
5. Committee Report Cover Letter

#### 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

## Charter Changes

JP Beckta

## Charter Changes

Add to Definitions: "Absence of Mayor" Whenever the mayor is out of the country, or out of the state for more than 3 consecutive days.

Section 3-4 Temporary appointments of mayor. Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that the vacancy be filled, the mayor shall designate a person qualified in the matters of the department where the vacancy exists to perform the duties of the office on a temporary basis until the position can be filled as otherwise provided by law or by his charter.

Section 3-5 Communications; Special Meetings

(a) Communications to the City Council

(1) The mayor shall, from time to time, by written communications, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require. All requests will be accompanied by a detailed explanation for the request. The measures requesting funds shall include the applicable fiscal.

Section 3-7 Temporary Absence of the Mayor

Add Section (a)(2) "Whenever the Mayor plans to be out of the country, or out of the state for more than three consecutive days, s/he shall notify the President of the City Council of the upcoming absence and shall inform said President of the dates for which the President or his designee will be the Acting Mayor.

Section 6-5(b) Capital Improvements Budget. The CIP budget shall be available to the public on the city's website no later than 14 days after it is sent to the City Council.

For Section 8-2, Citizens Initiative Measures, change the wording from a percentage of registered voters to a percentage of the number of persons who voted in the last biennial election. Section 8-2(c)(2)

Section 8-2(c)(6) A copy of the board of election commissioners' certificate shall also be mailed to the person designated as clerk of the petitioners committee. Add At the city clerk's discretion, the certificate shall also be scanned into an OCR pdf document and emailed to the designation clerk. (C0114-18/Acts of 2018, Chapter 3

Section 8-2(d) Did you strike 2 and 3? Otherwise, the city council or school committee can just ignore the petition and it fails. We would like to be heard, please.

Section 8-3(a)(1) Change the wording from a percentage of registered voters to a percentage of the number of persons who voted in the last biennial election.

Section 9-4(a) 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. If a person is unable to travel to City Hall, the City Clerk will make a copy available by mail or email.

Section 9-5 Periodic Review of Ordinances

**Charter Changes**

**JP Beckta**

Section 9-5(e) The city solicitor may engage an outside law firm other than KP Law as an additional advisor until 2035, notwithstanding their subject-matter expertise.

**Section 9-6 Periodic Review of the Charter**

Section 9-6(a) Keep it in a year ending in 4. The national census is done in the year ending in zero and I don't think it's a good idea to be doing the Charter Review the same year.

Section 9-6(b)(1) 5 members from the City Council.

Section 9-5(b) add (3) In the event of a tie vote, the Chair of the Committee will decide the results.

**Section 9-7 Multiple-Member Bodies**

Section 9-7(a)(1) add "Any body that fails to meet for at least half of their prescribed meetings for any reason other than natural disaster shall forfeit their stipend.



**David Flood**

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**From:** JP Beckta <jpbeckta@gmail.com>  
**Sent:** Thursday, April 03, 2025 3:03 PM  
**To:** chartercommittee  
**Cc:** Robert VanCampen; Darren Costa; Fred Capone; Guerline Alcy Jabouin  
**Subject:** Oops! Missed one that is very important to me

One more thing. Section 2-10(a) City Council Confirmation of Certain Appointments

Add (a)(1) and (a)(2) and (a)(3)

Section 2-10

(a) The mayor shall submit to the city council the name of each person the mayor desires to appoint to any city office as a department head or as a member of a multiple-member body, but not including any position which is subject to the civil service law.

(1) The mayor shall submit the name of a proposed department head to the city council within 30 days. If the submission is not made, it will be considered the same as the city council not approving the appointment.

(2) If the city council does not approve the mayor's appointee, that person shall immediately cease performing the duties of that office.

(3) Failure by the mayor to put forward his candidate and failure of the person not approved to leave that position shall not be considered the de facto appointment of the person.

**JP Beckta**

**PEOPLE FIRST!**

**David Flood**

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**From:** JP Beckta <jpbeckta@gmail.com>  
**Sent:** Thursday, April 03, 2025 3:41 PM  
**To:** chartercommittee  
**Cc:** Robert VanCampen; Darren Costa; Fred Capone; Guerline Alcy Jabouin  
**Subject:** Sorry, another point, ahead of time  
**Attachments:** Boston\_Globe\_Sun\_\_Jan\_13\_\_2008\_ Transparency.pdf; 4\_20\_20 Mayoral Order signed by JN.pdf

I don't think it is wise to give the next mayor as much power as this mayor has had and I have an example of "absolute power corrupts absolutely."

Mirlande Felissaint  
John Russolillo

In the attached article from 2008, you will see that the mayor said that people would be hired 'because of their qualifications and not their acquaintances.' As time went on, that apparently fell out of his mindset. We don't want the next mayor to start out with an "I'm the mayor," attitude and this Charter allows that.

Also, it still shocks and appalls me that the mayor was so inconsiderate of the suffering people were going through at the beginning of the pandemic that he thought it was perfectly reasonable to say to Everett's resident, "Hey, the Head of the DPW is going to take good care of your family's health."

jpb

**PEOPLE FIRST!**

Boston Globe

<https://bostonglobe.newspapers.com/image/444353724>The Boston Globe (Boston, Massachusetts) • Sun, Jan 13, 2008 • Page 2  
Downloaded on Jan 22, 2023

**MAYOR PLEDGES TRANSPARENCY** — Carlo DeMaria, a lifelong resident and former alderman at large, started his first term as the city's mayor with a pledge to put an end to "government by politics." In his inauguration speech Monday night, DeMaria said his agenda will be "clear and transparent," and that city employees will be hired because of their qualifications and not their acquaintances. "Just showing up no longer cuts it," he said. DeMaria said he will conduct a comprehensive review of the city's organizational and operational structure, with an aim to streamline and consolidate to gain efficiencies. He also said he intends to create a "constituent services tracking program," in which requests by residents will be logged and tracked to make sure "each and every service call is addressed appropriately."

— Kay Lazar

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News



In accordance with the authority conferred upon them pursuant to the Charter and Ordinances of the City of Everett, and the Massachusetts General Laws, including but not limited to Massachusetts General Laws, Chapter 111, Sections 30, 31, 122 and 310 CMR 11.05, and any other applicable law, the Honorable Mayor Carlo DeMaria and Executive Director of Health and Human Services, hereby issue the following temporary closure of nonessential businesses, a temporary ban on all non-essential gatherings of any activity, and a curfew advisory in the City of Everett, so as to prevent the spread of a COVID-19 and for the protection of public health, safety and welfare.

#### **DECLARATION**

**WHEREAS**, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease. Symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes.

**WHEREAS**, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public. Therefore, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth.

**WHEREAS**, because there is no known vaccine to immunize individuals from COVID-19, the only effective method from preventing the spread of the disease is to isolate known carriers until they are no longer contagious. It has been determined that a period of at least fourteen days is necessary to protect the public from an infected individual.

**WHEREAS**, because it is so highly contagious and dangerous, on March 10, 2020, Governor Charles Baker declared a State of Emergency in the Commonwealth of Massachusetts. As a result of this declaration, numerous orders have been issued to limit the spread of the disease, including but not limited to the closure of non-essential businesses, the closure of schools and requirements for social distancing.

**WHEREAS**, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued by the Federal and State governments.

**WHEREAS**, the City of Everett has only one hospital, Cambridge Health Alliance ("CHA") Hospital. While the doctors, nurses and staff have done and continue to perform outstanding work in the face of this crisis, they have limited resources and cannot handle an influx of workers from other communities. In fact, CHA hospital is the only area hospital available to serve the more than 200,000 residents of Everett, Chelsea, Malden, Revere, Saugus and Winthrop. Although there may be other hospitals in the metro-

Boston area relatively close to the City, those hospitals are also likely to experience difficulties in serving their current populations, let alone additional patients from other locations.

**WHEREAS**, given its size and geographic location and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of the hospital's resources and lead to a further health crisis emergency. Hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

**WHEREAS**, during a state of emergency, Everett does not have sufficient resources to provide emergency police, fire and ambulance service above what it is providing to area residents during this unusual period.

**WHEREAS**, during a state of emergency, Everett does not have sufficient staffing to ensure that job sites are safe, insofar as it cannot commit emergency first-responders to performing construction detail work, it cannot monitor job sites to ensure that physical distancing requirements are met, and it cannot provide adequate support in the event of an emergency.

**WHEREAS**, it is essential that visitors to the City be limited to only those who absolutely have to be here so that the City's limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

**NOW THEREFORE**, based on the conditions cited above, and other well-known adverse effects of the COVID-19 crisis, Honorable Mayor Carlo DeMaia and Executive Director of Health and Human Services, upon the recommendation of Emergency Management and Public Health Officials, and the need to protect the health of the inhabitants of the City of Everett, issues the following Emergency Order imposing a temporary ban on all non-essential gatherings of any activity, and a curfew advisory.

#### EMERGENCY ORDER

As of Monday, April 20, 2020 at 9:00PM and continuing for the duration of the State of Emergency in the Commonwealth, in an effort to ensure the health and safety of the residents of Everett the following goes into effect:

A curfew for all non-essential employees to stay at home from 9 PM to 6 AM is in effect.

All in-person services being provided by the Everett Public Schools will be postponed. This means that homework packets and lunch distribution sites are closed and deliveries of Chromebook will be postponed. Online learning will still be available, and employees will be working remotely to the extent possible.

- Everyone should remain indoors from 9 PM to 6 AM;
- Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) shall be canceled or postponed at this time;
- Any concentration of individuals outside their home must be limited to workers providing essential services or individuals who are undertaking essential tasks, such as picking up pharmaceutical drugs, grocery shopping, or visiting a physician, under which social distancing must be practiced;
- When outside of your home and in public, individuals must practice social distancing of at least six feet from others and must wear a face covering (i.e. a medical mask, a homemade mask, a scarf, bandana or handkerchief);
- Individuals should limit outdoor recreational activities to non-contact, and avoid activities where they come in close contact with other people;
- Sick individuals should not leave their home unless to receive medical care;
- Business Closures: Professional services open to the public must cease. As taxes are now not due until July, there should be no reason for in-person tax accounting, legal services, or other

professional businesses to remain open, with the one possible exception of the real estate closings that are on the verge of completion.

- Department of Public Works and the City Facilities Department will only perform essential work;

I have ordered the Everett Police Department, the Health Department, and Inspectional Services to strictly enforce these guidelines and issue warnings and/or violations to those who are not adhering to the Order can be fined up to \$300 per violation. I know these measures may seem extreme; however, this virus is extreme. As we grapple with the spread of the coronavirus, the response to mitigate the current pandemic and flatten the curve has to be more vigorous. We must all understand the seriousness of the virus and work with one another as we get through this period of time together.

Respectfully,



Carlo DeMaria  
Mayor

Jerry Navarra

Jerry Navarra  
Director of Health and Human

## **CITY OF EVERETT, MASSACHUSETTS**



## **HOME RULE CHARTER**

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

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# City of Everett Home Rule Charter

## ARTICLE 1

### INCORPORATION; SHORT TITLE; DEFINITIONS

#### SECTION 1-1: INCORPORATION

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

#### SECTION 1-2: SHORT TITLE

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

#### SECTION 1-3: DIVISION OF POWERS

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

#### SECTION 1-4: POWERS OF THE CITY

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

#### SECTION 1-5: CONSTRUCTION

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

#### SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

#### SECTION 1-7: DEFINITIONS

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

- (a) "Charter", this charter and any adopted amendments to it.
- (b) "City", the city of Everett.

## City of Everett Home Rule Charter

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

**ARTICLE 2**  
**LEGISLATIVE BRANCH**

**SECTION 2-1: COMPOSITION, TERM OF OFFICE**

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

(a) Composition

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

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

(b) Term of Office

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

(c) Eligibility

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

## City of Everett Home Rule Charter

### SECTION 2-2: PRESIDENT

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

(a) Election and Term

- (1) At the 1<sup>st</sup> meeting of the city council held in January of every year, the members of the city council shall begin the process to elect from among its members a president who shall serve for 1 year.
- (2) The method of election of the president shall be prescribed within the rules of the city council.

