

# TOWN OF BRIDGEWATER

## Charter Review Committee

Ed Ivaldi, Chair  
Cleonie Mainvielle, Vice-Chair  
Darren Boston  
Steve Persell  
Thomas Golden  
Scott Pitta  
Janet Hanson



Joshua McGraw, Staff Assistant  
E-Mail:  
jmcgraw@bridgewaterma.org

Academy Building - 66 Central Square  
Bridgewater, MA 02324

### Agenda for the Charter Review Committee Convening on March 31<sup>st</sup>, 2021

**Disclosure:** Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Charter Review Committee will be conducted via remote participation to the greatest extent possible. There will be no in person attendance permitted.

**Link to join meeting:** <https://zoom.us/j/93880848930>

**Call In:** 1-646-876-9923

**Meeting ID:** 938 808 489 30

---

Call to Order at 6:00PM (Meeting is recorded)

Roll Call

Approval of Meeting Minutes from 3/18/2021

Public Comment

Old Business

1. Timeline Review
2. Mass General Law Terminology Consistency (Ed)
3. Article IX Sec 9-7 Review
4. Article IX Sec 9-9 Review
5. Article X Sec 1 Update

New Business

1. Review Decision Matrix for any outstanding recommendations

Public Comment

Action Items for Next Meeting

Next CRC Meeting – Wednesday April 7<sup>th</sup>, 2021 at 6PM

Adjourn

RECEIVED  
TOWN CLERKS OFFICE  
BRIDGEWATER, MA.  
2021 MAR 29 A 8:47

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

Formatted: Font: +Body (Calibri)

**BRIDGEWATER CITY CHARTER AMENDMENTS**

Formatted: Font: +Body (Calibri), 14 pt, Bold

Formatted: Font: +Body (Calibri), 14 pt, Bold

Formatted: Font: +Body (Calibri), 14 pt, Bold

**CHARTER REVIEW COMMITTEE**

Formatted: Font: +Body (Calibri), 14 pt, Bold

**2020 - 2021**

Formatted: Font: +Body (Calibri)

1

**DEFINITIONS**

As used in the Charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

Formatted: Font: +Body (Calibri), 14 pt, Bold

Formatted: Font: +Body (Calibri)

Term	Definition
Administrative Code	A written description of the administrative organization of City offices, departments and multiple member bodies. The Administrative Code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each City office, department and multiple member body consistent with this charter and applicable state law. The Administrative Code is composed of four parts, the purpose of which is to detail the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the elective organization, the multiple-member appointive organization, the administrative organization, and the administrative procedures of the City.
Advisory Committee (e.g., Ad hoc committees)	A local government Advisory Committee is a formal committee appointed to assist an individual officer of the City or an agency to carry out the officer's/agency's responsibilities. Such a committee is a collection of individuals who bring unique knowledge and skills which augment the knowledge and a City Officer or agency to more effectively guide them. Such committees are limited to a particular subject area and serve only in that capacity for a specified period of time.
Appointing authority	Any official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, board, commission, committee, division, or other agency of the city.
Board	A number of persons appointed or elected to govern and manage, and to make decisions. Three boards are recognized under this charter: Library Board of trustees, Board of Registers of Voters, and Board of Assessors.
Charter	This Charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts.
Chief Administrative Officer	A top tier executive who supervises the daily administration and operations of an organization and is ultimately responsible

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: 12 pt

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

	for its performance.
<u>Commission</u>	<u>A warrant or authority or letters of patent, issuing from the government, or one of its departments, or a court, empowering a person or persons named to do certain acts, or to exercise jurisdiction, or to perform the duties and exercise the authority of an office. A commission is an independent agency given responsibility for the planning, supervision and coordination.</u>
<u>Committee</u>	<u>A person or group of persons elected or appointed to perform some service or function, as to investigate report on, or act upon a particular matter.</u>
<u>Department Head</u>	<u>Department Heads shall be defined by ordinance and shall appear in the Administrative Code.</u>
<u>Emergency</u>	<u>A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.</u>
<u>Emergency Measure</u>	<u>An emergency is an unexpected and difficult or dangerous situation, especially an accident, which happens suddenly. An emergency measure is the actions required to deal with it.</u>
<u>Ex-Officio</u>	<u>An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin, meaning literally "from the office," and the sense intended is "by right of office."</u>
<u>Experts</u>	<u>A person or persons who has special skill or knowledge in some particular field.</u>
<u>Group Petition</u>	<u>A request signed by at least 150 voters, as certified by the City Board of Registrars of Voters, or its successor.</u>
<u>Individual petition</u>	<u>A petition signed by a voter, as certified by the City Board of Registrars of Voters, or its successor.</u>
<u>Initiative Petition</u>	<u>An initiative petition is a way for citizens to propose binding laws and constitutional amendments for approval by the voters on the statewide ballot. The first step in the process is for ten<del>10</del> voters to sign the petition containing the proposed law or constitutional amendment and to file it with the Attorney General's Office.</u>
<u>Majority vote</u>	<u>A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is</u>

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Field Code Changed
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

	required by law, this Charter, or by the City Council's own rules.	Formatted: Font: +Body (Calibri)
<u>Measure</u>	An ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the City Council.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>Multiple member body or organization</u>	Any board, commission or committee in the City.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>Order</u>	In a general sense, a mandate or precept; a command or direction authoritatively given.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>Ordinance</u>	A law, statute, or regulation enacted by the municipal government.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>Quorum</u>	In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>Recall</u>	The power reserved to the voters that allows the voters, by petition, to demand the removal of an elected official.	
<u>Referendum Petition</u>	A referendum petition is a way for citizens to seek to repeal a law recently enacted by the City Council.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>Resolution</u>	The official expression of the opinion or will of the body.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>Special election</u>	An election for a particular emergency; out of the regular course; as one held to fill a vacancy arising by death of the incumbent of the office.	Formatted: Font: +Body (Calibri)
<u>Supplemental Appropriation</u>	Additional budget authority providing for activities and needs that are too urgent to be delayed until the next regular or periodic appropriation.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>City</u>	The body politic and corporate called the City of Bridgewater in this Charter.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>City agency or agency</u>	A board, commission, committee, department or office of City government, whether elected, appointed or otherwise constituted.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>City officer</u>	An individual who has been elected or appointed to exercise the functions of a City office for the benefit of the public. City officers are distinguishable from other employees in that they are required to take an oath of office.	Formatted: Font: +Body (Calibri) Formatted: Font: +Body (Calibri)
<u>City official</u>	All employees, consultants, agents, and others who work for or with the City at all times while on or in City Property, whether on	

duty or off duty, and contractors and vendors, and their personnel, when engaged in work for or business with the City.

Voters	Registered voters of the City
--------	-------------------------------

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

**ARTICLE 1-INCORPORATION AND AUTHORITY**

**Section 1-1. Incorporation**

The inhabitants of the City of Bridgewater, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "City of Bridgewater." The City of Bridgewater shall constitutionally have a City form of government.

