

The Charter

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¹Editor's Note: The first City Charter was enacted March 21, 1853. Stat. 1853, c.70, and submitted to the voters for their acceptance at a town meeting, held March 29, 1853. the vote being 659 yeas to 143 nays. The first election under the Charter was held April 18th and the new City Council was organized May 10th. The second Charter of the city was adopted by the people of the city at the state election held on November 7, 1911. The present Charter was adopted October 17, 1983.

Section 1. Incorporation; form of government; powers of city.

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

Section 2. Separation of powers.

- 2.1 The administration of the fiscal, prudential and municipal affairs of the city, with the government hereof, shall be vested in an executive branch, to consist of the mayor, and the legislative powers shall be vested in a legislative branch, to consist of the city council.

Section 3. Legislative branch.

3.1 Composition, Eligibility, Election and Term.

- a. **Composition.** There shall be a city council consisting of nine members which shall exercise the legislative powers of the city. Six of these members, to be known as district councilors, shall be nominated and elected by and from the voters of six council districts, one district councilor to be elected from each such district. Three of the members to be known as councilors at large, shall be nominated and elected by and from the voters of the city at large.
- b. **Eligibility.** Any voter shall be eligible to hold the office of councilor at large. A district councilor shall be a voter and a resident of the district from which he is elected, at the time of his election, provided, however, a district councilor who removes from the district from which he was elected to another district in the city, may continue to serve and to discharge his duties until the expiration of the term for which he was elected.
- c. **Election and Term.** The term of office of all members of the city council shall

be for two Years beginning at seven o'clock in the evening on the first secular day in January of each even numbered year following their election and shall continue until their successors have been chosen and qualified.

3.2 Organization. Officers.

The city council shall meet a seven o'clock in the evening on the first secular day in January of each even numbered year. After a majority of the councilors elect have been sworn they shall be called to order by the city clerk, or in the absence of the city clerk by the member present senior in years of service, who shall preside. The city council shall then elect, from its membership, by separate roll call votes, a president and a vice-president. Five votes shall be necessary for election. No other business shall be in order until the city council has thus been organized.

The president of the city council shall preside at all meetings of the city council, regulate the proceedings and decide all questions of order. He shall have the same right to vote on every question which comes before the city council as any other member of the city council. He may have such additional powers, duties and responsibilities as may be provided to him by the charter, by ordinance, or by other vote of the city council. In the event of the absence or the disability of the president of the city council, the vice-president shall act as president.

3.3 Compensation.

The city council shall, by ordinance, establish an annual salary for its members. No ordinance increasing such salary shall be effective however, unless it shall have been adopted, by a two-thirds vote, during the first eighteen months of the term for which councilors are elected and the new salary schedule is not to be effective until the commencement of the term of office of the next city council to be elected.

3.4 Prohibitions.

- a. **Holding City Office or City Employment.** No member of the city council shall during the term for which he was elected hold any other compensated city office or city employment.

3.5 Exercise of Powers. Quorum. Rules of Procedure.

- a. **Exercise of Powers.** The legislative powers of the city shall be exercised by the city council as determined by its own rules, unless other provision is made by law or by the charter.
- b. **Quorum.** The presence of five members of the city council shall constitute a quorum for the transaction of business. The affirmative votes of six members shall be required to adopt any appropriation order. Any other motion or measure may be adopted by a majority of not less than five affirmative votes, except as otherwise provided by law or by the charter.
- c. **Rules of Procedure.** The city council shall from time to time adopt rules governing its proceedings, except as otherwise provided by law or by the charter.
 - i. Regular meetings of the city council shall be held at a time and place fixed by ordinance.
 - ii. Special meetings of the city council may be held at the call of the mayor, as provided in section 4.8, on the call of the city council president, or, on the call of any three or more members, by written notice delivered in hand or to the place of residence or business of

- each member at least forty-eight hours in advance of the time set, and which includes notice of the subjects which are to be acted upon, and no other business shall be in order.
- iii. All meetings of the city council and of every committee and subcommittee thereof shall be open to the public and to the media unless otherwise provided by law.
 - iv. Every matter which comes before the city council and of every committee and subcommittee thereof, shall, unless the vote is unanimous, be decided by a roll call vote, which shall be recorded as part of the public record.
 - v. A full, accurate, up-to-date record of the proceedings of the city council and of all committees and subcommittees thereof, shall be kept which shall be made available in a place convenient to the public and a certified copy of all such records shall be kept available in the office of the city clerk.
- d. **Standing Committees.** The city council shall provide for the establishment of standing committees to which all business shall be referred for study and recommendation before action is taken by the city council. The president of the city council shall appoint all members of standing committees. Such committees shall include but need not be limited to the following standing committee:
- i. A committee on budget and finance to which shall be referred every measure which would involve an expenditure of city funds.
 - ii. A committee on ordinances and intergovernmental relations to which shall be referred every measure which in the form of adoption as categorized an "ordinance" or the effect of which is of more than temporary significance; and furthermore every measure which involves another unit of government and the city.
 - iii. A committee on personnel and administration to which shall be referred all personnel measures within the purview of the city council, and all measures the effect of which would be to alter the administrative structure of the city government. (Editorially corrected during 1999 codification)