(b) Powers and Duties

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

# City of Everett Home Rule Charter

## SECTION 2-3: PROHIBITIONS

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

### (a) Holding Other City Office or Position

- (1) No member of the city council shall hold any other city office or city employment unless authorized by chapter 268A of the General Laws or by the state ethics commission.
- (2) No former member of the city council shall hold any compensated appointed city office or appointed city employment until 120 days following the date on which the former member's service on the city council has terminated

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

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

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

### (b) Interference with Administration

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

### (c) Felony Conviction

- (1) The impact of a final state or federal felony conviction on the convicted person's eligibility to petition for or serve in the office of city councilor shall be in accordance with Section 9-15 (a) of this charter.
- (2) The impact of a final state or federal felony conviction on a person serving in the office of city councilor shall be in accordance with Section 9-15 (b) of this charter.



## City of Everett Home Rule Charter

### SECTION 2-4: COMPENSATION; EXPENSES

#### (a) Compensation

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

#### (b) Expenses

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

### SECTION 2-5: GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law.

# City of Everett Home Rule Charter

## SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

### (a) Exercise of Powers

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

### (b) Quorum

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

### (c) Rules of Procedure

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

#### (1) Regular meetings

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

#### (2) Special meetings

- a. Special meetings of the city council shall be held at the call of the president or at the call of any 5 or more members by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon.
  - b. Except in case of an emergency, of which the president shall be the sole judge, the notice required by subsection a shall be delivered at least 48 weekday hours in advance of the time set for such meeting.
  - c. A copy of the notice shall immediately be posted in accordance with law.
- (3) All sessions of the city council and of every committee or subcommittee of the council shall at all times be open to the public unless another provision is made by law.
  - (4) A full, accurate, up-to-date account of the proceedings of the city council shall be kept by the city clerk, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. Unless otherwise provided by law, the minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purposes of the executive session.

## City of Everett Home Rule Charter

### SECTION 2-7: ACCESS TO INFORMATION

(a) In General

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

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

The city council may require any city officer, member of a city agency or, to the extent not inconsistent with any applicable collective bargaining agreement, city employee to appear before it to give any information that the city council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the city council.

(c) Mayor

- (1) The city council may require the mayor to provide specific information to it on any matter within the jurisdiction of the city council.
- (2) The city council may require the mayor to appear before it, in person, to provide specific information on the conduct of any aspect of the business of the city. The mayor may bring to such meeting any city officer or employee the mayor may deem necessary to assist in responding to the questions posed by the city council.
- (3) City officers, employees and departments shall respond to any formal requests for information issued by the city council within 10 business days of receipt, unless a written extension is granted by a majority vote of the entire city council.

(d) Notice

- (1) The city council shall give a minimum 7 days' notice to any person it may require to appear before it under the provisions of this section.
- (2) The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing.
- (3) The city council shall postpone 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.

## SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

### (a) City Clerk and Assistant City Clerk

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

### (b) Clerk of Committees

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

### (c) Other Staff

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

## City of Everett Home Rule Charter

### SECTION 2-9: ORDINANCES AND OTHER MEASURES

#### (a) Measures

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

#### (b) Emergency Measures

- (1) An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms.
- (2) A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of 2/3<sup>rd</sup> of the members of the city council present and voting.
- (3) An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced.
- (4) No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the laws of the Commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance.
- (5) An emergency measure shall become effective upon adoption or at such later time as it may specify.

#### (c) Charter Objection

- (1) On the 1<sup>st</sup> occasion that the question on adoption of a measure is put to the city council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special.
- (2) If 2 members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least 4 members, in all, must object.
- (3) This procedure shall not be used more than once for any measure bearing a single docket number notwithstanding any amendment to the original measure.
- (4) A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

## City of Everett Home Rule Charter

### SECTION 2-10: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

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

### SECTION 2-11: FILLING OF VACANCIES

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

# City of Everett Home Rule Charter

## ARTICLE 3

### EXECUTIVE BRANCH

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

(a) Mayor, Qualifications

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

(b) Term of Office

- (1) The term of office of the mayor shall be 4 years.
- (2) The term shall run from the 1<sup>st</sup> business day of January succeeding their election, and until their successor has been qualified.
- (3) 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.

(c) Compensation

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

(d) Prohibitions

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

# City of Everett Home Rule Charter

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(c) Felony Conviction

- (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 9-15 (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 9-15 (b) of this charter.

**SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES**

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



**SECTION 3-3: APPOINTMENTS BY THE MAYOR**

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

## City of Everett Home Rule Charter

### SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

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

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

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

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

(signed)  
Mayor

- (c) Persons serving as temporary officers under this section shall have only those powers of the office essential to the performance of the duties of the office during the period of the temporary appointment.
- (d) Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 90 days, but not more than 2 30-day extensions of a temporary appointment may be made when a permanent vacancy exists in the office.

### SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

#### (a) Communications to the City Council

- (1) The mayor shall, from time to time, by written communications, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require.
- (2) The mayor shall, from time to time, by written communication, but no less than quarterly, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in such reports any financial or administrative issues facing the city.

#### (b) Special Meetings of the City Council

- (1) The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the city council.
- (2) This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

## City of Everett Home Rule Charter

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

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

- (a) Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, appointments by the city council of legislative branch officers or employees, confirmation of mayoral appointments, election warrants, designation of polling places, opting in or out for local elections of early voting by mail and early voting in person and any matters relating to the internal affairs of the city council shall be presented to the mayor for approval.
- (b) If the mayor approves of the measure, the mayor shall sign it within 10 days; if the mayor disapproves of the measure, the mayor shall return the measure within 10 days, with the specific reason or reasons for such disapproval attached to it, in writing, to the city council.
- (c) The city council shall enter the objections of the mayor on its records, and not sooner than 10 days, nor later than 30 days from the date of its return to the city council, shall again consider the same measure.
- (d) If the city council, notwithstanding the disapproval by the mayor, shall again pass the order, ordinance or vote by a 2/3<sup>rd</sup> vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve it.
- (e) If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

### SECTION 3-7: TEMPORARY ABSENCE OF THE MAYOR

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

## City of Everett Home Rule Charter

### SECTION 3-8: DELEGATION OF AUTHORITY BY MAYOR

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

### SECTION 3-9: VACANCY IN OFFICE OF MAYOR

#### (a) Special Election

- (1) If a vacancy in the office of mayor occurs during the 1<sup>st</sup> 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 90 days following the date the vacancy is created, to fill the vacancy for the balance of the then unexpired term.
- (2) If a biennial city election is to be held within 120 days following the date the vacancy is created a special election need not be held and the position shall be filled by vote at such biennial city election.

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

- (1) If a vacancy in the office of mayor occurs in the 3<sup>rd</sup> or 4<sup>th</sup> year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall become the acting mayor.
- (2) Upon the qualification of the president of the city council as the acting mayor, under this section, a vacancy shall exist in that seat on the city council which shall be filled in the manner provided in section 2-11.
- (3) A president serving as acting mayor under this subsection, who subsequently stands for office as mayor shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot; provided, however, that should such person subsequently stand for election as a city councilor, they shall be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

#### (c) Powers, Term of Office

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

## **City of Everett Home Rule Charter**

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office shall serve, in addition, for the balance of the then unexpired term.

**ARTICLE 4**  
**SCHOOL COMMITTEE**

**SECTION 4-1: SCHOOL COMMITTEE**

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

(b) Composition

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

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

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

(c) Term of Office

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

(d) Eligibility

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

## City of Everett Home Rule Charter

### SECTION 4-2: SCHOOL COMMITTEE CHAIR

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

(a) Powers and Duties, Chair

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

(b) Powers and Duties, Vice Chair

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

(c) School Committee meetings

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

# City of Everett Home Rule Charter

## SECTION 4-3: PROHIBITIONS

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

### (b) Holding Other City Office or Position

- (1) No member of the school committee shall hold any other city office or city employment unless authorized by chapter 268A of the General Laws or the state ethics commission.
- (2) No former member of the school committee shall hold any compensated appointed city office or appointed city employment until 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.

### (c) Interference with Administration

No school committee or any member of the school committee shall give orders or directions to any officer or employee of the 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 authorized by state law consistent with the provisions of section 4-5(a).

### (d) Felony Conviction

- (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 9-15 (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 9-15 (b) of this charter.



## City of Everett Home Rule Charter

### SECTION 4-4: COMPENSATION; EXPENSE

#### (a) Compensation

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

#### (b) Expenses

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

## City of Everett Home Rule Charter

### SECTION 4-5: POWERS AND DUTIES

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

## City of Everett Home Rule Charter

### SECTION 4-6: FILLING OF VACANCIES

#### (a) Runner-Up to Fill Vacancy

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

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

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

# City of Everett Home Rule Charter

## ARTICLE 5

### ADMINISTRATIVE ORGANIZATION

#### SECTION 5-1: ORGANIZATION OF CITY AGENCIES

- (a) The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted by the mayor to the city council. No administrative order may originate with the city council.
- (b) The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides.
- (c) The mayor may from time to time prepare and submit to the city council, through its clerk, administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city.
- (d) These administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the city council if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances.
- (e) Whenever the mayor proposes an administrative order, the city council shall hold 1 or more public hearings on the proposal for which notice shall be provided no less 10 days prior thereto by posting the full text of the proposal and a summary thereof on the official city website, and publishing notice in at least 1 local newspaper of the time, date and place of the public hearing with information about how to receive a copy of the full proposal.
- (f) An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within such period vote to disapprove the plan.
- (g) The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

#### SECTION 5-2: MERIT PRINCIPLES

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

# City of Everett Home Rule Charter

## ARTICLE 6

### FINANCE AND FISCAL PROCEDURES

#### SECTION 6-1: FISCAL YEAR

The fiscal year of the city shall begin on the 1<sup>st</sup> day of July and shall end on the last day of June, unless another period is required by general law.

#### SECTION 6-2: ANNUAL BUDGET POLICY

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

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

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

## City of Everett Home Rule Charter

### SECTION 6-4: ACTION ON THE OPERATING BUDGET

(a) Public Hearing

The city council shall provide notice of the availability of the entire proposed operating budget no less than 14 days prior to the public hearing thereon, by posting on the official city website the time, date and place of the public hearing and the full text of the proposed operating budget and a summary thereof and publishing notice in 1 or more local newspapers of the time, date and place of the public hearing with information about how to receive a copy of the full proposed operating budget.

(b) Adoption of the Budget

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

## City of Everett Home Rule Charter

### SECTION 6-5: CAPITAL IMPROVEMENT PLAN

(a) Submission

The mayor shall submit a capital improvement plan to the city council at least 120 days before the start of each fiscal year. The capital improvement plan shall include:

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

(b) Public hearing

The city council shall provide notice of the availability of the capital improvement plan no less than 14 days prior to the public hearing thereon by posting on the official city web site the time, date and place of the public hearing and the full text of the proposed capital improvement plan and a summary thereof, and publishing notice in at least 1 local newspaper of the time, date and place of the public hearing with information about how to receive a copy of the full proposed capital improvement plan. Such public hearing may, but need not, be scheduled simultaneously with the public hearing on the proposed operating budget.

(c) Adoption

At any time after the public hearing, but before the 1<sup>st</sup> day of the last month of the current fiscal year, the city council shall, by order, adopt the capital improvement plan, with or without amendment, provided that:

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

## City of Everett Home Rule Charter

### **SECTION 6-6: INDEPENDENT AUDIT**

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

### **SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS**

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



**ARTICLE 7  
ELECTIONS**

**SECTION 7-1: CITY ELECTIONS**

- (a) Biennial city elections shall be held in odd-numbered years.
- (b) Such elections for city council and school committee members shall be held every 2 years.
- (c) Such elections for the office of mayor shall be held every 4 years, starting in 2013.
- (d) An individual shall only appear on the ballot for 1 office at any preliminary, biennial or special city election.

**SECTION 7-2: PRELIMINARY ELECTIONS FOR CITY OFFICES**

- (a) If necessary, a preliminary election for the purpose of nominating candidates for any city office shall be conducted on a Tuesday in September, but no later than September 21<sup>st</sup>.
- (b) The board of election commissioners shall determine the date of said preliminary election, with the approval of the city council.
- (c) 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, 35 days before the date established for the special election.

**SECTION 7-3: PRELIMINARY ELECTION PROCEDURES**

(a) Ballot Preparation and Signature Requirements

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

- (1) In biennial city election years, the board of election commissioners shall:
    - a. Prepare separate nomination papers for the offices of at-large and ward city council and school committee;
    - b. In biennial city election years in which a mayor is to be elected, prepare nomination papers for the office of mayor;
    - c. Determine the date on which such nomination papers shall be made available, but no earlier than April 2<sup>nd</sup>, and
    - d. Make such nomination papers available on the specified date.
- (C0114-18/Acts of 2018, Chapter 316)
- (2) Nomination papers shall be submitted to the elections department on or before 4 p.m. on the 14<sup>th</sup> day prior to the date that nomination papers are required to be filed with the city clerk prior to a preliminary election.