**Section 1-2. Short Title**

This instrument may be cited and shall be known as the Bridgewater Home Rule Charter.

**Section 1-3. Division of Powers**

All legislative powers of the City shall be exercised by a City Council. The administration of all City fiscal, business and municipal affairs shall be vested in the executive branch headed by the City Manager.

**Section 1-4. Powers of the City**

The intent and purpose of this Charter is to secure for the voters of the City of Bridgewater, through the adoption of this Charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and Laws of the Commonwealth.

**Section 1-5. Interpretation of Powers**

The powers of the City under the Charter shall be construed and interpreted liberally in favor of the City, and the specific mention of a particular power is not intended to limit in any way the general powers of the City as enumerated in Section 1-4.

**Section 1-6. Intergovernmental Relations**

1 The City may enter into agreements with any other unit of government to perform jointly or in  
2 cooperation, by contract or otherwise, any of its powers or functions.

Formatted: Font: +Body (Calibri)

3  
4 **Section 1-7. City Seal and City Flag**

5  
6 The City seal and City flag in existence at the time this Charter is adopted, unless the  
7 council City Council shall adopt another seal or flag, shall continue to be the City seal and City  
8 flag and shall be kept in the custody of the elected City Clerk. Papers or documents issued  
9 from any office or board of the City may be attested by use of the City seal. The City flag shall  
10 be displayed within the council City Council chambers.

Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)

11  
12 **Section 1-8. Ethical Standards**

13  
14 Elected and appointed officers and employees of the City are expected to demonstrate the  
15 highest ethical standards, which shall be in compliance with all state and federal laws. Elected  
16 and appointed officers and employees are expected to recognize that they act as agents of the  
17 public, that they hold offices or positions for the benefit of the public, that the public interest  
18 is their primary concern and that they are expected to faithfully discharge the duties of their  
19 offices or positions regardless of personal considerations. Elected officers and employees shall  
20 not use their official positions to secure or to grant special consideration, treatment,  
21 advantage, privilege or exemption to themselves or to any other person beyond that which is  
22 available to every other person.

Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)

23  
24 **Section 1-9. Definitions**

25 As used in the charter, the following words shall, unless the context clearly requires otherwise,  
26 have the following meanings:-

Formatted: Font: +Body (Calibri)

27  
28  
29  
30 **ARTICLE II- LEGISLATIVE BRANCH**

Formatted: Font: +Body (Calibri), Bold

31  
32 **Section 2-1. Composition; Eligibility; Term of Office**

Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold

33  
34 (a) **Composition** - There shall be a City Council consisting of nine members which shall  
35 exercise the legislative powers of the City. Seven of these members, to be known as  
36 District Councilors, shall be nominated and elected by and from the voters of the seven  
37 districts into which the City is divided, and two of the members, to be known as  
38 Councilors-at-Large, shall be nominated and elected by and from the voters at large.

Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)

39  
40 (b) **Eligibility** - Any voter shall be eligible to hold the office of Councilor-at-Large. A District  
41 Councilor must be a voter and resident of the district in which election is sought. If a  
42 District Councilor or a Councilor-at-Large moves out of the City during the term for  
43 which elected, such office shall immediately be deemed vacant and filled in the manner  
44 provided in section 2-5. If a District Councilor moves from the district from which the

Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)

Councilor is elected, or is removed by a change in district lines, and more than 4 months remains of the term for which elected, the office shall be deemed vacant and shall be filled in the manner provided in section 2-5. If less than six months of the term remains, the District Councilor who remains a resident of the City may continue to serve during the term for which elected.

Formatted: Font: +Body (Calibri)

(c) Term of Office - The term of office of ~~district councilor~~ District Councilors and Councilors-at-Large shall be staggered terms of three years each, beginning on the next business day ~~the second Monday~~ following the election and continuing until their successors are qualified.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Highlight

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Font: +Body (Calibri), Bold

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 5 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: +Body (Calibri), Highlight

Formatted

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

(d) Prohibitions -

1. No ~~councilor~~ Councilor shall, while a member of the ~~council~~ City Council, hold any other City office or position.

2. An elected charter commission membership shall not be considered to be a City office or position.

3. No ~~councilor~~ Councilor shall hold any compensated appointive City office or City employment until one year after the expiration of service on the ~~council~~ City Council. This provision shall not prevent a City officer or employee who has taken a leave of absence from such duties to serve as a member of the ~~council~~ City Council from returning to such office or employment following service as a member of the ~~council~~ City Council.

4. Any ~~councilor~~ Councilor who has been finally convicted of a criminal offense involving misconduct in any elective or appointive public office, trust or employment at any time held by ~~him/her~~ that Councilor shall be deemed to have vacated office and shall not be eligible to serve in any other elective or appointive office or position in the City.

5. Any Councilor who has been finally convicted of a state ethics law violation in any elective or appointive public office, trust or employment at any time held by that Councilor shall be deemed to have vacated office and shall not be eligible to serve in any other elective or appointive office or position in the City.

(e) Term Limits -

~~No person shall be eligible to be elected as a member of the council if, at any point during the term of office for which the person may be elected, the service of the eligible person would exceed four consecutive elections to the Council.~~

2. For the purpose of this section, prior service as a District Councilor shall be deemed non-consecutive for a candidate seeking election as an At Large Councilor and vice versa.

1. No person shall be eligible to be elected as a District Council member of the City council if, at any point during the term of office for which the person may be elected, the service of the eligible person would exceed four elections to the City Council.

2. No person shall be eligible to be elected as an At-large Council member of the City council if, at any point during the term of office for which the person may be elected, the service of the eligible person would exceed four elections to the City Council.

3 For the purpose of this section, prior service as an At-Large Councilor shall not prevent  
4 seeking election as a District Councilor. Prior service as a District Councilor shall not  
5 prevent seeking election as an At-Large Councilor.

## 6 Section 2-2. General Powers and Duties

7 Except as otherwise provided by law or by the Charter, all powers of the City shall be vested  
8 in the Council which shall provide for their exercise and for the performance of all  
9 duties and obligations imposed on the City by law.

## 11 Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties

12 (a) **Election** - After the Councilors-elect have been sworn, the Council  
13 shall be called together by the elected City Clerk for the purpose of conducting an  
14 election among Council members for the office of Council  
15 President and Vice-President to serve at the pleasure of  
16 the Council. The President shall preside at all meetings of the  
17 Council and perform such other functions as may be assigned by the  
18 Charter, by ordinance or by vote of the Council.

19 (b) **Term of Office** - The term of the Council President shall be for one year beginning on  
20 the second Monday following election and continuing until a successor is qualified.

21 (c) **Powers and Duties** - The powers, duties and responsibilities of the Council President  
22 shall include, but not be limited to, the following:

23 1) The Council President shall preside at all meetings of the  
24 Council, regulate its proceedings and shall decide all questions of  
25 order.

26 2) The Council President shall have the same powers to vote  
27 upon all measures coming before the Council as any other member  
28 of the Council, but shall have no veto power.