3.6 City Clerk; City Attorney; Board of Assessors; Council Staff.

- a. **Election.** The city council shall elect a city clerk, city attorney, and three persons who shall serve as the board of assessors, who shall serve until their successors are qualified. The city council may remove any of said officials by a 2/3 majority vote of the full city council. All removals from said office shall be accompanied by a statement of the reason or reasons therefore and filed in the office of the city clerk.
- b. **City Clerk.** The city clerk shall have the care and custody of all city records, documents, vital statistics, bonds of city offices, contracts, plans and papers and shall have such powers and duties with respect to the regulation and supervision of elections and the issuance of licenses as are provided by law. The city clerk shall have such additional powers and duties as the city council may from time to time prescribe.
- c. **City Attorney.** The city attorney shall draft all contracts, leases, deeds, bonds, conveyances, obligations, agreements and other legal instruments which may be required of him by ordinance, or by order of the mayor or of the city council. It shall be the duty of the city attorney to commence and prosecute all actions and suits for the city before any tribunal. He shall appear in defense and protect the interests of the city, or of any officer thereof in any suit of prosecution for any act or omission in the discharge of their official public duties. The city

attorney shall be an able and experienced person learned in the law and an attorney and counselor at law in the courts of the Commonwealth.

- d. **Board of Assessors.** Three persons shall be elected to serve as the board of assessors, and shall exercise the powers and duties subject to the liabilities under existing laws. All taxes shall be assessed and apportioned and abated in the manner prescribed by the laws of the Commonwealth. Notwithstanding the provision of Sect. 3.7 the mayor shall designate one member of the board as its chairman who shall serve as chairman at the will of the mayor.
- e. **Council Staff:**
 - i. **Clerk of the Council.** The city clerk shall serve as clerk of the city council. The clerk of the council shall give notice of all meeting of the city council to its members and to the public, keep the journal of the proceedings and perform such other duties as may be assigned by the charter, by ordinance, or by the vote of the city council.
 - ii. **Other Personnel.** The city council may, by ordinance provide for other offices and employees to assist it in the performance of its duties.

3.7 Appointments to City Offices. Removal.

- a. **Appointments.** The mayor shall submit to the city council, unless otherwise provided, the names of all persons he desires to appoint as a department head or director of any city agency. The city council shall refer all such candidates to the standing committee on personnel and administration which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not less than seven nor more than twenty-one days following such referral. A nomination of the mayor shall be confirmed by a majority vote of the council. The provision of Sect. 3.8(c) shall not apply. If the city council has taken no action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council.
- b. **Removal from office.** The mayor may remove any person appointed under Sect. 3.7 by filing a written statement with the city council, setting forth the reason or reasons therefore a copy of which shall be delivered to the person whose removal is sought who may make a written reply, which if (s)he desires may be filed with the city council and be a public record. The city council shall forthwith consider said removal. The removal of said person shall be sustained by a 2/3 majority vote of the council. The provision of Sect. 3.8(e) shall not apply.

3.8 Legislative Procedures.

- a. **In General.** No measure shall be adopted by the city council on the date it is introduced, except in the case of a special emergency involving the peace, health, safety or convenience of the people or their property. Except as is otherwise provided by the charter, every measure approved by the city council shall be effective at the expiration of the thirtieth day following the date of council approval unless a later date is specified in such measure. No ordinance shall be amended or repealed except by another ordinance or by the provisions for citizen initiative and referendum as provided in article eight.
- b. **Emergency Measures.** An emergency measure shall be introduced in the form and manner provided generally except that it shall be plainly designated an emergency measure. A preamble, which describes the emergency which exists in clear and specific terms shall first be separately voted upon and shall require six affirmative votes. Following such vote the city council may, by majority vote, pass the measure with or without amendment at the meeting at which it is

introduced. Emergency measures shall stand repealed on the sixty-first day following the date of council approval, unless an earlier date of expiration is otherwise provided, or unless a second emergency measure, adopted in conformity with this section is adopted extending it, or unless a measure adopted in conformity with the procedures for measures generally is adopted extending it.

- c. **Charter Objection.** On the first occasion that the question of adoption of any measure is put to the city council, except an emergency measure, in accordance with Sect. 3.7(b) if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council, regular or special. If, when the matter is next put to the council for a vote, four or more members object to the taking of the vote, the matter shall be postponed for not less than an additional five days. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.
- d. **Publication and Public Hearing Required.** Every proposed ordinance or loan order, except any submitted in accordance with Section 3.7(b), shall be published once in full in a local newspaper and in any additional manner required by law or by ordinance. Such publication shall also state the time, not less than seven nor more than fourteen days following such publication, and the place at which the city council, or a standing committee of the city council, will hold a public hearing on the proposed ordinance or loan order.
- e. **Publication of Adopted Measures.** After final adoption, and approval by the mayor if required, all ordinances and loan orders and such other measures as the city council shall by ordinance direct, shall be published in full in a local newspaper.
- f. **Publication. Exception.** If any measure required to be published in full by section 3.8(d) or (e) exceeds in length eight octave pages of ordinary print, then, in lieu of such publication, the same may be made available for distribution to any person who may request the same at the office of the city clerk and provided that notice of such publication and a summary of the contents thereof shall be published as otherwise provided in the said sections.