## City of Everett Home Rule Charter

- (3) Nomination papers for each of the following offices shall require the specified number of certified signatures of registered voters listed below in order for a candidate for such office to appear on the election ballot.
    - a. Mayor, no fewer than 500 signatures, with no fewer than 25 signatures certified from each ward;
    - b. Councilor at large or school committee member at large, no fewer than 250 signatures; and
    - c. Ward councilor or ward school committee member, no fewer than 100 signatures from the ward in which election is sought.
  - (4) The minimum number of certified registered voter signatures required to be eligible for nomination may be changed from time to time by an affirmative vote of no fewer than 8 councilors; provided however, that such vote shall take place no later than March 15<sup>th</sup> in any biennial city election year and, further that a certified copy of such vote shall be posted in the city clerk's office and on the official city website.
  - (5) Any candidate taking out nomination papers shall be advised of the minimum number of certified signatures of registered voters required to be eligible for nomination to the office sought.
  - (6) The elections department shall complete their certification of all nomination paper signatures no later than 47 days prior to the scheduled date of the preliminary election so that the certified nomination papers can be filed with the city clerk as required by the General Laws.
- (b) Ballot Position
- (1) The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the board of election commissioners at least 40 days before the scheduled date of the preliminary election.
  - (2) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the official city website.
  - (3) Such drawing shall be open to the public.
- (c) Determination of Candidates
- (1) The 2 persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the biennial or special city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
  - (2) If 2 or more persons are to be elected to the same office at such biennial or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for

## City of Everett Home Rule Charter

that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.

- (3) If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.
- (d) Condition Making Preliminary Unnecessary
- (1) If, at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election, not more than twice as many candidates have filed nomination papers with the elections department for an office as are to be elected to such office:
    - a. The candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office; and
    - b. Their names shall be voted on for such office at the succeeding biennial or special city election, as the case may be; and
    - c. The board of election commissioners shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.
  - (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

### SECTION 7-4: BIENNIAL CITY ELECTION

The biennial city election shall be held on the 1<sup>st</sup> Tuesday following the 1<sup>st</sup> Monday in November in each odd-numbered year.

### SECTION 7-5: BALLOT POSITION, BIENNIAL CITY ELECTION

- (a) 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 board of election commissioners 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 biennial city election.
- (b) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the official city website.
- (c) Such drawing shall be open to the public.

### SECTION 7-6: NON-PARTISAN ELECTIONS

All elections for city offices shall be non-partisan, and election ballots shall be printed without any

## City of Everett Home Rule Charter

party mark, emblem, or other political designation.

### **SECTION 7-7:       WARDS**

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

### **SECTION 7-8:       APPLICATION OF STATE GENERAL LAWS**

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, biennial and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

# City of Everett Home Rule Charter

## ARTICLE 8

### CITIZEN PARTICIPATION MECHANISMS

#### SECTION 8-1: FREE PETITION

- (a) The city council or the school committee shall hold a public hearing and act with respect to every petition which is filed with the city clerk and addressed to it signed by 100 or more voters, and which seeks the passage of a measure.
- (b) The hearing shall be held by the city council or the school committee and the action by the city council or the school committee shall be taken not later than 6 weeks after the petition is filed with the city clerk.
- (c) Public hearings on 2 or more petitions filed under this section may be held at the same time, date and place.
- (d) The city clerk shall by electronic or 1<sup>st</sup>-class mail provide to the person whose name is listed 1<sup>st</sup> on the petition notice of the time, date and place of the public hearing,
- (e) Notice of the public hearing generally shall be provided by posting on the official city website no later than 7 days prior thereto the time, date and place of the public hearing and the full text of the proposed measure and at the discretion of the city clerk or city council, posted or published by any other means appropriate to inform the general public.

#### SECTION 8-2: CITIZEN INITIATIVE MEASURES

- (a) Commencement
  - (1) Initiative procedures shall be started by the filing of a proposed initiative petition ("originating petition") with the city clerk.
  - (2) The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 250 voters. At least 25 signatures must be certified from each ward.
  - (3) The originating petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address identifying the lead petitioner and stating that they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- (b) Referral to City Solicitor
  - (1) The city clerk shall, immediately following receipt of the originating petition, deliver a copy of the petition to the city solicitor.
  - (2) The city solicitor shall, within 15 days following receipt of a copy of the originating petition, in writing, advise the city council or the school committee whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee.

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- (3) If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full.
- (4) A copy of the opinion of the city solicitor shall also be provided to the person designated as clerk of the petitioners committee.

(c) Submission to City Clerk

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

(d) Action on Petitions

- (1) Within 30 days following the date a petition has been returned to the city clerk or the secretary of the school committee, and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure.
- (2) If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the 30<sup>th</sup> day.
- (3) If an initiative measure is rejected, the city clerk or the secretary of the school

## City of Everett Home Rule Charter

committee shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.

(e) Supplementary Petitions

- (1) Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk, but only by persons constituting the original petitioners committee.
- (2) The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least 5% of the total number of registered voters as of the date of the last biennial city election, and the signatures on the initial petition filed under subsection (c), and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15% of the total number of registered voters as of the date of the last biennial city election.
- (3) If the number of signatures to this supplemental petition is found to be sufficient by the board of election commissioners, the city council, in consultation with the board of election commissioners, shall call a special election to be held on a date fixed by it not less than 35 nor more than 90 days following the date of the certificate of the board of election commissioners that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if any other city election is to be held within 120 days following the date of the certificate, the city council may omit the calling of such special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication

The full text of any initiative measure submitted to the voters shall be posted in full on the official city website not less than 7 days preceding the date of the election at which the question is to be voted upon, copies of which shall be available in the office of the city clerk, and further, notice of the availability and locations at which copies of the full text may be accessed shall be printed in at least 1 newspaper of local circulation.

(g) Form of Question

The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

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

- o YES
- o NO

(h) Time of Taking Effect

If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

# City of Everett Home Rule Charter

## SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

### (a) Petition, Effect on Final Vote

- (1) If, within 21 days following the date on which the city council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least 12% of the total number of registered voters as of the date of the last biennial city election and addressed to the city council or to the school committee as the case may be, protesting against the measure or any part of it is filed with the city clerk, the effective date of such measure shall be temporarily suspended.
- (2) The school committee or the city council shall immediately reconsider its vote on the measure or part of it, and, if the measure is not rescinded, the city council, in consultation with the board of election commissioners, shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next biennial city election, but pending this submission and determination, the effect of the measure shall continue to be suspended.

### (b) Certain Initiative Provisions to Apply

- (1) The petition described in this section shall be termed a referendum petition and the applicable provisions of section 8-2 as they relate to the filing and certification of signatures shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative".
- (2) The measure or part protested against shall be null and void if a majority of those voting on the question shall vote against the measure or part protested against at the election.

## SECTION 8-4: INELIGIBLE MEASURES

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

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



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### SECTION 8-5: RECALL

#### (a) Application

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

#### (b) Recall Petition

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

- (1) A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall; provided, however, that the affidavit is signed by no fewer than 500 voters for any officer elected city-wide and no fewer than 300 voters for any officer elected by ward, which affidavit shall identify a lead petitioner for purposes of the recall.
- (2) The city clerk shall thereupon make available to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available.
  - a. Such blanks shall be issued by the city clerk, with signature and official seal attached thereto.
  - b. Such blanks shall be dated, addressed to the city council and contain the names of the 1<sup>st</sup> 10 signatories to the petition, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit.
- (3) A copy of the petition shall be entered in a record book to be kept in the office of the city clerk.
- (4) The recall petition shall be returned and filed with the city clerk within 30 days after the filing of the affidavit, and shall have been signed for offices elected city-wide by no fewer than 15% of the total number of registered voters of the city as of the last biennial city election and for offices elected by ward, no fewer than 15% of the total number of registered voters of the ward as of the last biennial city election. The city clerk shall immediately submit the petition to the board of election commissioners, and the commission shall, within 5 working days, certify thereon the number of signatures that are names of voters.

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

#### (c) Recall Election

- (1) If the petition shall be found and certified by the board of election commissioners to be sufficient, the board of election commissioners shall submit the same with such certificate to the city clerk within 5 working days and provide written or actual notice of the certified petition to the officer sought to be recalled; if the officer does not

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resign within 5 days thereafter, the city council, following consultation with the board of election commissioners, shall order a special recall election to be held on a date fixed by it no more than 90 days after the date of the board of election commissioner's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 150 days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election.

- (2) If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder

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

(e) Ballot Proposition

The form of the question to be voted upon shall be substantially as follows:

"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"

- o YES
- o NO

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

(f) Repeat of Recall

In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least 270 days after the election at which the officer's recall was submitted to the voters of the city.

(g) Office Holder Recalled

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any city office or position of employment within 2 years after such recall or such resignation.

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### **SECTION 8-6: REQUIRED VOTER PARTICIPATION**

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

- (a) For any measure to be effective under any initiative procedure and for any measure to be declared null and void under any referendum procedure, no fewer than 15% of the total number of registered voters as of the last biennial city election shall vote at an election that includes on the ballot submission of at least 1 initiative or referendum questions to the voters.
- (b) For any recall election to be effective, for those offices elected city-wide, no fewer than 15% of the total number of registered voters in the city as of the last biennial city election, and for those offices elected by ward, no fewer than 15% of the total number of registered voters in the ward as of the last biennial city election shall vote in such recall election.

### **SECTION 8-7: SUBMISSION OF OTHER MEASURES TO VOTERS**

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

### **SECTION 8-8: CONFLICTING PROVISIONS**

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

# City of Everett Home Rule Charter

## ARTICLE 9 GENERAL PROVISIONS

### SECTION 9-1: CHARTER CHANGES

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

### SECTION 9-2: SEVERABILITY

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

### SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

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

### SECTION 9-4: RULES AND REGULATIONS

- (a) A copy of all rules and regulations adopted by any city agency shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time.
- (b) Unless an emergency exists as determined by the mayor, no rule or regulation adopted by any city agency shall become effective until 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 1<sup>st</sup> day of July, at 10-year intervals, in each year ending in a 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 9 members, 6 of whom shall be appointed by the city council president and 3 of whom shall be appointed by the mayor.
  - (1) At least 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 1<sup>st</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 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 1<sup>st</sup> day of July, at 10-year intervals, in each year ending in a 0, the mayor and city council shall provide for a review to be made of the city charter.
- (b) This review shall be made by a special committee to consist of 9 members.
  - (1) 4 members shall be appointed by the city council president, 2 of whom shall be members of the city council and 2 of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city.
  - (2) 5 members shall be appointed by the mayor, all of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city.
- (c) The special committee shall file its report with the city clerk, not later than the 1<sup>st</sup> day of May in the year following the year in which the committee is appointed.
- (d) The recommendations of the special committee shall appear on the city council's agenda for action before the 15<sup>th</sup> 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 15<sup>th</sup> day of June, and no other business shall be in order until such report has been acted upon, by

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roll call vote.

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

#### **(a)    Meetings**

- (1) All appointed multiple member bodies of the city shall meet regularly at the times and places that they by their own rules prescribe.
- (2) Special meetings of any multiple member body shall be held on the call of the chairman or by 1/3<sup>rd</sup> of the members of the body by written notice delivered in hand or to the place of residence of each member at least 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 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 members present and voting shall be required to vote on any matter representing an exercise of the powers of the multiple member 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 shall be interpreted to include any.

### **SECTION 9-9:        REFERENCES TO GENERAL LAWS**

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any

## City of Everett Home Rule Charter

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 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is 7 days or more, every day shall be counted.

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

- (a) The oath of office for the mayor, the city council and school committee may be administered by the city clerk, the assistant city clerk, or by any person qualified to take oaths or affirmations.
- (b) A certificate that the oath or oaths have been taken shall be entered in the journal of the city council.
- (c) In case of the absence of the mayor-elect or any members-elect of the city council or school committee on the day the oath of office is administered, the oath may at any time thereafter be administered to those persons by the city clerk, the assistant city clerk or by any person qualified to take oaths or affirmations. A certificate of each oath subsequently taken shall be entered in the journal of the city council.

### **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 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.

## City of Everett Home Rule Charter

### **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.

### **SECTION 9-15: FELONY CONVICTION**

- (a) 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.
- (b) Any elected official 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.