29 3) The Council President shall be recognized as the official head  
30 of the City for all ceremonial purposes and the Council  
31 President, or his designee, shall represent the City in its  
32 relations with other units of government.

33 4) In time of public danger or emergency the Council President  
34 may, subject to the review of the action by the Council, temporarily  
35 exercise the Council's supervisory powers over the  
36 Manager, but such delegation shall not exceed seven days unless the  
37 Council votes to extend the temporary powers not to exceed

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Highlight

Formatted: Highlight

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

1 another seven days. The ~~council~~ City Council may extend the period of  
2 delegation by successive extensions of not more than seven days each.

Formatted: Font: +Body (Calibri)

4 5) The ~~council president~~ Council President in conjunction with the ~~manager~~ City  
5 Manager shall prepare and deliver a yearly State of the City message to the  
6 ~~council~~ City Council and citizens of the City on or before March 15<sup>th</sup> of each  
7 year ~~describing the state of the City~~. The message will address the financial state  
8 of the City, strengths of the City, and areas that need attention, as well as  
9 potential opportunities for the betterment of the City. The State of the City  
10 message should also set the agenda and goals for the ~~council~~ City Council and  
11 ~~manager~~ City Manager for the ensuing year.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

13 6) The ~~council president~~ Council President shall call no fewer ~~less~~ than two  
14 meetings, one of which will be the annual state of the City meeting, of the  
15 general public each fiscal year for the purpose of obtaining public input to the  
16 policies of the City. The meeting agenda and format shall be determined by the  
17 ~~council~~ City Council but shall be designed to obtain public input to the policies of  
18 the City. Members of the public may submit potential items for the agenda of  
19 the meetings in accordance with rules adopted by the ~~council~~ City Council. The  
20 public shall be given at least 14 days notice of the date and time of such  
21 meetings. The notices shall be published in a newspaper of general circulation  
22 within the City, if required by state law, ~~and~~ posted on the City bulletin board,  
23 ~~and~~ posted on the City's official website. The ~~council~~ City Council may provide  
24 for additional venues for such postings.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

#### 28 **Section 2-4. Council Vice President**

Formatted: Font: +Body (Calibri), Bold

29  
30 The ~~council~~ City Council shall elect from among its members a Council Vice-President ~~council~~  
31 ~~vice president~~ who shall act as ~~council president~~ Council President during the absence or  
32 disability of the ~~council president~~ Council President and, if a vacancy occurs, shall become  
33 acting ~~council president~~ Council President until a successor is qualified at the next regular  
34 meeting in accordance with the provisions of Section 2-3.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

35  
36 The powers of an acting ~~council president~~ Council President shall be limited to only those  
37 powers of the office indispensably essential to the performance of the duties of the office  
38 during the period of the temporary absence or disability and no others.

#### 40 **Section 2-5. Filling of Vacancies**

Formatted: Font: +Body (Calibri), Bold

41  
42 (a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large ~~Councilor-at-~~  
43 Large during the first ~~18~~ 30 months of the term for which a ~~councilor~~ Councilor was  
44 elected, the vacancy shall be filled in descending order of votes received by the

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

1 candidate for the office of ~~councilor-at-large~~Councilor-at-Large at the preceding ~~City~~  
2 election who received the largest number of votes without being elected, provided  
3 such person remains eligible and willing to serve and provided such person received  
4 votes at least equal to 30 per cent of the vote total received by the person receiving the  
5 largest number of votes for the office of ~~councilor-at-large~~Councilor-at-Large at the  
6 election. The elected ~~clerk~~City Clerk shall certify such candidate to the office of  
7 ~~councilor-at-large~~Councilor-at-Large to serve for the balance of the then unexpired  
8 term.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

9  
10 If a vacancy occurs in the office of ~~councilor-at-large~~Councilor-at-Large during the last  
11 six months of the term for the ~~councilor-at-large~~Councilor-at-Large was elected, the  
12 vacancy shall be filled by the person at the most recent annual ~~City~~ election who  
13 received the highest number of votes for the office of ~~councilor-at-large~~Councilor-at-  
14 ~~Large~~ and who is not then serving as a member of the ~~council~~City Council.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

15  
16 The person shall be certified by the ~~clerk~~City Clerk and shall serve for the remaining  
17 months of the term which the person was elected.

Formatted: Font: +Body (Calibri)

18  
19 (b) **District Councilor** - If a vacancy occurs in the office of ~~district councilor~~District  
20 ~~Councilor~~ it shall be filled in the same manner as provided in subsection (a) of section  
21 2-5 for the office of ~~councilor-at-large~~Councilor-at-Large except that the list shall be of  
22 the candidates for the office of ~~district councilor~~District Councilor in the district in  
23 which the vacancy occurs; provided, however, that if there is no candidate on the list  
24 who remains eligible and willing to serve, the next highest ranking candidate from  
25 among the candidates for election to the council-at-large who is a resident of the  
26 district in which the vacancy exists shall be certified and shall serve until the next  
27 regular election provided the candidate remains a resident of the district, is willing to  
28 serve as a ~~district councilor~~District Councilor and received votes in the district at least  
29 equal to 30 per cent of the vote total received by the person receiving the largest  
30 number of votes for the office of ~~district councilor~~District Councilor at the election. The  
31 elected ~~clerk~~City Clerk shall certify such candidate to the office of ~~district~~  
32 ~~councilor~~District Councilor to serve for the balance of the then unexpired term.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

33  
34 (c) **Filling of Vacancies by City Council** - If a vacancy occurs in the office of ~~councilor-at-~~  
35 ~~large~~Councilor-at-Large or ~~district councilor~~District Councilor and there is no available  
36 candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section  
37 2-5, the vacancy shall be filled by the remaining members of the ~~council~~City Council. To  
38 be eligible for election by the ~~council~~City Council, a person shall be a registered voter  
39 of the ~~City~~ and, in the case of a ~~district councilor~~District Councilor, a resident of such  
40 district. Persons elected to fill a vacancy by the ~~council~~City Council shall serve only until  
41 the next regular election, or if so decided, a special election, at which time the vacancy  
42 shall be filled by the voters and the person chosen to fill the vacancy shall be sworn and  
43 shall serve for the remainder of the unexpired term. Persons serving as ~~councilor~~City

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Councilors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

**Section 2-6. Exercise of Powers; Quorum; Rules of Procedure**

(a) **Exercise of Powers** - Except as otherwise provided by any general or special law or the Charter, the legislative powers of the Council may be exercised in a manner determined by it.

- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

(b) **Quorum** - The presence of five members shall constitute a quorum for the transaction of business. Except as otherwise provided by law or this Charter, the affirmative vote of five members shall be required to adopt any ordinance or appropriation order.

- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)

**Rules of Procedure** - The Council shall from time to time establish written rules for its proceedings. The rules shall be available for public inspection at the office of the elected City Clerk and copies of the rules shall be available in the office of the council during regular and special meetings of the council and posted on the City's website.

- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

1) Regular meetings of the Council shall be held at a time and place fixed by ordinance but shall be at least monthly.

2) Special meetings may be held on the call of the president of the Council, or on the call of three or more members, by written notice delivered to each member of the Council by the elected City Clerk at least 48 hours before the time set.

3) Except as otherwise authorized by a general or special law all sessions of the Council shall be open to the public.

4) Every matter coming before the Council for action shall be put to a vote, the result of which shall be duly recorded.

5) All Council votes on ordinances, appropriation orders or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk of the council.

- Formatted: Highlight
- Formatted: Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

6) A full, accurate, and up-to-date record of the proceedings of the Council shall be kept and shall be open to inspection by the public.

7) All meetings of the Council shall provide for a period of public comment. Regular meetings of the Council shall provide for a period of public comment, provided however, that the Council may promulgate rules that regulate such period of public comment as deemed appropriate.

8) Any Council Member may, from time to time, submit to the Council proposed city policies, goals and other objectives for its consideration.

9) The Council may amend, modify or reject any proposal submitted by the Council President before adopting the same in its final form.

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

3)10) Nothing in this subsection shall preclude any member of the ~~council~~ **CITY Council** from recommending **CITY** policies, goals and other objectives to the ~~council~~ **CITY Council**.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

4)11) The ~~council~~ **CITY Council** shall be responsible for ensuring that the ~~Charter~~ **charter**, the laws, the ordinances and other plans, policies and orders for the government of the **CITY** are properly implemented and enforced.

Formatted: Font: +Body (Calibri)

5)12) The ~~council~~ **CITY Council** shall not direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of a person in the administrative service of the **CITY** for which the ~~manager~~ **CITY Manager** is responsible.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

6)13) The ~~council~~ **CITY Council** shall deal with the officers and employees serving under the ~~manager~~ **CITY Manager** solely through the ~~manager~~ **CITY Manager** and the ~~council president~~ **Council President** shall not give any orders or directions to any such officer or employee, either publicly or privately.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

7)14) The ~~council~~ **CITY Council** shall perform such other duties consistent with the office as may be provided by charter or by ordinance.

Formatted: Font: +Body (Calibri)

## Section 2-7. Measures; Emergency Measures; Charter Objection

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

(a) **Measures** - No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as required by Massachusetts General Law, measures passed by the **CITY Council** shall become effective 72 hours 30 days after final passage, or at any later date specified therein, otherwise provided by the charter, every adopted measure shall become effective at the expiration of 30 days after adoption or at any later date specified therein. Measures not subject to referendum, as defined in section 8-4, shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the ~~charter~~ **Charter** or as provided in the initiative and referendum procedures.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Highlight

Formatted: Font: +Body (Calibri)

Formatted: Highlight

Formatted: Font: +Body (Calibri)

(b) **Emergency Measures** - 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.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the ~~city council~~ **CITY Council**.

Formatted: Font: +Body (Calibri)

An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced.

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

1 provided by any general or special law, no such grant, renewal or extension shall be made  
2 otherwise than by ordinance.

3  
4 After its adoption, an emergency measure shall be published as prescribed for other  
5 adopted measures. An emergency measure shall become effective upon adoption or at  
6 such later time as it may specify.

7  
8 (c) **Charter Objection** –

9  
10 (1) On the first occasion that the question on adoption of a measure is put to the  
11 ~~council~~City Council, if a single member objects to the taking of the vote, the vote shall  
12 be postponed until the next meeting of the ~~council~~City Council whether regular or  
13 special. If ~~two~~ members shall object, such postponement shall be until the next  
14 regular meeting; provided, however, that for a postponement of an emergency  
15 measure at least ~~4~~four members, in all, must object, and the postponement shall be  
16 until the next regular meeting.

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

19 (3) A charter objection shall have privilege over all motions but must be raised prior to or  
20 at the call for a vote by the presiding officer and all debate shall cease.

21 (4) Before taking a vote on any measure the ~~council president~~Council President or  
22 ~~councilor~~Councilor acting as the presiding officer shall ask if there is a charter objection  
23 to the measure.

24 (1) A charter objection shall have privilege over all motions but must be raised prior to or  
25 at the call for a vote by the presiding officer and all debate shall cease.

26  
27 **Section 2-8. Council Staff**

28  
29 The ~~council~~City Council may employ such staff and experts as are necessary to conduct the  
30 business of the ~~council~~City Council. The ~~council~~City Council shall set the salaries of such staff.

31  
32 Clerk of the Council – The ~~council~~City Council shall appoint an officer of the City who shall have  
33 the title of ~~Council~~ Clerk. The ~~Council~~ Clerk shall give notice of ~~council~~City Council  
34 meetings to its members and the public, keep the journal of its proceedings and perform such  
35 other duties as are assigned by this ~~Charter~~charter, by the ~~council~~City Council or by general or  
36 special law.

37  
38 **Section 2-9. Publication Requirements**

39  
40 Every proposed ordinance or loan order, except emergency measures as hereinbefore defined  
41 and revenue loan orders, shall be published in accordance with the requirements of  
42 Massachusetts General Laws, posted on the City's official website, ~~once in full in at least 1~~  
43 ~~newspaper of general circulation within the City,~~ and posted in any additional manner that  
44 may be provided by ~~ordinance at least 10 days prior to its final passage ordinance, at least 10~~

Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Highlight  
Formatted: Font: +Body (Calibri)

1 days before its final passage; provided, however, that if any ordinance or proposed ordinance  
2 or codification of ordinances or proposed ordinances, shall exceed 8 octavo pages of ordinary  
3 book print, then, in lieu of the advertising required by this section, the same may be published  
4 by the council in a municipal bulletin or printed pamphlet, and if so published in full at least  
5 10 days before its final passage, the publication shall be deemed sufficient without the  
6 newspaper publication as herein required.

Formatted: Font: +Body (Calibri)

### 10 Section 2-10. Delegation of Powers

11  
12 The council City Council may delegate to one4 or more City agencies, the powers vested in the  
13 council City Council by general or special law to grant and issue licenses and permits and may  
14 regulate the granting and issuing of licenses and permits by any such City agency, and may in  
15 its discretion, rescind any such delegation without prejudice to any prior action which has been  
16 taken.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

### 18 Section 2-11. Inquiries and Investigations

19 The council City Council may require any City officer or member of a board or commission to  
20 appear before it and give such information as it may require in relation to an office held by  
21 such person, its function and performance. The council City Council shall give at least 48 hours  
22 written notice of the general scope of the inquiry to any person it requires to appear before it  
23 under this section. The council City Council may make investigation into the affairs of the City  
24 and into the conduct of any City agency, and for this purpose may subpoena witnesses,  
25 administer oaths and require the production of evidence. The council City Council shall adopt  
26 rules of procedure to conduct the investigations.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

### 28 Section 2-12. Prohibitions; Term Limits

30 council.