3.9 Filling of Vacancies.

- a. **Councilor at Large.** If a vacancy in the office of councilor at large shall occur in the first eighteen months of the term for which councilors are elected, the vacancy shall be filled, for the balance of the unexpired term, by the candidate for the office of councilor at large at the most recent city election who received the highest number of votes without being elected and provided that such person is willing to serve and remains qualified to do so. If the said person is not willing to serve, or is no longer eligible to serve, the candidates in descending order of votes received shall be offered the vacancy until one, who is qualified, accepts the office, provided, however, that if any such candidate failed to receive a vote total equal to thirty percent or more, of the vote total received by the candidate who received the lowest number of votes and was declared elected to the office of councilor at large, the city council shall, within thirty days following the date the vacancy was declared to exist, elect a suitable person from among the voters of the city at large to fill the vacancy for the balance of the unexpired term.
- b. **District Councilor.** If a vacancy in the office of district councilor shall occur in the first eighteen months of the term for which councilors are elected, the vacancy shall be filled in the same manner as provided for councilors at large, provided that the candidate who is willing to serve shall have received not less than thirty percent of the votes cast for the office of district councilor in the

district in which the vacancy exists. If no such candidate is available the city council shall, within thirty days following the date the vacancy is declared to exist, elect a suitable person from among the voters residing in the district to serve for the balance of the unexpired term.

- c. **In General.** No vacancy which occurs after the first eighteen months of the term for which councilors are elected shall be filled unless failure to fill such vacancies would result in less than seven persons serving as members of the city council, in that event all such vacancies shall be filled in the manner provided above.

Whenever a vacancy exists on the city council which is not filled at the time of the city election the person elected at such election to fill the seat in which the vacancy exists shall forthwith be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term. If such vacancy is in the office of councilor at large, it shall be filled by the person receiving the highest number of votes for the office at the said election who is not then serving as a member of the city council.

3.10 General Powers.

Except as otherwise provided by law or by the 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 on the city by law.

Section 4. Executive branch.

4.1 Mayor; Qualifications; Term of Office; Compensation.

- a. **Mayor. Qualifications.** There shall be a mayor, elected by and from the voters, who shall be the chief executive officer of the city. Any voter shall be eligible to hold the office of mayor.
- b. **Term of Office.** The term of office of the mayor shall be for four years beginning at 10:00 o'clock in the morning on the first secular day in January following his election and until his successor is chosen and qualified. No person shall be elected to the office of mayor more than two consecutive full terms.
- c. **Compensation.** The city council shall, by ordinance, establish an annual salary for the mayor. No ordinance changing such salary shall be effective however, unless it is adopted during the first thirty-six months of the term for which the mayor is elected and it provides that the salary is to be effective at the commencement of the next term of office of the mayor.

4.2 Executive Powers. Enforcement of Laws.

The executive powers of the city shall be vested in the mayor and may be exercised by him either personally or through the several city agencies under his general supervision and control. The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced, and he shall cause a record of all his official acts to be kept.

4.3 Appointments by the Mayor.

The mayor shall appoint all city officers, department heads, directors and members of multiple member bodies for whom no other method of appointment or selection is provided by the charter, excepting only officers serving under the school committee, officers appointed by the Commonwealth, and persons serving under the City Council.

Except appointments to multiple member bodies all such appointments made by the mayor, unless otherwise provided shall be subject to review and confirmation by the city council as provided in Sect. 3.7.

4.4 Certificate of Appointment.

Whenever a vacancy, either temporary or permanent occurs in a city office and the needs of the city require that such office be filled, the mayor may designate the head of another city agency, or a city officer or city employee to perform the duties of the office on a temporary basis until such position can be filled as provided by the charter, by law, or by ordinance. The mayor shall sign and file with the city clerk a certificate substantially in the following form:

I name (name of appointee) to perform the duties of the office of (office in which vacancy exists). I certify that (name of appointee) is a person especially fitted by education, training or experience to perform the duties of the office and to assume the responsibilities which will devolve upon him/her, and that I make this appointment solely in the interests of the City of Lawrence.

(signed)
Mayor

4.5 Removal of Officials.

The mayor may remove any person appointed under Sect. 4.3 subject to the provisions of Sect. 3.7(b) of this Charter.

4.6 General Supervision of City Agencies.

The mayor shall exercise a general supervision and direction over all city agencies. Each city agency shall furnish to him, forthwith upon his request, any information relative to such agency as the needs of his office and the interest of the city may require.

4.7 Communications to City Council.

The mayor shall, yearly, by written communications, or by personal appearance, keep the city council informed as to the condition and needs of the city, and shall from time to time as, in his judgment the needs of the city require, recommended to the city council for action by it such measures as may be necessary or desirable.

4.8 Special Meetings of the City Council.

The mayor may call a special meeting of the city council at any time, 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, by a member of the police department. Such notice shall, except in the case of an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours in advance of the time set and shall specify the purpose for which the meeting is to be held.

4.9 Approval of the Mayor; Power of Veto.

Every measure relative to the affairs of the city adopted by the city council except (a) measures relating to the internal affairs of the city council, (b) memorial resolutions, and (c) emergency measures shall be presented to the mayor for his approval (d) petitions approved under the provisions of section eight of Article LXXXIX of the Constitution of the Commonwealth. If the mayor approves of it, he shall signify his approval by signing

it; if he does not approve of it, he shall signify his disapproval by returning it with his objections, in writing, to the city council. The city council shall enter the objections of the mayor upon its records and shall, forthwith, reconsider said measure. If on such reconsideration, six members shall agree to pass such measure notwithstanding the disapproval of the mayor, it shall be considered approved. If any measure is not returned by the mayor within ten days following the date it is presented to him, it shall be considered approved. A filing with the clerk of the council shall be considered a return by the mayor to the city council. All votes taken on measures returned by the mayor shall be by roll call.