# 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: 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.

## City of Everett Home Rule Charter

### SECTION 10-3: DISPOSITION OF CERTAIN SPECIAL LAWS

(a) Certain Special Laws Recognized and Retained

The following special acts are hereby retained:

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

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

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

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

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

(c) Certain 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.

Section 2-2(a)(1) is hereby amended by replacing the phrase “As soon as practicable after the councilors-elect have been qualified following each biennial election, as provided in section 9-11)” with the phrase “At the 1<sup>st</sup> meeting of the city council held in January of every year,”;

Section 2-2(a)(1) is hereby further amended by inserting the phrase “ begin the process to” between the words “shall” and “elect”;

Section 2-3(c) is hereby amended by deleting the current version of the subsection in its entirety and replacing it with the following new version:

- (1) The impact of a final state or federal felony conviction on the convicted person’s eligibility to petition for or serve in the office of city councilor shall be in accordance with Section 9-15 (a) of this charter.
- (2) The impact of a final state or federal felony conviction on a person serving in the office of city councilor shall be in accordance with Section 9-15 (b) of this charter.;

Section 2-6(c)(2)b. is hereby amended by replacing the phrase “this notice” with the phrase “the notice required by subsection a”;

Section 2-7(b) is hereby amended by inserting the phrase “, to the extent not inconsistent with any applicable collective bargaining agreement,” between the words “or” and “city”;

Section 2-7(c) is hereby amended by adding a new subsection (3) as follows:

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

Section 2-7(d) is hereby amended by adding a new subsection (3) as follows:

- (3) The city council shall postpone 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.

Section 2-8(b)(1) is hereby amended by replacing the word “his” with the word “their”;

Section 2-9(b)(2) is hereby amended by replacing the phrase “full city council” with the phrase “members of the city council present and voting”;

Section 2-9(c)(3) is hereby amended by replacing both occurrences of the word “matter” with the word “measure”;

Section 2-10(c) is hereby amended by replacing the word “require” with the phrase “, through the mayor, request”;

Section 2-10(c) is hereby further amended by replacing the phrase “to give any” with the phrase “or to provide to the committee, or the city council”;

Section 2-10(c) is hereby further amended by deleting the phrase “that the committee, or the city council, may require.”;

Section 2-11(a) is hereby amended by inserting the phrase "city clerk shall declare the same. If no defeated candidate is eligible or willing to serve under subsection (b) of this section, the" between the words "the" and "remaining";

Section 2-11(b) is hereby amended by deleting the phrase "city council shall fill the vacancy for the remainder of the unexpired term by choosing the";

Section 2-11(b) is hereby further amended by replacing the word "regular" with the word "biennial";

Section 2-11(b) is hereby further amended by inserting the phrase ' shall, following receipt of notice from the city clerk and acceptance of the position, and after taking the oath of office, serve for the remainder of the unexpired term;' between the words "election" and the word "provided";

Section 2-11(c) is hereby amended by replacing the phrase "or said defeated candidate shall not have received at least twenty percent (20%) of the total ballots cast" with the phrase "the defeated candidate is not eligible for appointment under sub-section (b) or the eligible candidate under subsection (b) declines to serve,";

Section 2-11(c) is hereby further amended by inserting the phrase " , following acceptance and taking the oath of office," between the words "serve" and "for";

Section 2-11(d) is hereby deleted in its entirety and all subsequent subsections shall be renumbered accordingly;

The newly renumbered Section 2-11(e) is hereby amended by changing the word "regular" to "biennial";

Section 3-1(b) is hereby amended by deleting the current version of the subsection in its entirety and replacing it with the following new version:

- (1) The term of office of the mayor shall be 4 years.
- (2) The term shall run from the 1<sup>st</sup> business day of January succeeding their election, and until their successor has been qualified.
- (3) 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.

Section 3-1(e) is hereby amended by deleting the current version of the subsection in its entirety and replacing it with the following new version:

- (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 9-15 (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 9-15 (b) of this charter.

Section 3-6(a) is hereby amended by deleting the following phrase "the selection of city officers or employees by the city council" and inserting the following phrase in its place "appointments by the city council of legislative branch officers or employees, confirmation of mayoral

appointments, election warrants, designation of polling places, opting in or out for local elections of early voting by mail and early voting in person”;

Section 3-9(a)(2) is hereby amended by changing the first occurrence of the word “regular” to the word “biennial”;

Section 3-9(a)(2) is hereby further amended by changing the second occurrence of the word “regular” to the phrase “biennial city”;

Section 3-9(b)(3) is hereby amended by inserting the following phrase at the end of the subsection “; 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.”;

Section 3-9(c)(3) is hereby amended by replacing the word “regular” with the phrase “biennial city”;

Section 4-3(c) is hereby amended by replacing the phrase “city appointed by the mayor, either publicly or privately” with the phrase “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 authorized by state law consistent with the provisions of section 4-5(a)”;

Section 4-3(d) is hereby amended by deleting the current version of the subsection in its entirety and replacing it with the following new version:

- (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 9-15 (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 9-15 (b) of this charter.

Section 4-5(a)(1) is hereby amended by replacing the word “elect” to the word “appoint”;

Section 4-5(b)(5) is hereby amended by inserting the following phrase at the end of the subsection; “ or by written agreement between the mayor and the school committee”

Section 4-6(a)(2) is hereby amended by replacing the word “regular” with the word “biennial”;

Section 4-6(a)(5) is hereby amended by replacing the word “regular” with the word “biennial”;

Section 4-6(b)(2) is hereby amended by replacing the word “regular” with the phrase “biennial city”;

Section 5-1(a) is hereby amended by replacing the phrase” to the city council by the mayor” with the phrase “by the mayor to the city council”;

Section 5-1(c) is hereby amended by inserting the phrase “, though its clerk,” between the words “council” and “administrative”;

Section 5-1 (e) is hereby amended by deleting the existing subsection in its entirety and replacing it with the following new version of the subsection:

- (e) Whenever the mayor proposes an administrative order, the city council shall hold 1 or more public hearings on the proposal for which notice shall be provided no less 10 days prior thereto by posting the full text of the proposal and a summary thereof on the official city website, and publishing notice in at least 1 local newspaper of the time, date and place of the public hearing with information about how to receive a copy of the full proposal.

Section 6-4 (a) is hereby amended by deleting the existing subsection in its entirety and replacing it with the following new version of the subsection:

(a) Public Hearing

The city council shall provide notice of the availability of the entire proposed operating budget no less than 14 days prior to the public hearing thereon, by posting on the official city website the time, date and place of the public hearing and the full text of the proposed operating budget and a summary thereof and publishing notice in 1 or more local newspapers of the time, date and place of the public hearing with information about how to receive a copy of the full proposed operating budget.

Section 6-5 is hereby amended by replacing all occurrences of the phrase “capital improvement program” to the phrase “capital improvement plan”

Section 6-5 (b) is hereby amended by deleting the existing subsection in its entirety and replacing it with the following new version of the subsection:

(b) Public hearing

The city council shall provide notice of the availability of the capital improvement plan no less than 14 days prior to the public hearing thereon by posting on the official city web site the time, date and place of the public hearing and the full text of the proposed capital improvement plan and a summary thereof; and publishing notice in at least 1 local newspaper of the time, date and place of the public hearing with information about how to receive a copy of the full proposed capital improvement plan. Such public hearing may, but need not, be scheduled simultaneously with the public hearing on the proposed operating budget.

Section 6-6(d) is hereby amended by inserting the phrase “, with the assistance of the city’s chief financial officer,” between the words “committees” and “shall”;

Section 7-1 is hereby amended by deleting the existing section in its entirety and replacing it with the following new version of the section:

**SECTION 7-1: CITY ELECTIONS**

- (a) Biennial city elections shall be held in odd-numbered years.
- (b) Such elections for city council and school committee members shall be held every 2 years.
- (c) Such elections for the office of mayor shall be held every 4 years, starting in 2013.

- (d) An individual shall only appear on the ballot for 1 office at any preliminary, regular or special election.

Section 7-2 is hereby amended by deleting the existing section in its entirety and replacing it with the following new version of the section which merges the functions of the prior Sections 7 – 1 and 7 -2:

**SECTION 7-2: PRELIMINARY ELECTIONS FOR CITY OFFICES**

- (a) If necessary, a preliminary election for the purpose of nominating candidates for any city office shall be conducted on a Tuesday in September, but no later than September 21<sup>st</sup>.
- (b) The board of election commissioners shall determine the date of said preliminary election, with the approval of the city council.
- (c) 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, 35 days before the date established for the special election.

Section 7-3(a) is hereby amended by deleting the existing subsection in its entirety and replacing it with the following new version of the subsection:

(a) Ballot Preparation and Signature Requirements

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

- (1) In biennial city election years, the board of election commissioners shall:
  - a. Prepare separate nomination papers for the offices of at-large and ward city council and school committee;
  - b. In biennial city election years in which a mayor is to be elected, prepare nomination papers for the office of mayor;
  - c. Determine the date on which such nomination papers shall be made available, but no earlier than April 2<sup>nd</sup>, and
  - d. Make such nomination papers available on the specified date.

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

- (2) Nomination papers shall be submitted to the elections department on or before 4 p.m. on the 14<sup>th</sup> day prior to the date that nomination papers are required to be filed with the city clerk prior to a preliminary election.
- (3) Nomination papers for each of the following offices shall require the specified number of certified signatures of registered voters listed below in order for a candidate for such office to appear on the election ballot.
  - a. Mayor, no fewer than 500 signatures, with no fewer than 25 signatures certified from each ward;
  - b. Councilor at large or school committee member at large, no fewer than 250 signatures; and

- c. Ward councilor or ward school committee member, no fewer than 100 signatures from the ward in which election is sought.
- (4) The minimum number of certified registered voter signatures required to be eligible for nomination may be changed from time to time by an affirmative vote of no fewer than 8 councilors; provided however, that such vote shall take place no later than March 15<sup>th</sup> in any biennial city election year and, further that a certified copy of such vote shall be posted in the city clerk's office and on the official city website.
- (5) Any candidate taking out nomination papers shall be advised of the minimum number of certified signatures of registered voters required to be eligible for nomination to the office sought.
- (6) The elections department shall complete their certification of all nomination paper signatures no later than 47 days prior to the scheduled date of the preliminary election so that the certified nomination papers can be filed with the city clerk as required by the General Laws.

Section 7-3(b)(1) is hereby amended to change the phrase "city clerk" to board of election commissioners";

Section 7-3(b)(1) is hereby further amended to insert the phrase "scheduled date of the " between the words "the" and "preliminary";

Section 7-3(b)(1) is hereby further amended to delete the sentence "Such drawing shall be open to the public."

Section 7-3(b) is further amended to add two new subsections (2) and (3) as follows

- (2) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the official city website.
- (3) Such drawing shall be open to the public.

Section 7-3(c)(1) is hereby amended by replacing the phrase "regular or special" with the phrase "biennial or special city";

Section 7-3(c)(2) is hereby amended by replacing the word "regular" with the word "biennial";

Section 7-3(d)(1) is hereby amended by replacing the first occurrence of the word "statements" with the phrase "nomination papers";

Section 7-2(d)(1) is hereby further amended by replacing the phrase "such statements have been filed with the city clerk" with the phrase "candidates have filed nomination papers with the elections department";

Section 7-3(d)(1)a. is hereby amended by replacing the word "statements" with the phrase "nomination papers";

Section 7-3(d)(1)b. is hereby amended by replacing the phrase "regular or special" with the phrase "biennial or special city";



Section 7-3(d)(1)c. is hereby amended by replacing the phrase “city clerk” with the phrase “board of election commissioners”;

Section 7-4 is hereby amended by replacing the word ”REGULAR” with the phrase “BIENNIAL CITY” in the section’s title.

Section 7-4 is hereby amended by replacing the word “regular” with the word “biennial”;

Section 7-5 is hereby amended by replacing the word ”REGULAR” with the phrase “BIENNIAL CITY” in the section’s title.

Section 7-5(a) is hereby amended by replacing the phrase “city clerk” with the phrase “board of election commissioners”;

Section 7-5(a) is hereby further amended by inserting the phrase “or if no preliminary election is held, no later than 34 days prior to the biennial city election” after the word “results”;

Section 7-5(a) is hereby further amended by deleting the sentence “Such drawing shall be open to the public”;

Section 7-5 is further amended to add two new subsections (b) and (c) as follows

(b) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the official city website.