### 31 Section 2-123. Compensation; Expenses

32  
33 (a) Salary - Each council City Councilor shall receive a stipend of \$3,000, but shall not be  
34 eligible for any other City provided benefits or pension. This provision shall not take effect  
35 until three years has elapsed from the date of adoption. (see MGL c. 268A, section 19)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold, Highlight

Formatted: Font: +Body (Calibri), Highlight

36 (a)(b) Expenses - Subject to appropriation, the council City Council members shall be entitled  
37 to reimbursement of their actual and necessary expenses incurred in the performance of  
38 their duties.

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

## 42 ARTICLE III- ELECTED OFFICIALS

Formatted: Font: +Body (Calibri), Bold

### 44 Section 3-1. General Provisions

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

1  
2 The offices to be filled by ballot of the voters of the entire City shall be ~~Council~~ City Council,  
3 regional ~~school committee~~ School Committee, an elected ~~an elected City clerk,~~ Clerk, a  
4 ~~Board~~ Board of ~~library trustee~~ Library Trustees and members of regional authorities or districts  
5 as may be established by general or special law, intergovernmental agreement or otherwise.  
6 All other offices, boards, committees and agencies shall be appointed by the ~~manager~~ City  
7 Manager as defined in section 4-3 and as detailed in the ~~a~~ Administrative eCode.

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

8  
9 Any voter shall be eligible to hold any elective City office, except as noted in Section 2-1(d), -  
10 provided, however, that to be eligible a person shall not simultaneously hold any other  
11 elected or appointed City office

Comment [S1]: City and School District employees may be limited by state ethics laws.

12  
13 City of Bridgewater employees who would otherwise be eligible to serve as a member of the  
14 City Council are ineligible to serve as a City council member due to the inherent conflicts of  
15 supervisory inversion.

16  
17 City of Bridgewater employees, who would otherwise be eligible to serve, may not be elected,  
18 to, or considered for appointment to, any other multi-member body of the City without first  
19 obtaining prior and annual approval from City Council in consultation with the City Attorney,  
20 affirming that such service would not place the candidate in a position having oversight,  
21 direction, or control over any aspect of their City employment, their supervisor(s), or  
22 department.

23  
24 The regular City election of City officers shall be held annually on the Saturday preceding the  
25 last Monday in April.

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

26  
27 Notwithstanding their election by the voters, the City officers named in this section shall be  
28 subject to the call of the ~~council~~ City Council or the ~~manager~~ City Manager, at all reasonable  
29 times, for consultation, conference and discussion on any matter relating to their respective  
30 offices.

31  
32 **Section 3-2. Library Trustees**

- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)

33  
34 a) Composition, Election - There shall be a ~~Board~~ Board of ~~library trustee~~ Library Trustees  
35 composed of ~~nine~~ 9 members, all elected by and from the voters at large.

36  
37 b) **Term of Office** - The terms of ~~library trustee~~ Library Trustee members shall be staggered  
38 terms of three years each, beginning on the day following the election for 3 years  
39 beginning on the second Monday following election for 3 years and continuing until a  
40 successor is qualified.

- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight

41  
42 c) **Powers and Duties**: The board of library trustees shall insure that the Bridgewater  
43 Public Library, a public institution supported and managed by the Library Department  
44 and the Library Board of Trustees, provide all members of the Bridgewater community

1 the right and means to free and open access to information and ideas and that the  
2 Bridgewater Public Library protects intellectual freedom, promotes literacy and  
3 encourages life-long learning. The powers set forth herein shall be vested in the Board  
4 of Trustees as a ministerial body in furtherance of these duties and obligations.

Comment [SP2]: Would require the addition of  
"Ministerial Body" to the definitions

5  
6 **d) Filling of Vacancies** - If a vacancy occurs in the membership of the library trusteeLibrary  
7 Trustees whether by failure to elect or otherwise, the library trusteeLibrary Trustees  
8 have 30 days from the date the vacancy is declared to exist by the clerkCity Clerk under  
9 section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the  
10 vacancy. The appointments will be approved by the councilCity Council. If the vacancy  
11 is not filled within 30 days after the vacancy is declared to exist the appointment will  
12 defer to the councilCity Council. The appointee will serve for the balance of the  
13 unexpired term. A person so chosen shall be sworn and commence to serve forthwith.  
14 Library trusteeLibrary Trustees or councilCity Council shall give consideration to  
15 whichever of the defeated candidates for the seat in which the vacancy is declared to  
16 exist received the highest number of votes at the last regular City election immediately  
17 preceding the date the vacancy is declared to exist.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

18  
19 **(e) Collections** - The books, periodicals, papers and any other material curated by the  
20 Bridgewater Public Library shall be in the custody and control of the board of library  
21 trustees, subject to the Director's responsibility to manage circulating materials and  
22 disposition of outdated materials. The board of library trustees may direct the Director  
23 of the Library to make certain items, collections or items related to specific subject  
24 matters available as a special collection, subject to Director's obligations regarding the  
25 orderly management of the Bridgewater Public Library and the Library Department.  
26 The board of library trustees may make, or authorize the Director to make such  
27 disposition of old and unused papers and books as they may think for the best interests  
28 of the City. The proceeds, if any, of such disposition shall be retained and segregated by  
29 the City. The board of library trustees shall have the full and sole power to expend such  
30 funds, solely in their discretion, to further the duties set forth in section 3-2(c).

31  
32 **(f) Gifts** - All gifts of property, including but not limited to funds, that have been, is, or will  
33 be given, to the Bridgewater Public Library shall be in the custody and control of the  
34 board of library trustees, subject to the board's acceptance of such property and any  
35 restrictions placed upon it. The board of library trustees shall have the power and  
36 authority to liquidate or dispose of any such gifted property, subject to any accepted  
37 restrictions. The board of library trustees shall have the full and sole power to expend  
38 any such funds, or the funds resulting from the liquidation or disposition of such  
39 property, solely in their discretion, to further the duties set forth in section 3-2(c),  
40 herein, subject to any gift restriction. Any funds described herein shall be retained and  
41 segregated by the City. Property provided to the Library by the Library Department for  
42 the support, maintenance and operation of the Library by the Library Department,  
43 excluding property subject to 3-2(e), shall not be considered property given to the  
44 Library for purposes of this section.

1  
2 (g) **Library Director** - The Library Director shall only be hired upon the City Manager  
3 receiving a written recommendation from the board of library trustees. The City council  
4 may not ratify the appointment of the Library Director if the City Manager has not  
5 received a written recommendation from the board of library trustees. The City  
6 Manager will provide the board of library trustees with term length and renewal  
7 conditions of any employment contract entered into with the Library Director. The City  
8 Manager may only renew or extend the employment contract of the Library Director  
9 upon receipt of an additional written recommendation of the board of library trustees  
10 to do so.

11  
12 Should the Library Board of Trustees fail to provide a written recommendation within 90  
13 days from the date the position becomes vacant, the City Manager may proceed with the  
14 hiring process without the Board of Trustees recommendation.