4.10 Temporary Absence of the Mayor.

- a. **Acting Mayor.** Whenever by reason of illness or absence from the city, the mayor shall be unable to perform the duties of his office for a period of three successive working days. or more, the president of the city council shall become the acting mayor.
- b. **Powers of Acting Mayor.** The acting mayor shall have all of the powers of the mayor except that he shall not make any permanent appointment nor removal to or from any office unless the disability of the mayor shall have continued for sixty days or more, nor shall he approve or disapprove of any measure passed by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which the council president is serving as acting mayor he shall not be eligible to vote on any measure as a member of the city council.

4.11 Vacancy in the Office of Mayor.

- a. **Special Election.** If a vacancy in the office of the mayor occurs in the first forty-two months of the term for which the mayor is elected, the city council shall forthwith order a special election to be held not more than sixty days following the date the vacancy is created, to fill the vacancy for the balance of the unexpired term.
- b. **Council Election.** If a vacancy in the office of mayor occurs after the first forty-two months of the term for which the mayor is elected the clerk of the council shall forthwith call a special meeting of the city council, and, the city council shall then elect by majority vote, one of its members to serve as mayor. If the city council shall fail to elect one of its members within fourteen days following the date of the meeting called by the clerk of the council the president of the city council shall become the mayor. Upon the election and qualification of any member of the city council as acting mayor his office of councilor shall be deemed to be vacant.
- c. **Powers. Term of Office.** The mayor elected under either Sect. 4. 10(a) or (b) shall have all of the powers of the mayor. A mayor elected under section 4.10(a) shall serve for the balance of the term which remained unexpired at the time of his election. A mayor elected under section 4.10(b) shall serve until the date of the next regular city election and the person elected at said election to the office of mayor shall forthwith be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term of the mayor.

Section 5. School committee.

5.1 Composition; Eligibility; Election and Term of Office.

- a. **Composition.** There shall be a school committee consisting of seven members which shall exercise general management and control of the public schools of the city. Six of these members, who shall be known as school committee member, shall be nominated and elected by and from the voters at large. The mayor shall serve as the seventh member of the school committee and as its chairman with full power to vote.
- b. **Eligibility.** Any voter shall be eligible to hold the office of school committee member.
- c. **Election and Term.** The term of office of all members of the school committee shall be for four years beginning at 7:00 o'clock in the evening on the first secular day in January following their election and shall continue until their successors have been chosen and qualified. Three of the members shall be elected at each regular city election.

5.2 Organization. Officers.

The school committee shall meet at seven o'clock in the evening on the first secular day in January in each even numbered year. After a majority of the school committee members elect have been sworn they shall be called to order by the mayor, or in his absence by the member present senior in service, who shall preside. The school committee shall then elect, from its membership, by roll call vote, a vice-chairman of the committee. Four votes shall be necessary for election. No other business shall be in order until the school committee has thus been organized.

The mayor, as chairman of the school committee, shall preside at all meetings of the school committee, regulate the proceedings and decide all questions of order. He shall have the same right to vote on every question which comes before the school committee as any other member. In the event of the absence or disability of the mayor, the vice-chairman shall preside.

5.3 Secretary of the School Committee.

The school committee shall appoint a secretary of the school committee, who may be the superintendent of schools. The secretary of the school committee shall give notice of all meetings of the school committee to the members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by the charter or by other vote of the school committee.

5.4 Powers and Duties.

The school committee shall have all of the powers and duties which are given to school committees in the commonwealth by general laws. They may have such additional powers and duties as are provided to them by charter or by ordinance.

The powers of the school committee shall include, but need not be limited to the following: (a) to appoint a superintendent of schools, who shall be charged with the day to day administration of the public schools subject to policy directives issued by the school committee; (b) to appoint all other officers and employees connected with the public schools, fix their salaries, define their duties, make rules concerning their tenure of office and to discharge them; and (c) make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the school committee as may be necessary or desirable.

The school committee shall furnish all school buildings with fixtures, furnishings and

equipment and shall provide ordinary custodial services for all school buildings and grounds.

5.5 Location and Erection of School Buildings.

No site for a school building shall be acquired by the city unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless with the approval of the school committee.

5.6 Prohibitions.

- a. **Holding City Office or City Employment.** No member of the school committee, other than the mayor, shall, during the term for which he was elected, hold any other compensated city office or city employment under the jurisdiction of the school committee.

5.7 Filling of Vacancies.

If a vacancy shall occur in the office of school committee member it shall be filled in the same manner as is provided in section 4 -- 11(A) for filling of a vacancy in the office of mayor.