(c) Such drawing shall be open to the public.

Section 7-8 is hereby amended by replacing the phrase “regular and special” with the phrase “biennial and special city”;

Section 8-1(a) is hereby amended by inserting the phrase “filed with the city clerk and” between the words “is” and “addressed”;

Section 8-1(a) is hereby further amended by deleting the phrase “ which is”;

Section 8-1(b) is hereby amended by inserting the word “ public” between the words “the” and “ hearing”;

Section 8-1(b) is hereby further amended by deleting the phrase “or the secretary of the school committee.”;

Section 8-1(c) is hereby amended by inserting the word “Public “ at the beginning of the subsection:

Section 8-1(c) is hereby further amended by inserting the word “, date” between the words “time” and “and”

Section 8-1(d) is hereby deleted in its entirety and replaced with the following new version of the subsection”

(d) The city clerk shall by electronic or 1<sup>st</sup>-class mail provide to the person whose name is listed 1<sup>st</sup> on the petition notice of the time, date and place of the public hearing,

Section 8-1(e) is hereby deleted in its entirety and replaced with the following new version of the subsection”

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

Section 8-2(a)(1) is hereby amended by inserting the following phrase “(“originating petition”)” between the words “petition and “with”;

Section 8-2(a)(1) is hereby further amended by deleting the phrase “or the secretary of the school committee”;

Section 8-2(a)(3) is hereby amended by inserting the word “originating” between the first occurrence of the words “The” and “petition”;

Section 8-2(a)(3) is hereby further amended by inserting the phrase “identifying the lead petitioner and” between the words “address” and “stating”;

Section 8-2(a)(3) is hereby further amended by inserting the word “that” between the words “stating” and “they”;

Section 8-2(b)(1) is hereby amended by deleting the phrase “or the secretary of the school committee”;

Section 8-2(b)(1) is hereby further amended by replacing the phrase “a proposed” with the phrase “the originating”;

Section 8-2(b)(2) is hereby amended by inserting the word “originating” between the words “the” and “petition”;

Section 8-2(b)(4) is hereby amended by replacing the word “mailed” with the word “provided”;

Section 8-2(c)(1) is hereby amended by inserting the word “originating” between the words “the” and “petition”;

Section 8-2(c)(1) is hereby amended by inserting the word “petition” between the words “blanks” and “form”;

Section 8-2(c)(2) is hereby amended by inserting the word “registered” between the words ‘of’ and “voters”;

Section 8-2(c)(2) is hereby further amended by replacing the phrase “most recent” with the phrase “last biennial”;

Section 8-2(c)(4) is hereby amended by inserting the word “registered” between the words ‘of’ and “voters”;

Section 8-2(c)(4) is hereby further amended by replacing the phrase “most recent regulat” with the phrase “last biennial”;

Section 8-2(e)(1) is hereby amended by deleting the phrase “or the secretary of the school committee”;

Section 8-2(e)(2) is hereby amended by inserting the word “registered” between the first occurrence of the words “of” and “voters”;

Section 8-2(e)(2) is hereby further amended by replacing the phrase “most recent” with the phrase “last biennial”;

Section 8-2(e)(2) is hereby further amended by replacing the phrase “of the total number of voters in the city” with the phrase “of the total number of registered voters as of the date of the last biennial city election”;

Section 8-2(e)(3) is hereby amended by replacing both occurrences of the phrase “city clerk” with the phrase “board of election commissioners”;

Section 8-2(e)(3) is hereby further amended by inserting the phrase “, in consultation with the “board of election commissioners,” between the words “council” and “shall”;

Section 8-2(f) is hereby hereby deleted in its entirety and replaced with the following new version of the subsection”:

The full text of any initiative measure which is submitted to the voters shall be posted in full on the official city website not less than 7 days preceding the date of the election at which the question is to be voted upon, copies of which shall be available in the office of the city clerk, and further, notice of the availability and locations at which copies of the full text may be accessed shall be printed in at least 1 newspaper of local circulation.

Section 8-3(a)(1) is hereby amended by inserting the word “registered” between the words “of” and “voters”;

Section 8-3(a)(1) is hereby further amended by replacing the phrase “most recent regular” with the phrase “last biennial”;

Section 8-3(a)(1) is hereby further amended by deleting the phrase “ secretary of the school committee or”;

Section 8-3(a)(2) is hereby amended by inserting the phrase “, in consultation with the board of election commissioners,” between the words “council” and “shall”;

Section 8-3(a)(2) is hereby amended by replacing the word “regular” with the word “biennial”;

Section 8-3(b)(2) is hereby amended by replacing the word “unless” with the word “if”;

Section 8-3(b)(2) is hereby further amended by replacing the phrase “in favor of” with the word “against”;

Section 8-4(c) is hereby amended by replacing the word “committee” with the phrase “department portion of the”;

Section 8-5(b)(1) is hereby amended by inserting the following phrase at the end of the subsection “, which affidavit shall identify a lead petitioner for purposes of the recall”;

Section 8-5(b)(2) is hereby amended by replacing the word “deliver” with the phrase “make available”;

Section 8-5(b)(2)b. is hereby amended by replacing the phrase “all the persons to whom they are issued” with the phrase “the 1<sup>st</sup> 10 signatories to the petition”;

Section 8-5(b)(4) is hereby amended by deleting the current version of the subsection in its entirety and replacing it with the following new version of the subsection as follows:

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

Section 8-5(c)(1) is hereby amended by deleting the subsection in its entirety and replacing it with the following new version of the subsection:

- (1) If the petition shall be found and certified by the board of election commissioners to be sufficient, the board of election commissioners shall submit the same with such certificate to the city clerk within 5 working days and provide written or actual notice of the certified petition to the officer sought to be recalled; if the officer does not resign within 5 days thereafter, the city council, following consultation with the board of election commissioners, shall order a special recall election to be held on a date fixed by it no more than 90 days after the date of the board of election commissioner's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 150 days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election.

Section 8-5(d)(3)b. is hereby amended by replacing the word "regular" with the word "biennial";

Section 8-5(d)(3)c. is hereby amended by replacing the phrase "he or she" with the word "they";

Section 8-6(a) is hereby amended by replacing the phrase "twenty per cent (20%)" with the percentage "15%"

Section 8-6(a) is hereby further amended by inserting the phrase "total number of registered" between the first occurrence of the words "the" and "voters";

Section 8-6(a) is hereby further amended by replacing the phrase "most recent regular" with the phrase "last biennial";

Section 8-6(b) is hereby amended by deleting the subsection in its entirety and replacing it with the following new version of the subsection:

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

Section 8-7 is hereby amended by replacing the word "MATTERS" with the word

“MEASURES” in the section’s title.

Section 8-7 is hereby further amended by replacing the word “regular” with the word “biennial”;

Section 9-6 is hereby amended by changing the number phrase “four (4)” to the number “0”;

Section 9-7(a)(2) is hereby amended by inserting the word “weekday” between the number “48” and the word “hours”;

Section 9-7(d)(1) is hereby amended by replacing the word “members” with the phrase “full membership”;

Section 9-7(d)(2) is hereby amended by deleting the subsection in its entirety and replacing it with the following new version of the subsection:

- (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 members present and voting shall be required to vote on any matter representing an exercise of the powers of the multiple member body.

Section 9-8 is hereby amended to replace the phrase “the masculine gender shall include the feminine gender” with the phrase “a particular gender shall be interpreted to include any”;

Section 9-10(b) is hereby amended by adding the following phrase at the end of the subsection “unless otherwise provided by law”;

Section 9-11(a) is hereby amended by deleting the subsection in its entirety and renumbering the remaining subsequent subsections accordingly;

The newly renumbered Section 9-11(a) is hereby amended by inserting the phrase “of office for the mayor, the city council and school committee” between the words “oath” and “may”;

The originally numbered Section 9-11(e) is hereby amended by deleting the subsection in its entirety;

The originally numbered Section 9-11(f) is hereby amended by deleting the subsection in its entirety;

A new Section 9-15 is hereby added following Section 9-14. The details of the new section follow:

**SECTION 9-15: FELONY CONVICTION**

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

Section 10-1(a) is hereby amended by inserting the phrase “or any amendments thereto” between the words “charter” and “takes”;

Section 10-1(a) is hereby amended by inserting the phrase "or any amendments thereto." between the words "charter" and "shall";

Section 10-2 is hereby amended by deleting the subsection in its entirety and renumbering the remaining subsequent subsections accordingly;

Section 10-3 is hereby amended by deleting the subsection in its entirety and renumbering the remaining subsequent subsections accordingly;

The newly resequenced Section 10-2 (Originally Section 10-4) is hereby amended by inserting the phrase " or amendments thereto," after the first occurrence of the word "charter";

The newly resequenced Section 10-3 (Originally Section 10-5) is hereby amended by deleting subsections (c) and (e) and renumbering the remaining subsections accordingly;

The originally numbered Section 10-6 is hereby amended by deleting the subsection in its entirety;

## **CITY OF EVERETT, MASSACHUSETTS**



## **HOME RULE CHARTER**

# **City of Everett Home Rule Charter**

Item Number 1

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



City of Everett Home Rule Charter

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# City of Everett Home Rule Charter

## ARTICLE 1

### INCORPORATION; SHORT TITLE; DEFINITIONS

#### SECTION 1-1: INCORPORATION

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

#### SECTION 1-2: SHORT TITLE

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

#### SECTION 1-3: DIVISION OF POWERS

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

#### SECTION 1-4: POWERS OF THE CITY

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

#### SECTION 1-5: CONSTRUCTION

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

#### SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

#### SECTION 1-7: DEFINITIONS

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

- (a) "Charter", this charter and any adopted amendments to it.
- (b) "City", the city of Everett.



## City of Everett Home Rule Charter

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

# City of Everett Home Rule Charter

## ARTICLE 2

### LEGISLATIVE BRANCH

#### SECTION 2-1: COMPOSITION, TERM OF OFFICE

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

##### (a) Composition

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

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

##### (b) Term of Office

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

##### (c) Eligibility

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

## City of Everett Home Rule Charter

### SECTION 2-2: PRESIDENT

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

#### (a) Election and Term

- (1) ~~As soon as practicable after~~At the councilors-elect have been qualified following each biennial election, as provided1<sup>st</sup> meeting of the city council held in section 9-11January of every year, the members of the city council shall begin the process to elect from among its members a president who shall serve for ~~one~~(1) year.
- (2) The method of election of the president shall be prescribed within the rules of the city council.

#### (b) Powers and Duties

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

## City of Everett Home Rule Charter

### SECTION 2-3: PROHIBITIONS

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

(a) Holding Other City Office or Position

(1) No member of the city council shall hold any other city office or city employment unless authorized by chapter 268A of the General Laws or by the state ethics commission.

(2) No former member of the city council shall hold any compensated appointed city office or appointed city employment until ~~thirty (30)~~120 days following the date on which the former member's service on the city council has terminated

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

a. This provision shall not prevent a city officer or other city employee who has vacated a position to serve as a member of the city council from returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until ~~thirty (30)~~120 days following the termination of service as a member of the city council.

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

(b) Interference with Administration

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

(c) Felony Conviction

~~(a) 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.~~

(1) AnyThe impact of a final state or federal felony conviction on the convicted person's eligibility to petition for or serve in the office of city councilor who has been finally convicted of shall be in accordance with Section 9-15 (a) of this charter.

(+)(2) The impact of a final state or federal felony shall be deemed to have vacated their office and shall be disqualified from conviction on a person serving in any other elective or appointive office or position under the the office of city councilor shall be in accordance with Section 9-15 (b) of this charter.

## City of Everett Home Rule Charter

### SECTION 2-4: COMPENSATION; EXPENSES

#### (a) Compensation

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

#### (b) Expenses

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

### SECTION 2-5: GENERAL POWERS

Except as otherwise provided by general law or by this charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the city by law.

## City of Everett Home Rule Charter

### SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

(a) Exercise of Powers

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

(b) Quorum

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

(c) Rules of Procedure

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

(1) Regular meetings

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

(2) Special meetings

- a. Special meetings of the city council shall be held at the call of the president or at the call of any ~~five (5)~~ or more members by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon.
  - b. Except in case of an emergency, of which the president shall be the sole judge, ~~this~~ notice required by subsection a shall be delivered at least ~~forty-eight (48)~~ weekday hours in advance of the time set for such meeting.
  - c. A copy of the notice shall immediately be posted in accordance with law.
- (3) All sessions of the city council and of every committee or subcommittee of the council shall at all times be open to the public unless another provision is made by law.
  - (4) A full, accurate, up-to-date account of the proceedings of the city council shall be kept by the city clerk, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. Unless otherwise provided by law, the minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purposes of the executive session.