15  
16 (h) **City Collector-Treasurer** - The City treasurer shall act as treasurer of the board of library  
17 trustees. The board of library trustees may request from the treasurer a report setting  
18 out the funds retained by the City and subject to the custody and control of the board  
19 of library trustees.

20  
21 (i) **Annual Fiscal Report** - The board of library trustees shall make an annual report to the  
22 City, no later than January 1<sup>st</sup>, of its receipts and expenditures and of the property in its  
23 custody and control and of any gifts or bequests made to the library.

24 Formatted: Font: +Body (Calibri)

25  
26 **Section 3.3. Elected Official Recall Provision**

Formatted: Font: +Body (Calibri), Bold

27  
28 (a) Any holder of an elective office in the City of Bridgewater may be recalled and removed  
29 therefrom by the qualified voters of said City as herein provided.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

30  
31 (b) One hundred or more of a district's registered voters, or in the case of an at large official  
32 four hundred or more registered voters, may file with the ~~clerk~~ City Clerk an affidavit  
33 containing the name of the officer and the office held whose recall is sought and a  
34 statement of the grounds upon which the petition is based. Said ~~clerk~~ City Clerk and the  
35 ~~board of registrars~~ Board of Registrars shall, within five days, certify thereon the number of  
36 signatures which are names of registered voters of the City. The ~~clerk~~ City Clerk shall upon  
37 certification deliver to said voters making the affidavit copies of petition blanks demanding  
38 such recall, copies of which shall be kept available. The blanks shall be issued by the  
39 ~~clerk~~ City Clerk with said Clerk's ~~clerk's~~ signature and official seal attached thereto. They  
40 shall be dated, shall be addressed to the City Council, and shall contain the names of all  
41 persons to whom they are issued, the name of the person whose recall is sought, the office  
42 held by the person named, the grounds of recall as stated in the affidavit, and shall  
43 demand the election of a successor to said office. A copy of the petition shall be entered in  
44 a record book to be kept in the office of the ~~clerk~~ City Clerk. The recall petition shall be

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

1 returned and filed with the ~~clerk~~ City Clerk within twenty-one days after the certification of  
2 the affidavit, and shall have been signed by no less than at least ten percent (10%) of the  
3 registered voters of the district or the City, as the case may be, based on the last City  
4 election, who shall add to their signatures the street and number if any, of their residences.  
5 The ~~clerk~~ City Clerk shall within twenty-four hours of receipt of the petition, submit the  
6 petition to the ~~board of registrars~~ Board of Registrars of voters in the City, and the  
7 ~~registrars~~ Registrars shall within fourteen days certify thereon the number of signatures  
8 which are names of registered voters of the City.

Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)

9  
10 (c) If the petition shall be certified by the ~~clerk~~ City Clerk and the ~~board of registrars~~ Board  
11 of Registrars, and found to be sufficient, the City Clerk shall submit the same with the City  
12 Clerk's certification to the City Council without delay, and said Council shall within seven  
13 days give written notice of the receipt of the certificate to the officer sought to be recalled.  
14  
15 If the officer does not resign within five days thereafter, order an election to be held on a  
16 date fixed by them not less than sixty nor more than ninety days after the date of the  
17 ~~clerk~~ City Clerk's certification that a sufficient petition has been filed, provided, however, if  
18 any other City election is to occur within one hundred days after certification, the City  
19 Council shall postpone the holding of the recall election to the date of such other election.  
20 If a vacancy occurs in said office after a recall election has been ordered, the election shall  
21 nevertheless proceed as specified in the section provided.

Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight

22  
23 (d) An officer sought to be removed may be a candidate to succeed him or herself. ~~for re-~~  
24 election and, unless the officer requests otherwise in writing, the ~~clerk~~ City Clerk shall place  
25 his ~~the officer's~~ name on the ballot without nomination. The nomination of other  
26 candidates, the publication of the warrant for the recall election, and the conduct of the  
27 same, shall all be in accordance with the provisions of law relating to elections, unless  
28 otherwise provided in this act.

Formatted: Highlight  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Highlight  
Formatted: Highlight  
Formatted: Font: +Body (Calibri)

29  
30 (e) The incumbent shall continue to perform the duties of office until the recall election. If  
31 then re-elected, ~~the officer~~ shall continue in office for the remainder of the unexpired  
32 term, subject to recall as before, except as provided in this section. If the majority of the  
33 votes cast upon the question of recall is in the affirmative, the candidate receiving the  
34 highest number of votes shall be declared elected. If not re-elected in the recall election,  
35 the officer shall be deemed removed upon the qualification of his ~~the~~ successor, who shall  
36 hold office during the unexpired term. If the successor fails to qualify within five days after  
37 receiving notification of his ~~the~~ election, the incumbent shall be deemed removed and the  
38 office vacant.

Formatted: Highlight  
Formatted: Font: +Body (Calibri)  
Formatted: Highlight  
Formatted: Font: +Body (Calibri)  
Formatted: Highlight  
Formatted: Font: +Body (Calibri)

39  
40 (f) Ballots used in a recall election shall submit the following proposition in the order  
41 indicated: FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of  
42 officer) (office held). Immediately at the right of each proposition there shall be an oval in  
43 which the voter, by filling in the oval, may vote for either of said propositions. Under the  
44 proposition shall appear the word "Candidates", the direction "Vote for One", and beneath

1 this the names of candidates nominated as hereinbefore provided. In the case of machine  
2 voting or punch card balloting, or other forms of balloting provision shall be made to allow  
3 the same intent of the voter. If a majority of the votes cast upon the question of recall is in  
4 the affirmative, the candidate receiving the highest number of votes shall be declared  
5 elected. If a majority of votes on the question is in the negative, the ballots for candidates  
6 need not be counted.

7  
8 (g) No recall petition shall be filed against an officer within six months after taking office, or in  
9 the case of an officer subjected to a recall election and not removed thereby, until at least  
10 six months after that election.

11  
12 (h) No person who has been recalled from an office or who has resigned from office while  
13 recall proceedings were pending against him that person, shall be appointed to any City  
14 office within two years after such removal by recall or resignation.

- Formatted: Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

15  
16 **Section 3-4. City Clerk**

17  
18 **(a) Composition, Election** - A City clerk shall be elected by and from the voters at large.

19  
20 **(b) Term of Office** - The term of office for a City clerk shall be for 3 years beginning on the  
21 second Monday following election and continuing until a successor is qualified.

22  
23 **(c) Powers and Duties** - The City clerk shall:

- 24 1. be the keeper of vital statistics of the City;
- 25 2. be the custodian of the City seal and of all records of the City;
- 26 3. administer the oath of office to all City officers;
- 27 4. issue licenses and permits as may be provided by law

28 5. be responsible for the conduct of elections and all matters relating thereto. The City clerk  
29 shall have the powers and duties provided under any general or special law, the charter,  
30 ordinance or other City council vote.