5.8 Exercise of Powers; Quorum; Rules of Procedure.

- a. **Exercise of Powers.** Except as otherwise provided by general law, or by the charter, the powers of the school committee may be exercised in the manner determined by it.
- b. **Quorum.** The presence of four members of the school committee shall constitute a quorum. The affirmative votes of four members shall be necessary to adopt any measure.
- c. **Rules of Procedure.** The school committee shall from time to time adopt rules governing its proceedings, except as otherwise provided by law or by the charter.
 - i. Regular meetings of the school committee may be held at a time and place fixed by its own rules.
 - ii. Special meetings of the school committee shall be held at the call of the mayor, as chairman, or in his absence by the vice-chairman acting as such, or by any three or more members, by written notice delivered in hand or to the place of residence or business of each member at least forty-eight hours in advance of the time set and which includes notice of the subjects which are to be acted upon, and not other business shall be in order.
 - iii. All meetings of the school committee and of every subcommittee thereof, shall at all times be open to the public and to the press, unless otherwise provided by law.
 - iv. Every matter which comes before the school committee, and of every subcommittee thereof, shall, unless the vote is unanimous, be decided by a roll call vote, which shall be recorded, as part of the public record.
 - v. A full, accurate, up-to-date record of the proceedings of the school committee and of every subcommittee thereof, shall be kept which shall be made available at a place convenient to the public and a certified copy shall be kept in the office of the city clerk.

5.9 Budget Hearing.

At least thirty days before the meeting at which the school committee is to vote on the budget request which it will submit to the mayor, the school committee shall cause to be published in a local newspaper a general summary of their proposed budget. The summary shall indicate specifically areas of increase from the present budget, if any, and the reasons for such changes and a notice stating (1) the times and places where complete copies of their proposed budget will be available for public examination and (2) the date, not less than seven nor more than fourteen days following such publication, and the place at which a public hearing will be held by the school committee on their proposed budget.

5.10 Mayor to be Coordinator.

The mayor shall be responsible for the coordination of all activities under the jurisdiction of the school committee with all activities under the jurisdiction of other city agencies.

Section 6. Administrative organization.

6.1 In General.

The division of the city into operating agencies for the efficient and convenient conduct of the business of the city and the provision of the city services shall be determined by the provisions of an administrative code adopted by the city council in accordance with the procedures established in this article.

6.2 Origination.

A proposal for the organization or reorganization of city agencies may be submitted by any member of the city council, or by the mayor, or by the process of citizen initiative, at any time.

6.3 Scope of Proposed Plans.

Except when an express provision is otherwise made by general law or by the charter an organization or reorganization plan may reorganize, consolidate, or abolish any existing city agency in whole or in part, establish new city agencies and prescribe the manner of appointment, the term of office and, if a multiple member body, the number of members thereof, and define and describe the powers, duties, functions and responsibilities of any city agency. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by the mayor as provided by the Charter, ordinance, or by law.

6.4 Procedure.

- a. **Referral to Committee.** Every proposal which comes before the city council relating to the organization or reorganization of the city government shall be referred to a committee, special or standing, of the city council for study and a report.
- b. **Public Hearing.** The committee to which any such proposal is referred shall, not less than fourteen nor more than twenty-one days following such referral, hold a public hearing concerning such proposal, notice of which shall be given by publication in a local newspaper not less than seven nor more than fourteen days prior to the date of the hearing. Additional notice by posting in prominent

places, or by mailings, may also be made as the committee deems advisable, or as the council may direct.

- c. **Report and Recommendation.** Within thirty days following the close of the public hearing the committee shall file a written report with the clerk of the council which sets forth in specific terms the action that it recommends be taken on the proposal and the reasons for such recommendation. Copies of the report shall be made available to any person who may request the same.
- d. **Council Action,** Within fourteen days following the date the report of the committee has been filed the city council shall act upon the report by approving, with or without amendments, or by disapproving, the proposal which has been made. The affirmative votes of six members of the city council shall be necessary to adopt any such proposal.

6.5 Department Heads, Directors, and Administrative Officers Appointed by the Mayor with Confirmation by the City Council.

The mayor shall appoint the following municipal officers in the manner prescribed in Sect. 4.3 and Sect. 4.4: a director of the department of budget and finance, a city collector-treasurer, a comptroller, a purchasing agent, a city engineer, a labor relations counsel, a chief of police and a fire chief according to civil service provision, a director of personnel, a director of public works, a commissioner of inspectional services, a director of community development, a city physician, a board of health consisting of three (3) persons of whom one shall be the city physician, a board of trustees of the public library consisting of five (5) members as provided in Sect. 6.6, a board of directors of the Bellevue Cemetery consisting of five (5) persons as provided in Sect.6.7 and other municipal offices as may be determined according to this section and in accordance with section 4.3 and others that may be required by law.

6.6 Trustees of the Public Library.

The public library of the city shall be under the management and control of a board of trustees to consist of the mayor, three (3) trustees of the White Fund, these four to be members ex-officio and five citizens to be appointed by the mayor.

6.7 Board of Cemetery Directors.

The board of directors of the Bellevue Cemetery shall consist of five (5) persons appointed by the mayor who shall have general supervision, control, and management of the cemetery, except as may otherwise be provided by law or statute.

Section 7. Financial procedures.

7.1 Submission of Budget, Budget Message.

Within the period prescribed by state law, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year which shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The budget message of the mayor shall explain the proposed budget for all city agencies both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies for the city for the ensuing fiscal year, describe the important features of the

budget, indicate any major differences from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the city's debt position, and include such other material as the mayor deems desirable or the city council may reasonably require.