## City of Everett Home Rule Charter

### SECTION 2-7: ACCESS TO INFORMATION

(a) In General

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

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

The city council may require any city officer, member of a city agency or, to the extent not inconsistent with any applicable collective bargaining agreement, city employee to appear before it to give any information that the city council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the city council.

(c) Mayor

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

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

(d) Notice

- (1) The city council shall give a minimum ~~seven (7)~~ days' notice to any person it may require to appear before it under the provisions of this section.
- (2) The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing.

(3) The city council shall postpone 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.

## City of Everett Home Rule Charter

### SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

(a) City Clerk and Assistant City Clerk

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

(b) Clerk of Committees

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

(c) Other Staff

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



## City of Everett Home Rule Charter

### SECTION 2-9: ORDINANCES AND OTHER MEASURES

#### (a) Measures

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

#### (b) Emergency Measures

- (1) An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms.
- (2) A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of ~~two-thirds (2/3)~~ 3<sup>rd</sup> of the ~~full members of the~~ city council present and voting.
- (3) An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced.
- (4) No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the laws of the Commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance.
- (5) An emergency measure shall become effective upon adoption or at such later time as it may specify.

#### (c) Charter Objection

- (1) On the ~~first~~ first occasion that the question on adoption of a measure is put to the city council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special.
- (2) If ~~two (2)~~ members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least ~~four (4)~~ members, in all, must object.
- (3) This procedure shall not be used more than once for any ~~matter~~ measure bearing a single docket number notwithstanding any amendment to the original ~~matter~~ measure.
- (4) A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

## City of Everett Home Rule Charter

### SECTION 2-10: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

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

### SECTION 2-11: FILLING OF VACANCIES

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

## City of Everett Home Rule Charter

to be held within ~~ninety (90)~~ days following the date the vacancy is declared to exist.

## City of Everett Home Rule Charter

### ARTICLE 3

#### EXECUTIVE BRANCH

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

(a) Mayor, Qualifications

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

(b) Term of Office

- ~~(1) The term of office of the mayor shall be four (4) years beginning on,~~
- ~~(+)(2) The term shall run from the first Monday in the 1<sup>st</sup> business day of January succeeding their 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.~~
- ~~(3) 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.~~

(c) Compensation

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

(d) Prohibitions

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

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- b. This prohibition shall not apply to persons covered under the leave of absence provisions of the civil service law.
- (e) Felony Conviction
- ~~(1) — Any person who has been finally convicted~~ The impact of a final state or federal felony shall not be eligible conviction on the convicted person's eligibility to petition for or serve in any elective or appointive the office or position under the city.
- ~~(1) Any of mayor who has been finally convicted of shall be in accordance with Section 9-15 (a) of this charter.~~
- ~~(+)(2) The impact of a final state or federal felony shall be deemed to have vacated said office and shall be disqualified from conviction on a person serving in any other elective or appointive office or position under the city the office of mayor shall be in accordance with Section 9-15 (b) of this charter.~~

### SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

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



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### SECTION 3-3: APPOINTMENTS BY THE MAYOR

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

## City of Everett Home Rule Charter

### SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

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

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

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

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

(signed)  
Mayor

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

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

### SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

- (a) Communications to the City Council

- (1) The mayor shall, from time to time, by written communications, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require.
- (2) The mayor shall, from time to time, by written communication, but no less than quarterly, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in such reports any financial or administrative issues facing the city.

- (b) Special Meetings of the City Council

- (1) The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the city council.
- (2) This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least ~~forty-eight (48)~~ weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

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



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

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

### SECTION 3-7: TEMPORARY ABSENCE OF THE MAYOR

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

# **City of Everett Home Rule Charter**

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## City of Everett Home Rule Charter

### SECTION 3-8: DELEGATION OF AUTHORITY BY MAYOR

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

### SECTION 3-9: VACANCY IN OFFICE OF MAYOR

#### (a) Special Election

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

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

- (1) If a vacancy in the office of mayor occurs in the ~~thi~~3<sup>rd</sup> or ~~fourth~~4<sup>th</sup> year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall become the acting mayor.
- (2) Upon the qualification of the president of the city council as the acting mayor, under this section, a vacancy shall exist in that seat on the city council which shall be filled in the manner provided in section 2-11.
- (3) A president serving as acting mayor under this subsection, who subsequently stands for office as mayor shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot; provided, however, that should such person subsequently stand for election as a city councilor, they shall be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

#### (c) Powers, Term of Office

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

## **City of Everett Home Rule Charter**

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ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

# City of Everett Home Rule Charter

## ARTICLE 4 SCHOOL COMMITTEE

### SECTION 4-1: SCHOOL COMMITTEE

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

#### (b) Composition

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

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

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

#### (c) Term of Office

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

#### (d) Eligibility

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

## City of Everett Home Rule Charter

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

### SECTION 4-2: SCHOOL COMMITTEE CHAIR

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

#### (a) Powers and Duties, Chair

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

#### (b) Powers and Duties, Vice Chair

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

#### (c) School Committee meetings

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

## City of Everett Home Rule Charter

### SECTION 4-3: PROHIBITIONS

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

#### (b) Holding Other City Office or Position

- (1) No member of the school committee shall hold any other city office or city employment unless authorized by chapter 268A of the General Laws or the state ethics commission.
- (2) No former member of the school committee shall hold any compensated appointed city office or appointed city employment until ~~thirty (30)~~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 ~~thirty (30)~~120 days following the termination of service as a member of the school committee.

#### (c) Interference with Administration

No school committee or any member of the school committee shall give orders or directions to any officer or employee of the ~~city appointed by the mayor, either publicly or privately; 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 authorized by state law consistent with the provisions of section 4-5(a).~~

#### (d) Felony Conviction

- ~~(1) Any person who has been finally convicted The impact of a final state or federal felony shall not be eligible conviction on the convicted person's eligibility to petition for, or serve in, any elective or appointive the office or position under the city.~~
- ~~(1) Any of school committee member who has been finally convicted of shall be in accordance with Section 9-15 (a) of this charter.~~
- ~~(2) The impact of a final state or federal felony shall be deemed to have vacated said office and shall be disqualified from conviction on a person serving in any other elective or appointive office or position under the city the office of school committee member shall be in accordance with Section 9-15 (b) of this charter.~~



## City of Everett Home Rule Charter

### SECTION 4-4: COMPENSATION; EXPENSE

#### (a) Compensation

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

#### (b) Expenses

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



## City of Everett Home Rule Charter

### SECTION 4-5: POWERS AND DUTIES

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

## City of Everett Home Rule Charter

### SECTION 4-6: FILLING OF VACANCIES

#### (a) Runner-Up to Fill Vacancy

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

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

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

## City of Everett Home Rule Charter

### ARTICLE 5

#### ADMINISTRATIVE ORGANIZATION

##### SECTION 5-1: ORGANIZATION OF CITY AGENCIES

- (a) The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted by the mayor to the city council ~~by the mayor~~. No administrative order may originate with the city council.
- (b) The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides.
- (c) The mayor may from time to time prepare and submit to the city council, through its clerk, administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city.
- (d) These administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the city council if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances.
- (e) Whenever the mayor proposes an administrative order, the city council shall hold ~~one~~ 1 or more public hearings on the proposal ~~giving notice by publication in a local newspaper, for which notice shall describe provided no less 10 days prior thereto by posting the scopefull text of the proposal and a summary thereof on the official city website, and publishing notice in at least 1 local newspaper of the time, date and place at whichof the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following said publication with information about how to receive a copy of the full proposal.~~
- (f) An organization or reorganization plan shall become effective at the expiration of ~~sixty (60)~~ days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within such period vote to disapprove the plan.
- (g) The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

##### SECTION 5-2: MERIT PRINCIPLES

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

## City of Everett Home Rule Charter

### ARTICLE 6

#### FINANCE AND FISCAL PROCEDURES

##### SECTION 6-1: FISCAL YEAR

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

##### SECTION 6-2: ANNUAL BUDGET POLICY

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

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

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

## City of Everett Home Rule Charter

### SECTION 6-4: ACTION ON THE OPERATING BUDGET

(a) Public Hearing

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

~~(1) — The times and places where copies availability of the entire proposed operating budget are available for inspection by no less than 14 days prior to the public; and~~

~~The hearing thereon, by posting on the official city website the time, date, time and place not less than fourteen (14) days after its publication, when a of the public hearing on the and the full text of the proposed operating budget and a summary thereof and publishing notice in 1 or more local newspapers of the time, date and place of the public hearing with information about how to receive a copy of the full proposed operating budget will be held by the city council.~~

(b) Adoption of the Budget

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



## City of Everett Home Rule Charter

### SECTION 6-5: CAPITAL IMPROVEMENT ~~PROGRAM~~PLAN

#### (a) Submission

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

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

#### (b) Public hearing

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

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

The city council shall provide notice of the availability of the capital improvement plan no less than 14 days prior to the public hearing thereon by posting on the official city web site the time, date and place of the public hearing and the full text of the proposed capital improvement plan and a summary thereof, and publishing notice in at least 1 local newspaper of the time, date and place of the public hearing with information about how to receive a copy of the full proposed capital improvement plan. Such public hearing may, but need not, be scheduled simultaneously with the public hearing on the proposed operating budget.

#### (c) Adoption

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

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

## City of Everett Home Rule Charter

### SECTION 6-6: INDEPENDENT AUDIT

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

### SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

## City of Everett Home Rule Charter

### ARTICLE 7

#### ELECTIONS

##### SECTION 7-1: CITY ELECTIONS

- (a) Biennial city elections shall be held in odd-numbered years.
- (b) Such elections for city council and school committee members shall be held every 2 years.
- (c) Such elections for the office of mayor shall be held every 4 years, starting in 2013.
- (d) An individual shall only appear on the ballot for 1 office at any preliminary, biennial or special city election.

##### SECTION 7-2: PRELIMINARY ELECTIONS FOR MAYOR CITY OFFICES

- (a) If necessary, a preliminary election for the purpose of nominating candidates for mayor any city office shall be held conducted on the third Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may no later than September 21<sup>st</sup>.
- (a)(b) The board of election commissioners shall determine the date of said preliminary election, 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)(c) 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) 35 days before the date established for the special election.

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

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

##### SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

- (a) Ballot Preparation and Signature Requirements  
(C0005-1-20/Acts of 2021, Chapter 14)
  - (1) The In biennial city election years, the board of election commissioners and city clerk shall:
    - a. Prepare separate nomination papers for nomination to the offices of at-large and ward positions, city council and makes school committee;
    - b. In biennial city election years in which a mayor is to be elected, prepare nomination papers for the same office of mayor;



## City of Everett Home Rule Charter

~~c. Determine the date on which such nomination papers shall be made available not, but no earlier than April 2 in each preliminary election year<sup>2nd</sup>, and~~

~~a-d. Make such nomination papers available on the specified date.~~

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

(2) ~~Said~~Nomination papers shall be submitted to the ~~city clerk elections department~~ on or before 4 p.m. on the ~~forty-fifth~~14<sup>th</sup> day prior to the ~~declared date of such date that nomination papers are required to be filed with the city clerk prior to a preliminary election.~~

~~(3) An individual may appear on the ballot for only one (1) office at any preliminary, regular or special election.~~

~~(4)~~(3) Nomination papers ~~shall be signed by~~for each of the following offices shall require the specified number of certified signatures of registered voters for each office listed below in order for a candidate for such office to appear on the election ballot.

- a. Mayor, no fewer than ~~five hundred (500)~~ signatures, with no fewer than ~~twenty-five (25)~~ signatures certified from each ward;
- b. Councilor at large or school committee member at large, no fewer than ~~two hundred fifty (250)~~ signatures; and
- c. Ward councilor or ward school committee member, no fewer than ~~one hundred (100)~~ signatures from the ward in which election is sought.

~~(5)~~(4) The minimum number of certified registered voter signatures required to be eligible for nomination may be changed from time to time by an affirmative vote of no fewer than ~~seven (7)~~8 councilors; provided however, that such vote shall take place no later than March 15<sup>th</sup> in any biennial city election year and, further that a certified copy of such vote shall be posted in the city clerk's office and on the official city website.