Formatted: Font: +Body (Calibri), Highlight

31  
32  
33  
34 **(d) Filling of Vacancies** - If a vacancy occurs in the position of City Clerk for any reason, the City  
35 Council shall appoint a person to fill the vacated position until the next General Election.

36  
37 Notwithstanding any other provision in this Charter, for the position of City Clerk that becomes  
38 vacant, the qualified candidate for that position with the next highest number of votes from  
39 the last election shall be appointed by the City Council to fill the unexpired term of the  
40 vacated position. If said candidate declines the appointment to fill the vacancy, the  
41 appointment shall be offered to the qualified candidate with the next highest votes, and so  
42 forth, until either a qualified candidate accepts the appointment or until the list of qualified  
43 candidates is exhausted. If the candidate list is exhausted, the City Council shall advertise the  
44 vacancy and may appoint a person from the list of applicants for the advertised vacancy. A

1 qualified candidate as used in this section is a person who declared for the vacated position,  
2 obtained the requisite signatures to appear on the ballot, and appeared on the ballot in the  
3 election.

4  
5

6  
7 **ARTICLE IV- CITY MANAGER**

8  
9 **Section 4-1. Appointment, Qualifications, Term of Office**

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)

10 The City Council shall appoint by a majority vote of the full City Council, a City Manager.

11 The City Council shall appoint a City Manager by a majority vote of the entire membership of  
12 the City Council, to a maximum 5 year renewable term and fix the manager's compensation.  
13 Since the City Council bears ultimate responsibility for the management of the City, the City  
14 Manager must serve at the will of the Council, and is bound by whatever legislative policy  
15 action the City Council takes.

**Comment [I3]:** Consistent with other city appointed positions, I believe the City Manager should also have a limited term, with options for re-appointed.

**Comment [I4]:** Added to clarify accountability of the City Manager to the City Council. This reflects feedback received from the Citizen Survey and Employee Questionnaire that better checks/balances are needed between the Council and City Manager.

16 The City Manager shall be a person of proven administrative ability, especially qualified by  
17 education and training with prior experience as a Municipal manager or an assistant Municipal  
18 manager or the equivalent public or private sector level experience. The City Council may from  
19 time to time establish additional qualifications as deemed necessary and appropriate. The City  
20 Manager shall devote full-time to the duties of the office and shall not hold any other elective  
21 or appointive office in the City, nor shall the City Manager engage in other business unless  
22 such business is approved in advance by a majority vote in public session of the City Council.  
23 The City Manager need not be a resident of the City, but must be a United States citizen.

24 **Section 4-2. Administrative Powers and Duties**

25 (A) The City Manager shall be the chief administrative officer of the City and shall be  
26 responsible to the City Council for the proper operation of City affairs for which the City  
27 Manager is given responsibility under this Charter. The powers, duties and responsibilities of  
28 the City Manager shall apply to all municipal departments excluding the regional school  
29 districts, and shall include, but shall not be limited to, the following:

- 30 1) to supervise, direct and be responsible for the efficient administration of all officers  
31 appointed by the City Manager and their respective departments and of all functions  
32 for which the City Manager is given responsibility under this Charter, by ordinance or  
33 by vote of the City Council;

- 1           2) to administer either directly or through a person supervised by the City Manager, in  
2 accordance with this Charter, all provisions of any general or special law applicable to  
3 the City, all ordinances and all regulations established by the City Council;
- 4           3) to coordinate all activities of City departments or appointed boards, committees or  
5 agencies;
- 6           4) to provide consultative services to elected boards, committees or agencies;
- 7           5) to attend all regular and special meetings of the City Council, unless excused, and  
8 answer all questions addressed to the City Manager which are related to matters under  
9 the general supervision of the City Manager;
- 10          6) to have the right to take part in discussions of the City Council, but not vote;
- 11          7) to keep the City Council fully informed as to the needs of the City, and to  
12 recommend to the City Council for adoption, such measures requiring action by them  
13 as the City Manager deems necessary or expedient;
- 14          8) to make recommendations to the City Council concerning the affairs of the City and  
15 facilitate the work of the City Council in developing policy;
- 16          9) to ensure that complete and full records of the financial and administrative activity  
17 of the City are maintained and to render reports to the City Council and finance  
18 committee as may be required;
- 19          10) to be responsible for the rental, use, maintenance and repair of all City facilities;
- 20          11) to be responsible for the purchase of all supplies, materials and equipment and  
21 approve the award of all contracts;
- 22          12) to develop and maintain a full and complete inventory of all City-owned real and  
23 personal property;
- 24          13) to administer personnel policies, practices or rules and regulations, any  
25 compensation plan and related matters for all City employees and to administer all  
26 collective bargaining agreements entered into by the City;
- 27          14) to fix the compensation of all City employees and officers appointed by the City  
28 Manager within the limits established by appropriation and applicable compensation  
29 plan;

- 1 15) to be responsible for the negotiation of all contracts with City employees over  
2 wages, and other terms and conditions of employment. The City Manager may employ  
3 special counsel to assist in the performance of these duties. Insofar as they require  
4 appropriations, contracts shall be subject to the approval of the City Council.
- 5 16) to prepare and submit an annual operating budget, capital improvement program  
6 and a long term financial forecast as provided in Article VI;
- 7 17) to ensure that the Council President is kept fully informed of and fully involved in  
8 the City's emergency preparedness planning and preparation;
- 9 18) to keep the City Council fully informed as to the financial condition of the City and  
10 to make recommendations to the City Council as the City Manager determines  
11 necessary or expedient;
- 12 19) to effectively engage with the City Council to develop long-term goals for the City  
13 and strategies to implement these goals;
- 14 20) to investigate or inquire into the affairs of any City department, agency or office;
- 15 21) to delegate, authorize or direct a subordinate or employee of the City to exercise  
16 any power, duty or responsibility which the office of City Manager may exercise;  
17 provided, however, that all acts that are performed under the delegation shall be  
18 considered to be the acts of the City Manager;
- 19 22) to perform such other duties as necessary or as may be assigned by this Charter,  
20 by ordinance, order or by majority vote of the City Council;
- 21 23) to provide staff support services for the Council President and City Council  
22 members;
- 23 24) to serve as the City's liaison to any regional entity of which the City is a member  
24 and to explore opportunities for intergovernmental cooperation;
- 25 25) to promote partnerships by engaging in regular 2-way effective communication in  
26 multiple formats, among City Council, staff, appointed and/or standing committees,  
27 citizens and businesses in developing public policy and building a sense of community;  
28 and
- 29 26) to conduct, no less than quarterly, informational sessions with departments and  
30 community-based organizations, to promote continuous collaboration .

1 (B) With the consent of the City Council, the City Manager may serve as the head of one or  
2 more departments, offices or agencies or may appoint one person as the head of two or more  
3 of them.