7.2 Action on the Budget.

- a. **Public Hearing.** The city council shall, within seven days following the date the proposed budget has been filed with the clerk of the council, cause to be published in a local newspaper the general summary of the proposed budget as submitted by the mayor and a notice stating (1) the date, not less than seven nor more than fourteen days following such publication, and the place at which the city council, or a standing committee of the city council, will hold a public hearing on the proposed budget and (2) the times and places where complete copies of the proposed budget will be available for examination by the public in advance of said hearing.
- b. **Adoption.** Within the period prescribed by state law the city council shall adopt the budget, with or without amending the proposed budget, the city council may delete or decrease items or amounts except expenditures required by law or for debt service. If within the period prescribed by state law the city council shall fail to take action with respect to any item in the proposed budget, as submitted by the mayor, such amounts shall, without any action by the city council become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

7.3 Independent Audit.

At least once in every four years an outside audit of the books and accounts shall be made. The city council shall provide for such an audit by an accountant or a firm of accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the city government or of any of its officers or employees.

7.4 Capital Improvements Program Budget.

- a. **Submission to City Council.** The mayor shall prepare and submit to the city council. a five year capital improvements program, annually. at least sixty days before the date he is required to submit an annual budget.
- b. **Contents.** The capital improvements program shall include: (1) a clear, concise summary of its contents; (2) a list of all proposed capital improvements which are intended to be undertaken over the next five fiscal years, with supporting data as to the need for each such improvement; (3) cost estimates, method of financing and time schedules; (4) the estimated annual cost of maintaining and operating, if any, each item proposed; (5) a listing of all sources and amounts of revenue, if any, which will be generated by each item proposed. The information shall be revised and extended annually.
- c. **Public Hearing.** The city council shall, within seven days following the date the capital improvements program is filed with the clerk of the council, cause the general summary of the capital improvements program as submitted by the mayor to be published in a local newspaper and a notice stating (1) the date, not less than seven nor more than fourteen days following such publication, and (2) the place where a public hearing will be held on the proposed capital improvements program by the city council or a standing committee thereof.
- d. **Adoption.** After the public hearing, and on or before the last day within which the mayor may submit a proposed operating budget, the city council, by resolution, shall adopt the capital improvement program, with or without

amendment, provided that each amendment must be voted upon separately and that any increase in the capital improvement program as submitted must clearly identify the manner in which any proposed addition is to be financed.

Section 8. Nominations and elections.

8.1 City Elections: General and Preliminary.

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

On the fourth Tuesday preceding every regular city election, there shall be held a preliminary election for the purpose of nominating candidates.

8.2 Nonpartisan Elections.

All elections of city officers shall be nonpartisan, and election ballots for such offices shall be printed without any party mark, emblem, or designation whatsoever.

8.3 Preliminary Elections.

- a. **Signature Requirements.** The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of the mayor not less than two hundred and fifty; for the office of councilor at large or school committee member not less than one hundred; and for the office of district councilor not less than fifty signatures of voters of the district from which the candidate seeks to be nominated. In no case shall a person collect signatures to be a candidate for more than one city office.
- b. **Ballot Position.** The order in which names of candidates appear on the ballot, for each municipal office, shall be as follows: first, the names of candidates who are the elected incumbents of said offices arranged alphabetically by their surnames and second names of all other persons arranged alphabetically by their surnames.
- c. **Determination of Candidates for Election.** The two persons receiving at a preliminary election the highest number of votes for an office shall be the sole candidates for that office and whose names shall be printed on the official ballot to be used at the regular election at which said office is to be filled. No acceptance of a nomination at a preliminary election shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office, shall be the sole candidates for that office and whose names shall be printed on the official ballot.

8.4 Districts.

The territory of the city shall be divided into six districts for the purpose of electing district councilors.

Such districts shall be established so as to contain as nearly an equal number of inhabitants as is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways, the Merrimac

River, or by other well-defined limits. Each district shall be divided into precincts as may be required by state statutes. The city council shall from time to time review such districts to assure their uniformity in number of inhabitants.

8.5 Application of State Laws.

Except as expressly provided in the charter, 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 to offices, the conduct of regular, preliminary and special elections, the submission of charter amendments and other propositions to the voters, the counting of votes and the declaration of results and the provisions for recounts of votes.

Section 9. Free petition and initiative referendum and recall.

9.1 Free Petition.

- a. **Individual Petitions, Action Discretionary.** The city council and the school committee shall receive all petitions which are addressed to them, which are signed by one or more voters, and may, in their discretion take such action in regard to such petitions as they deem to be necessary and advisable.
- b. **Group Petitions, Action Required.** The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it and which is signed by one hundred and fifty voters, or more. The hearing shall be held by the city council or by the school committee, as the case may be. Hearings on two or more petitions filed under this section may be scheduled for the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten petitioners whose names first appear on the said petitions at least seven days before the date of the hearing. The said clerk or secretary shall also cause to be published in a local newspaper a general summary of the subject matter of each such petition, the order in which they will be taken up, and a notice stating: (1) the times and places where copies of the full text of the citizen petitions are available for public inspection and (2) the time, not less than seven nor more than fourteen days following such publication, and (3) the place where a public hearing will be held on the petition, or petitions, by the city council or the school committee.