~~(6)~~(5) Any candidate taking out nomination papers shall be advised of the minimum number of certified signatures of registered voters required to be eligible for nomination to the office sought.

~~(6) The elections department shall complete their certification of all nomination paper signatures no later than 47 days prior to the scheduled date of the preliminary election so that the certified nomination papers can be filed with the city clerk as required by the General Laws.~~

(b) Ballot Position

(1) The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the ~~city clerk~~board of election commissioners at least ~~forty (40)~~ days before the scheduled date of the preliminary election. ~~Such drawing shall be open to the public.~~

~~(2) Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the official city website.~~

## City of Everett Home Rule Charter

(3) Such drawing shall be open to the public.

(c) Determination of Candidates

- (1) The ~~two~~(2) persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regularbiennial or special city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.
- (2) If ~~two~~(2) or more persons are to be elected to the same office at such regularbiennial or special city election, the several persons equal in number to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d) of this section, be the sole candidates for that office whose names shall be printed on the official ballot.
- (3) If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary

- (1) If, at the expiration of the time for filing statementsnomination papers of candidates to be voted for at any preliminary election, not more than twice as many such-  
statementscandidates have been-filed nomination papers with the city-clerkelections  
department for an office as are to be elected to such office:
  - a. The candidates whose statementsnomination papers have thus been filed shall be deemed to have been nominated to said office; and
  - b. Their names shall be voted on for such office at the succeeding regularbiennial or special city election, as the case may be; and
  - c. ~~The city-clerk~~The board of election commissioners shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.
- (2) If, in consequence, it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

**SECTION 7-4: REGULARBIENNIAL CITY ELECTION**

The regularbiennial city election shall be held on the ~~fir~~1<sup>st</sup> Tuesday following the ~~fir~~1<sup>st</sup> Monday in November in each odd-numbered year.

## City of Everett Home Rule Charter

### SECTION 7-5: BALLOT POSITION, ~~REGULAR~~BIENNIAL CITY ELECTION

- (a) 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~~board of election commissioners 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 biennial city election.~~
- (b) ~~Notice of the date, time and location of the drawing shall be posted in the office of the city clerk and on the official city website.~~
- ~~(a)(c)~~ Such drawing shall be open to the public.

### SECTION 7-6: NON-PARTISAN ELECTIONS

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

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## City of Everett Home Rule Charter

### SECTION 7-7: WARDS

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

### SECTION 7-8: APPLICATION OF STATE GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, ~~regular~~biennial and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.



# City of Everett Home Rule Charter

## ARTICLE 8

### CITIZEN PARTICIPATION MECHANISMS

#### SECTION 8-1: FREE PETITION

- (a) The city council or the school committee shall hold a public hearing and act with respect to every petition which is filed with the city clerk and addressed to it, ~~which is signed by one-hundred (100)~~ or more voters, and which seeks the passage of a measure.
- (b) The hearing shall be held by the city council or the school committee and the action by the city council or the school committee shall be taken not later than ~~six (6)~~ weeks after the petition is filed with the city clerk ~~or the secretary of the school committee~~.
- (c) Public hearings on ~~two (2)~~ or more petitions filed under this section may be held at the same time, date and place.
- (d) ~~The city clerk or the secretary of the school committee shall~~ by electronic or 1<sup>st</sup>-class mail notice of the hearing provide to the ten (10) persons person whose names appear first name is listed 1<sup>st</sup> on the petition at least seven (7) days before the notice of the time, date and place of the public hearing,
- ~~(d)(e)~~ Notice of the public hearing generally shall be provided by posting on the official city website no later than 7 days prior thereto the time, date and place of the public hearing and the full text of the proposed measure and at the discretion of the city clerk or city council, posted or published by any other means appropriate to inform the general public.
- ~~(e)~~ Notice, by publication, of all such hearings shall be at public expense.

#### SECTION 8-2: CITIZEN INITIATIVE MEASURES

- (a) Commencement
  - (1) Initiative procedures shall be started by the filing of a proposed initiative petition ("originating petition") with the city clerk ~~or the secretary of the school committee~~.
  - (2) The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least ~~two hundred fifty (250)~~ voters. At least ~~twenty-five (25)~~ signatures must be certified from each ward.
  - (3) The originating petition shall be accompanied by an affidavit signed by ~~ten (10)~~ voters and containing their residential address identifying the lead petitioner and stating that they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- (b) Referral to City Solicitor
  - (1) The city clerk ~~or the secretary of the school committee~~ shall, immediately following receipt of ~~a proposed~~ the originating petition, deliver a copy of the petition to the city solicitor.
  - (2) The city solicitor shall, within ~~fifteen (15)~~ days following receipt of a copy of the originating petition, in writing, advise the city council or the school committee whether the measure as proposed may lawfully be proposed by the initiative process

## City of Everett Home Rule Charter

and whether, in its present form it may be lawfully adopted by the city council or the school committee.

- (3) If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full.
- (4) A copy of the opinion of the city solicitor shall also be ~~mailed~~provided to the person designated as clerk of the petitioners committee.

(c) Submission to City Clerk

- (1) If the opinion of the city solicitor is that the originating petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank petition form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the ~~first-ten-(1<sup>st</sup> 10)~~ voters who signed the originating petition.
- (2) Within ~~thirty-(30)~~ days following the date the blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by at least ~~ten-percent-(10%)~~<sup>0%</sup> of the total number of registered voters as of the date of the ~~most-recent~~last biennial city election.
- (3) Signatures to an initiative petition need not all be on ~~one-(1)~~ paper, but all papers pertaining to any ~~one-(1)~~ measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.
- (4) Within ~~ten-(10)~~ days following the filing of the petition, the board of election commissioners shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of registered voters as of the date of the ~~most-recent-regular~~last biennial city election.  
(C0114-18/Acts of 2018, Chapter 316)
- (5) The board of election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk, or the secretary of the school committee, depending on how the petition is addressed.  
(C0114-18/Acts of 2018, Chapter 316)
- (6) A copy of the board of election commissioners' certificate shall also be mailed to the person designated as clerk of the petitioners committee.  
(C0114-18/Acts of 2018, Chapter 316)

(d) Action on Petitions

- (1) Within ~~thirty-(30)~~ days following the date a petition has been returned to the city clerk or the secretary of the school committee, and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure.
- (2) If the city council or the school committee fails to act with respect to any initiative

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measure which is presented to it within ~~thirty (30)~~ days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the ~~thirtieth~~30<sup>th</sup> day.

- (3) If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.

(e) Supplementary Petitions

- (1) Within ~~sixty (60)~~ days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk ~~or the secretary of the school committee~~, but only by persons constituting the original petitioners committee.
- (2) The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least ~~five (5) per cent~~% of the total number of registered voters as of the date of the ~~most recent~~last biennial city election, and the signatures on the initial petition filed under subsection (c), and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least ~~fifteen percent (15%)~~% of the total number of registered voters ~~in~~as of the date of the last biennial city election.
- (3) If the number of signatures to this supplemental petition is found to be sufficient by the ~~city clerk~~board of election commissioners, the city council, in consultation with the board of election commissioners, shall call a special election to be held on a date fixed by it not less than ~~thirty (35)~~ nor more than ~~ninety (90)~~ days following the date of the certificate of the ~~city clerk~~board of election commissioners that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if any other city election is to be held within ~~one hundred twenty (120)~~ days following the date of the certificate, the city council may omit the calling of such special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication

The full text of any initiative measure which is submitted to the voters shall be ~~published in at least one (1) newspaper of general circulation in the posted in full on the official city website~~ not less than ~~seven (7) nor more than fourteen (14)~~ days preceding the date of the election at which the question is to be voted upon, copies of which shall be available in the office of the city clerk, and further, notice of the availability and locations at which copies of the full text may be accessed shall be printed in at least 1 newspaper of local circulation.

~~(1) — Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.~~

(g) Form of Question

The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

# City of Everett Home Rule Charter

Item Number 1

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

o YES

o NO

(h) Time of Taking Effect

If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.



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### SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

#### (a) Petition, Effect on Final Vote

- (1) If, within ~~twenty-one (21)~~ days following the date on which the city council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least ~~twelve (12) per cent%~~ of the total number of registered voters as of the date of the ~~most recent regular~~last biennial city election and addressed to the city council or to the school committee as the case may be, protesting against the measure or any part of it is filed with the ~~secretary of the school committee~~ or city clerk, the effective date of such measure shall be temporarily suspended.
- (2) The school committee or the city council shall immediately reconsider its vote on the measure or part of it, and, if the measure is not rescinded, the city council, in consultation with the board of election commissioners, shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next ~~regular~~biennial city election, but pending this submission and determination, the effect of the measure shall continue to be suspended.

#### (b) Certain Initiative Provisions to Apply

- (1) The petition described in this section shall be termed a referendum petition and the applicable provisions of section 8-2 as they relate to the filing and certification of signatures shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative".
- (2) The measure or part protested against shall be null and void ~~unless~~if a majority of those voting on the question shall vote ~~in favor of~~against the measure or part protested against at the election.

### SECTION 8-4: INELIGIBLE MEASURES

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

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

## City of Everett Home Rule Charter

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## City of Everett Home Rule Charter

### SECTION 8-5: RECALL

#### (a) Application

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

#### (b) Recall Petition

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

- (1) A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall; provided, however, that the affidavit is signed by no fewer than ~~five hundred (500)~~ voters for any officer elected city-wide and no fewer than ~~three hundred (300)~~ voters for any officer elected by ward, which affidavit shall identify a lead petitioner for purposes of the recall.
- (2) The city clerk shall thereupon ~~deliver~~make available to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available.
  - a. Such blanks shall be issued by the city clerk, with signature and official seal attached thereto.
  - b. Such blanks shall be dated, addressed to the city council and contain the names ~~of all the persons~~of at least 10 signatories to whom they are issued the petition, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit.
- (3) A copy of the petition shall be entered in a record book to be kept in the office of the city clerk.
- (4) The recall petition shall be returned and filed with the city clerk within ~~twenty-eight (28)~~30 days after the filing of the affidavit, and shall have been signed ~~for offices elected city-wide~~for offices elected city-wide by no fewer than ~~twenty per cent (20%)~~15% of the ~~total number of registered voters of the city~~total number of registered voters of the city ~~for offices elected as of the last biennial city-wide election~~for offices elected as of the last biennial city-wide election and ~~for offices elected by ward~~for offices elected by ward, no fewer than ~~twenty per cent (20%)~~15% of the ~~total number of registered voters of the ward~~total number of registered voters of the ward ~~for offices elected by ward as of the last biennial city election~~for offices elected by ward as of the last biennial city election. The city clerk shall immediately submit the petition to the ~~board of~~board of election commissioners, and the commission shall, within ~~five (5)~~ working days, certify thereon the number of signatures that are names of voters.

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

#### (c) Recall Election

- (1) If the petition shall be found and certified by the ~~city clerk~~board of election

## City of Everett Home Rule Charter

~~commissioners~~ to be sufficient, the ~~city clerk~~~~board of election commissioners~~ shall submit the same with such certificate to the city ~~council~~~~clerk~~ within ~~five (5)~~ working days; and ~~the city council shall forthwith give~~~~provide~~ written ~~or actual~~ notice of the ~~receipt of the certificate~~~~certified petition~~ to the officer sought to be recalled ~~and shall~~; if the officer does not resign within ~~five (5)~~ days thereafter, ~~the city council, following consultation with the board of election commissioners, shall~~ order ~~and a special recall~~ election to be held on a date fixed by ~~them not less than sixty-four (64) days and not~~ ~~no~~ more than ~~ninety (90)~~ days after the date of the ~~city clerk's board of election commissioner's~~ certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within ~~one hundred fifty (150)~~ days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election.

- (2) If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder

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

(e) Ballot Proposition

The form of the question to be voted upon shall be substantially as follows:-

"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"

- o YES
- o NO

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

(f) Repeat of Recall

In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least ~~two hundred seventy (270)~~ days after the election at which the officer's recall was submitted to the voters of the city.

(g) Office Holder Recalled

## City of Everett Home Rule Charter

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any city office or position of employment within ~~two~~(2) years after such recall or such resignation.

## City of Everett Home Rule Charter

### SECTION 8-6: REQUIRED VOTER PARTICIPATION

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

- (a) For any measure to be effective under any initiative procedure and for any measure to be declared null and void under any referendum procedure, no fewer than ~~twenty per cent (20%)~~ 15% of the total number of registered voters as of the ~~most recent regular~~ last biennial city election shall vote at an election that includes on the ballot submission of at least ~~one (1)~~ initiative or referendum questions to the voters.
- (b) For any recall election to be effective, for those offices elected city-wide, no fewer than ~~twenty per cent (20%)~~ 15% of the total number of registered voters in the city as of the ~~most recent regular~~ last biennial city election ~~for those offices elected city-wide,~~ and for those offices elected by ward, no fewer than ~~twenty per cent (20%)~~ 15% of the total number of registered voters in the ward as of the ~~most recent regular~~ last biennial city election ~~in the ward for those offices elected by ward,~~ shall vote in such recall election.

### SECTION 8-7: SUBMISSION OF OTHER ~~MATTERS~~ MEASURES TO VOTERS

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

### SECTION 8-8: CONFLICTING PROVISIONS

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

## City of Everett Home Rule Charter

### ARTICLE 9

#### GENERAL PROVISIONS

##### SECTION 9-1: CHARTER CHANGES

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

##### SECTION 9-2: SEVERABILITY

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

##### SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

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

##### SECTION 9-4: RULES AND REGULATIONS

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



## City of Everett Home Rule Charter

### SECTION 9-5: PERIODIC REVIEW OF ORDINANCES

- (a) Not later than the ~~fir~~<sup>1</sup>st 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 ~~fir~~<sup>1</sup>st 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~~<sup>15</sup>th 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~~<sup>15</sup>th 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 ~~fir~~<sup>1</sup>st day of July, at ~~ten~~(10)-year intervals, in each year ending in a ~~four~~(4), the mayor and city council shall provide for a review to be made of the city charter.
- (b) This review shall be made by a special committee to consist of ~~nine~~(9) members.
  - (1) ~~Four~~(4) members shall be appointed by the city council president, ~~two~~(2) of whom shall be members of the city council and ~~two~~(2) of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city.
  - (+)(2) 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.
  - (2) ~~Five~~(5) members shall be appointed by the mayor, all of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city.
- (c) The special committee shall file its report with the city clerk, not later than the ~~fir~~<sup>1</sup>st day of May in the year following the year in which the committee is appointed.
- (d) The recommendations of the special committee shall appear on the city council's agenda for



## City of Everett Home Rule Charter

action before the ~~fifteenth~~<sup>15<sup>th</sup></sup> 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~~<sup>15<sup>th</sup></sup> day of June, and no other business shall be in order until such report has been acted upon, by roll call vote.

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

#### (a) Meetings

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

#### (b) Rules and Journals

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

#### (c) Voting

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

#### (d) Quorum

- (1) A majority of the ~~members~~<sup>full membership</sup> 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 ~~the full membership of the body~~<sup>those members present and voting</sup> shall be required to vote on any matter representing an exercise of the powers of the multiple member body, ~~and that General Law provisions related to any vote to meet in "executive session" shall always require a majority of members of the body.~~

### SECTION 9-8: NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing ~~the masculine particular~~ gender shall be interpreted to include the feminine gender<sup>any</sup>.

## City of Everett Home Rule Charter

### SECTION 9-9: REFERENCES TO GENERAL LAWS

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

### SECTION 9-10: COMPUTATION OF TIME

- (a) In computing time under this charter, the day of the act or event after which the designated period of time begins to run shall not be included.
- (b) The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday 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)~~ (a) The oath of office for the mayor, the 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)~~ (b) A certificate that the oath or oaths have been taken shall be entered in the journal of the city council.
- ~~(d)(c)~~ (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~~

## City of Everett Home Rule Charter

~~of service on the school committee the member senior both in continuous years of service and age shall preside.~~

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## 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.
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## City of Everett Home Rule Charter

### **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.

### **SECTION 9-15: FELONY CONVICTION**

- (a) 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.
- (b) Any elected official 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.



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

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

## City of Everett Home Rule Charter

### SECTION 10-~~53~~: DISPOSITION OF CERTAIN SPECIAL LAWS

#### (a) Certain Special Laws Recognized and Retained

The following special acts are hereby retained:

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

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

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

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

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

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

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

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

#### ~~(d)~~(c) Certain Borrowing Authorizations, Retained

## City of Everett Home Rule Charter

The following special acts which authorized the city to borrow certain sums of money, for certain purposes, are hereby recognized and retained:

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

~~(e) Certain Other Obsolete Special Laws Repealed~~

~~The following acts hereby stand repealed:~~

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

### ~~SECTION 10-6: TIME OF TAKING EFFECT~~

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

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



## City of Everett Home Rule Charter

~~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.~~
- (3)(2) 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

## City of Everett Home Rule Charter

~~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.~~

**Charter Standardization Changes**

Section 2-11(b) is hereby further amended by replacing the word “regular” with the word “biennial”;

Section 3-1(b) is hereby amended by deleting the current version of the subsection in its entirety and replacing it with the following new version:

- (1) The term of office of the mayor shall be 4 years.
- (2) The term shall run from the 1<sup>st</sup> business day of January succeeding their election, and until their **successor has** been qualified.
- (3) 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.

Section 3-9(a)(2) is hereby amended by changing the first occurrence of the word “regular” to the word “biennial”;

Section 3-9(a)(2) is hereby further amended by changing the second occurrence of the word “regular” to the phrase “biennial city”;

Section 3-9(c)(3) is hereby amended by replacing the word “regular” with the phrase “biennial city”;

Section 4-6(a)(2) is hereby amended by replacing the word “regular” with the word “biennial”;

Section 4-6(a)(5) is hereby amended by replacing the word “regular” with the word “biennial”;

Section 4-6(b)(2) is hereby amended by replacing the word “regular” with the phrase “biennial city”;

Section 5-1 (e) is hereby amended by deleting the existing subsection in its entirety and replacing it with the following new version of the subsection:

- (e) Whenever the mayor proposes an administrative order, the city council shall hold 1 or more public hearings on the proposal for which notice shall be provided no less 10 days prior thereto by posting the full text of the proposal and a summary thereof on the official city website, and publishing notice in at least 1 local newspaper of the **time, date and place** of the public hearing with information about how to receive a copy of the full proposal.

Section 6-4 (a) is hereby amended by deleting the existing subsection in its entirety and replacing it with the following new version of the subsection:

- (a) **Public Hearing**

The city council shall provide notice of the availability of the entire proposed operating budget no less than 14 days prior to the **public** hearing thereon, by posting on the official city website the time, date and place of the **public** hearing and the full text of the proposed operating budget and a summary thereof and publishing notice in 1 or more local newspapers of the time, date and place of the **public** hearing with information about how to receive a copy of the full proposed operating budget.

Section 6-5 is hereby amended by replacing all occurrences of the phrase “capital improvement program” to the phrase “capital improvement plan”

Section 6-5 (b) is hereby amended by deleting the existing subsection in its entirety and replacing it with the following new version of the subsection:

(b) Public hearing

The city council shall provide notice of the availability of the capital improvement plan no less than 14 days prior to the public hearing thereon by posting on the official city website the time, date and place of the public hearing and the full text of the proposed capital improvement plan and a summary thereof; and publishing notice in at least 1 local newspaper of the time, date and place of the public hearing with information about how to receive a copy of the full proposed capital improvement plan. Such public hearing may, but need not, be scheduled simultaneously with the public hearing on the proposed operating budget.

Section 7-3(c)(1) is hereby amended by replacing the phrase “regular or special” with the phrase “biennial or special city”;

Section 7-3(c)(2) is hereby amended by replacing the word “regular” with the word “biennial”;

Section 7-3(d)(1)b. is hereby amended by replacing the phrase “regular or special” with the phrase “biennial or special city”;

Section 7-4 is hereby amended by replacing the word “REGULAR” with the phrase “BIENNIAL CITY” in the section’s title;

Section 7-4 is hereby amended by replacing the word “regular” with the word “biennial”;

Section 7-5 is hereby amended by replacing the word “REGULAR” with the phrase “BIENNIAL CITY” in the section’s title;

Section 7-5(a) is hereby further amended by inserting the phrase “or if no preliminary election is held, no later than 34 days prior to the biennial city election” after the word “results”;

Section 7-8 is hereby amended by replacing the phrase “regular and special” with the phrase “biennial and special city”;

Section 8-1(b) is hereby amended by inserting the word “ public” between the words “the” and “ hearing”;

Section 8-1(b) is hereby further amended by deleting the phrase “or the secretary of the school committee”;

Section 8-1(c) is hereby amended by inserting the word “Public “ at the beginning of the subsection;

Section 8-1(c) is hereby further amended by inserting the word “, date” between the words “time” and “and”

Section 8-1(d) is hereby deleted in its entirety and replaced with the following new version of the subsection”;



- (a) The city clerk shall by electronic or 1<sup>st</sup>-class mail provide to the person whose name is listed 1<sup>st</sup> on the petition notice of the time, date and place of the public hearing,

Section 8-1(e) is hereby deleted in its entirety and replaced with the following new version of the subsection”:

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

Section 8-2(c)(2) is hereby further amended by replacing the phrase "most recent" with the phrase "last biennial”;

Section 8-2(e)(1) is hereby amended by deleting the phrase “ or the secretary of the school committee”;

Section 8-2(e)(2) is hereby amended by inserting the word “ registered” between the first occurrence of the words “of” and “voters”;

Section 8-2(e)(2) is hereby further amended by replacing the phrase “most recent” with the phrase “last biennial”;

Section 8-2(e)(2) is hereby further amended by replacing the phrase “of the total number of voters in the city” with the phrase “of the total number of registered voters as of the date of the last biennial city election”;

Section 8-2(e)(3) is hereby amended by replacing both occurrences of the phrase “city clerk” with the phrase “board of election commissioners”;

Section 8-2(e)(3) is hereby further amended by inserting the phrase “, in consultation with the “board of election commissioners,” between the words “council” and “shall”;

Section 8-3(a)(1) is hereby further amended by replacing the phrase “most recent regular” with the phrase “last biennial”;

Section 8-3(a)(2) is hereby amended by inserting the phrase “, in consultation with the board of election commissioners,” between the words “council” and “shall”;

Section 8-5(c)(1) is hereby amended by deleting the subsection in its entirety and replacing it with the following new version of the subsection:

- (1) If the petition shall be found and certified by the board of election commissioners to be sufficient, the board of election commissioners shall submit the same with such certificate to the city clerk within 5 working days and provide written or actual notice of the certified petition to the officer sought to be recalled; if the officer does not resign within 5 days thereafter, the city council, following consultation with the board of election commissioners, shall order a special recall election to be held on a date fixed by it no more than 90 days after the date of the board of election commissioner’s certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 150 days

after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election.

Section 8-5(d)(3)b. is hereby amended by replacing the word “regular” with the word “biennial”;

Section 8-6(a) is hereby further amended by inserting the phrase “total number of registered” between the first occurrence of the words “the” and “voters”;

Section 8-6(a) is hereby further amended by replacing the phrase “most recent regular” with the phrase “last biennial”;

Section 8-6(b) is hereby amended by deleting the subsection in its entirety and replacing it with the following new version of the subsection:

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

Section 8-7 is hereby amended by replacing the word “MATTERS” with the word “MEASURES” in the section’s title;

Section 8-7 is hereby further amended by replacing the word “regular” with the word “biennial”;

**Other Items for Consideration**

1. Beginning of Term – Council/Mayor/School Committee
2. School Committee Chairman – Elected Only After Election
3. School Committee Vice Chair – Elected Only After Election
4. Capital Improvement Plan Approval Date
5. Year for the Review of the Ordinances

Dear City Clerk Cornelio:

In accordance with Section 9-6 of the Everett City Charter ("Charter"), please find enclosed herewith the report of the Everett Charter Review Committee ("Committee"). As you are aware, the Committee has been working diligently since the summer of 2024 in order to conduct the periodic review of the Charter that is required by Section 9-6. The attached report outlines those areas where the Committee has approved recommended changes for consideration by the Everett City Council .

As the Committee's work is now complete, I do want to thank the members for their diligence and professionalism in serving the people of Everett. Those members are Councilor Guerline Alcy Jabouin, Committee Vice Chair Fred Capone, Darren Costa, Rosa DiFlorio, James Mastrocola, Kathleen Parker, David Preti, and David Senatilaka. Their insights have been invaluable throughout this process.

I also want to thank the City Council staff who were involved in assisting along the way, and I want to particularly thank Research Analyst David Flood who served as Clerk to the Committee, as well as yourself for helping guide this process throughout.

Very truly yours,

Robert Van Campen  
Chair, Everett Charter Review Committee