9.2 Citizen Initiative Measures.

- a. **Commencement of Proceedings.** Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee as the case may be. 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 the petition, and shall be signed by at least twelve percent of the total number of persons registered to vote at the preceding city election. Signatures to initiative petitions need not all be on one paper. All such papers pertaining to any one measure shall however be fastened together and shall be filed in the office of the registrars of voters as one instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature to the petition there shall appear the street and number, if any, of each signer.

Within five days following the filing of the petition the registrars of voters shall ascertain by what number of voters the petition is signed, and what percentage

that number is of the total number of persons who were registered to vote at the preceding regular city election and shall attach thereto their certificate showing the results of such examination.

The registrars of voters shall forthwith transmit the petition and their certificate to the city council or to the school committee according as the petition is addressed and at the same time they shall send a copy of their certificate to the person designated on the petition as having filed the same.

- b. **Action on Petition.** Within thirty days following the date a petition has been filed with the clerk of the council or the secretary of the school committee, which has been certified by the board of registrars of voters to contain more than five percent of the names of voters as aforesaid, and after a public hearing has been held in accordance with the procedure established in Sect. 3.8(d) for ordinances and loan orders, the city council or the school committee shall act with respect to each initiative petition by passing it without change or by rejecting it, or by passing a measure which is stated to be in lieu of such initiative proposal. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within thirty days following the date it is filed with the clerk of the council or the secretary of the school committee, the measure shall be deemed to have been rejected on the thirtieth such day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee shall promptly give notice of that fact to the person designated as having filed the same and to the first ten names on each such petition by mail. Initiative measures shall not be subject to the procedure of Charter objection provided in Section 3.8(c).
- c. **Supplemental Petitions.** Within forty-five days following the date notice of rejection of an initiative petition has been given by the clerk of the council or the secretary of the school committee, a supplemental initiative petition addressed to the city council or the school committee may be filed in the office of the registrars of voters. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to twelve per cent of the total number of persons registered to vote at the preceding city election. If the number of signatures to a supplemental initiative petition is deemed to be sufficient by the registrars of voters, the city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days following the date of the certificate of the registrars that a sufficient number of voters had signed the initiative petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided however, that if any city election is to be held within one hundred and twenty days following the date of the certificate, the city council may omit calling the special election and cause said question to be submitted to the voters at such approaching election.
- d. **Publication.** The full text of any initiative measure which is to be submitted to the voters shall be published, in full, in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which the question is to appear on the ballot.
- e. **Form of Ballot.** The ballots used when voting on a measure proposed by 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?

(Text of the measure, or a fair, concise summary prepared by the petitioners)

Yes No

- f. **Time of Taking Effect.** If a majority of the votes cast on the question, as stated above, is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

9.3 Citizen Referendum Procedures.

- a. **Referendum Petition. Effect on Final Approval.** If, within twenty-one days following the final approval on any measure by the city council or by the school committee, a petition signed by a number of voters equal to twelve percent of the total number of persons registered to vote at the preceding city election, and addressed to the city council or to the school committee as the case may be, protesting against such measure or any part thereof taking effect, is filed in the office of the registrars of voters, the same shall thereupon and thereby be suspended from taking effect. The city council or the school committee shall, forthwith, reconsider such measure or part thereof, and if such measure or part thereof is not rescinded, the city council shall submit the same, by the method herein provided to the voters either at a special election, which it may in its discretion call, or at the next regular city election and such measure or part thereof shall be null and void unless a majority of the voters voting on the same at such election vote in favor thereof.
- b. **Certain Initiative Procedures to Apply.** The petition described in this section shall be termed a referendum petition and insofar as applicable Sections 9.2(a), (e) and (f) shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be understood to replace the word "initiative" where it may occur.

9.4 Initiative and Referendum: Ineligible Measures.

None of the following measures shall be subject to initiative or referendum procedures: (1) proceedings relating to the internal organization or operation of the city council or the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the city's debts and obligations, (6) appropriations of funds necessary to implement a written agreement executed under collective bargaining, (7) proceedings, or parts thereof, relating to the election, appointment, employment, suspension, transfer, demotion, removal or discharge of any officer or employee, (8) any proceedings repealing or rescinding a measure or part thereof, which is protested by referendum proceedings, and any proceeding providing for the submission or referral of a matter to the voters at an election.

9.5 Submission of Proposed Measures to Voters.

The city council may, of its own motion, and shall, upon the request of the school committee if a measure originates with that committee and pertains to affairs under its administration, submit to the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

9.6 Measures with Conflicting Provisions.

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

9.7 Recall of Elected Officials.

- a. **Application.** Any person who holds an elected city office, whose term exceeds two years with more than twelve months remaining of the term of office, may be recalled from the office, by the voters, in the manner provided in this section.
- b. **Recall Petitions.** One hundred or more voters may file with the city clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based not less than twelve months prior to the expiration of the term of office. The names on the affidavit shall be from the city at large.

The city clerk shall deliver to the said voters petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by writing or typewriting; they shall be addressed to the city council; they shall contain the names of the persons who have filed the affidavit and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office, and they shall be dated and signed by the city clerk. A copy of the petition shall be kept on file in the office of the city clerk in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the city clerk within thirty days following the date the petitions were issued, signed by at least fifteen percent of the total number of persons registered to vote at the preceding city election.

The city clerk shall, within twenty-four hours following such filing, submit said petitions to the registrars of voters who shall forthwith certify thereon the number of signatures which are names of voters.

- c. **Recall Election.** If the petition shall be certified by the registrars of voters to be sufficient, the city clerk shall forthwith submit the same to the city council. Upon its receipt of the certified petition, the city council shall forthwith give written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the city council shall order an election to be held not less than thirty-five nor more than sixty days after the date of the registrars certificate of the sufficiency of the petition. If, however, another city election is to occur within sixty days after the date of the said certificate, the city council shall hold the recall election on the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section and only the ballots for candidates need be counted.
- d. **Nomination of Candidates.** An officer whose recall is sought may not be candidate to succeed himself at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of other laws relating to elections, unless otherwise provided in this section.
- e. **Propositions on Ballot.** Ballots used at a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

- f. Adjacent to each proposition, there shall be a place to vote for either of the said

propositions. After the propositions shall appear the word "candidates" and the names of candidates arranged alphabetically, by surname. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

- g. **Officeholder.** The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section.

If the officer is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

- h. **Repeat of Recall Petition.** No recall petition shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

Section 10. General Provisions.

10.1 Charter Changes.

- a. **In General.** This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX (eighty-nine) of the amendments to the state constitution and any legislation enacted to implement said amendment.
- b. **Periodic Review.** The city council standing committee on ordinances and intergovernmental relations shall, in every year ending in a zero review the charter and submit a report with recommendations to the full council concerning any proposed amendments or revisions to the charter which it believes are necessary or desirable.

10.2 Severability.

The provisions of the charter are severable. If any provision of the charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

10.3 Specific Provisions to Prevail.

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

10.4 Rules and Regulations.

A copy of all rules and regulations adopted by city agencies shall be placed on file in the office of the city clerk and made available for review by any person who requests such information. No rule or regulation adopted by any city agency shall be effective until ten days following the date it has been published in full, in a local newspaper and

placed on file in the office of the city clerk, or the later of the two.

10.5 Reenactment and Publication of Ordinances.

The city council shall, at ten year intervals, cause to be prepared a proposed revision and recodification of all city ordinances which shall be submitted to the city council for reenactment. The city council shall adopt the proposed revision or recodification, with or without amendments, prior to the expiration of the calendar year in which it is submitted to them. Such revisions or recodifications shall be prepared under the direction of the city attorney, or if the city council so directs, by special counsel retained for that purpose. Copies of the revised or recodified ordinances shall be made available for distribution, provided however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

In each year between such reenactments an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

10.6 Uniform Procedures Governing Multiple-member Bodies.

- a. **Meetings.** All multiple-member bodies of the city, whether elected, appointed, or otherwise constituted, shall meet regularly at such times and places within the city as they may prescribe. Special meetings of any multiple-member body shall be held on the call of the respective chairman or by one-third of the members thereof by written notice delivered in hand or to the place of business or residence of each member at least forty-eight hours before the time set and which contains notice of the subjects which are to be acted upon, and no other business shall be in order. A copy of the said notice shall be posted on the city bulletin board. Special meetings of any multiple member body shall also be held within one week following the date of the filing of a petition signed by twenty-five or more voters with the city clerk and which states the purpose, or purposes, for which the meeting is to be called. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public and to the press.
- b. **Rules and Journal.** Each multiple member body shall determine its own rules and order of business, unless otherwise provided by law or by the charter, and shall provide for keeping a journal of its proceedings. These rules and journal shall be a public record, kept available in a place convenient to the public and a certified copy shall be kept available in the office of the city clerk.
- c. **Voting.** If requested by any member, any vote of a multiple member body shall be taken by a roll call and the vote shall be recorded in the journal, provided however, that if a vote is unanimous, only that fact need be recorded.

10.7 Notice of Vacancies.

Whenever a vacancy occurs, or is about to occur, in any city office or city employment, except for positions covered under the civil service law, the appointing authority shall forthwith cause public notice of such vacancy, or impending vacancy, to be posted on the city bulletin board for a period not less than ten days. Any person who desires to be considered for appointment to the said office or employment may, within ten days following the date the notice is posted, file with the appointing authority, a statement setting forth in clear and specific terms his qualifications for the position. No permanent appointment to fill a city office or employment shall be effective until at least fourteen days have elapsed following such a posting, and until all persons who have filed statements shall have been considered.

10.8 City Residence.

Every person who is appointed to a City Office, or who is employed by the City in any capacity, not a resident of the City at the time of appointment or employment, shall within two years following such appointment or employment, establish such residence as principal domicile; or such appointment or employment shall be forfeited, provided, however, that no enforcement proceeding hereunder shall be initiated against such employee while the Mayor who made such appointment continues to serve in office and provided further that employees subject to tenure under the jurisdiction of the School Committee shall not be required to establish a principal domicile until one year after they have attained tenure except as otherwise provided by the General Laws, nor shall such requirement apply to any employee or appointee who the City Council determines, upon application by such person, would suffer a substantial hardship from enforcement of the provisions of this section. The provisions of this section shall not apply to any person who was appointed by or in the employ of the City prior to January second, nineteen hundred and eighty-six and who has continuously served in such appointment or employment thereafter. (Amended by an Act of the Commonwealth of Massachusetts, signed by the Governor 8/27/99).

10.9 Limitation on Office Holding.

No person shall simultaneously hold more than one elective city office, or if an employee of the city, hold any elective city office.