4

5 **Section 4-3. Powers of Appointment**

6 (a) **Department Heads** - Except as otherwise provided by this Charter, the City Manager shall  
7 appoint, based upon merit and fitness alone, all department heads. All appointments of  
8 department heads, as defined within the Administrative Code, shall be subject to the  
9 ratification of the City Council. The City Manager shall also appoint officers, subordinates and  
10 employees for whom no other method of selection is provided in this Charter; provided,  
11 however, that the City Manager shall not appoint employees of the regional school district and  
12 persons serving under officers elected directly by the voters of Bridgewater. In accordance  
13 with the procedures set forth in section 5-2, the City Manager may be required to consult with  
14 or engage in a joint recruitment and selection process with multiple member bodies, before  
15 the appointment of department heads or employees who perform tasks under the jurisdiction  
16 of the multiple member bodies.

17 (b) **Boards, Committees, and Agencies** - Except as otherwise provided by this Charter, the  
18 City Manager shall appoint all boards, committees and agencies. Members of all appointed  
19 boards and committees shall be residents of the City. All appointments of boards, committees  
20 and agencies, as defined within the Administrative Code, shall be subject to the ratification of  
21 the City Council. The City Manager shall form a citizen's advisory committee to help in  
22 evaluating and selecting those individuals for appointment. The number and terms of office of  
23 the committee shall be established by ordinance.

24

25 **Section 4-4. Powers of Suspension, Removal**

26 The City Manager shall have the authority to suspend or remove department heads and  
27 appointive administrative officers provided for by or under this Charter, except as otherwise  
28 provided by-law, collective bargaining agreements, this Charter or personnel rules adopted  
29 pursuant to this Charter. The City Manager may authorize an administrative officer subject to  
30 the manager's direction and supervision to exercise these powers with respect to subordinates  
31 in that officer's department, office or agency.

32

33 **Section 4-5. Compensation**

1 The City Manager shall receive such compensation for services as the City Council shall  
2 determine, but such compensation shall be within the limits of available appropriations.

3

#### 4 Section 4-6. Vacancy in Office

5 A vacancy in the office of City Manager shall be filled as soon as possible by the City Council.  
6 Pending appointment of the City Manager or the filling of any vacancy, the City Council shall  
7 forthwith appoint some other qualified person to perform the duties of the City Manager. The  
8 appointment of the acting City Manager shall be for a term not to exceed (three) six months;  
9 provided, however, that a renewal, not to exceed an additional three months may be  
10 provided.

Comment [I5]: Increase initial duration of an acting City Manager appointment from 3 to 6 months. This was recommended by the 2014 CRC and is more realistic in terms of searching for a replacement.

11

#### 12 Section 4-7. Temporary Absence

13 The City Manager shall appoint a person from the department heads to act when the City  
14 Manager is absent for 30 days or less. The City Council shall appoint a person to act for the City  
15 Manager in the event the City Manager is absent for more than 30 days. No person appointed  
16 by the City Manager to act shall serve more than twenty-one days without approval by the City  
17 Council.

Comment [SaBP6]: I like this option... or something similar.

#### 18 Section 4-8. Removal of City Manager

19 The City Council, by affirmative vote of a majority of the full City Council, may vote to  
20 terminate, remove or suspend the City Manager from office in accordance with the following  
21 procedure:

22 (1) Before removal or termination the City Council shall adopt a preliminary resolution of  
23 removal by the affirmative vote of a majority of the full City Council. The preliminary resolution  
24 may suspend the City Manager for a period not to exceed 30 days. A copy of the resolution  
25 shall be delivered to the City Manager forthwith. If so requested by the City Manager, the City  
26 Council shall provide a written statement setting forth the reasons for the removal or  
27 termination.

28 (2) Within five days after the receipt of the preliminary resolution, the City Manager may  
29 request a public hearing by filing a written request for such hearing with the City Council. If  
30 such a hearing is requested, the hearing shall be held at a meeting of the full City Council not  
31 later than 20 days from the date of request. At such hearing the City Manager shall be entitled  
32 to address the City Council and make comments related to the preliminary resolution.

Comment [I7]: Recommended by the 2014 CRC

- 1 (3) If a public hearing has not been requested by the City Manager, the City Council may  
 2 adopt a final resolution of removal, which may be effective immediately, by the affirmative  
 3 vote of a majority of the full City Council at any time after 10 days following the date of  
 4 delivery of a copy of the preliminary resolution to the City Manager.
- 5 (4) If the City Manager requests a public hearing, the City Council may, at the conclusion of  
 6 the hearing or within five days of the conclusion of the hearing, adopt a final resolution of  
 7 removal by an affirmative vote of majority of the full City Council.
- 8 (5) The City Council may suspend by an affirmative vote of the majority of the full City  
 9 Council, the City Manager pending and during any public hearing as requested by the City  
 10 Manager.
- 11 (6) The City Manager shall continue to receive a salary until the final date of removal becomes  
 12 effective.
- 13 (7) The action of the City Council in terminating, removing or suspending the City Manager  
 14 shall be final.

15

16 **Section 4-9. Annual Review of the City Manager**

17 Annually, the Council President shall cause the City Council to prepare and deliver to the City  
 18 Manager a written evaluation of the City Manager's performance. The evaluation shall be  
 19 conducted in accordance with any applicable general or special law.

20 \_\_\_\_\_ Formatted: Font: +Body (Calibri)

21  
22

23 **ARTICLE V- ADMINISTRATIVE ORGANIZATION** Formatted: Font: +Body (Calibri), Bold

24  
25 **Section 5-1. Organization of City Agencies; Adoption of Administrative Code** Formatted: Font: +Body (Calibri), Bold

26 \_\_\_\_\_ Formatted: Font: +Body (Calibri)

27 \_\_\_\_\_ Formatted: Font: +Body (Calibri)

27 The organization of the City into operating agencies for the provision of services and the  
 28 administration of government may, under charter powers granted in section 20 of chapter 43B  
 29 of the General Laws, be accomplished through either of two methods provided in this  
 30 section. For the convenience of the public, the Administrative Code and any amendments  
 31 thereto shall be printed as an appendix to, but not an integral part, of the ordinances of the  
 32 City.

32 \_\_\_\_\_ Formatted: Font: +Body (Calibri)

34 (a) **Ordinance** - Subject only to the express prohibitions in any general or special law or the  
 35 provisions of this Charter, the City Council may by ordinance, reorganize,  
 \_\_\_\_\_ Formatted: Font: +Body (Calibri), Bold  
 \_\_\_\_\_ Formatted: Font: +Body (Calibri)  
 \_\_\_\_\_ Formatted: Font: +Body (Calibri)

consolidate, create, merge, divide or abolish any City agency, in whole or in part, establish such new City agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such agencies.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

**(b) Executive Reorganizations** - The ~~manager~~City Manager may from time to time prepare and submit to the ~~council~~City Council a plan of organization or reorganization which establishes operating divisions for the orderly, efficient or convenient conduct of business of the City.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

(1) Whenever the ~~manager~~City Manager prepares such plan, the ~~manager~~City Manager shall hold ~~one~~4 or more public hearings on the proposal giving notice by publication in a local newspaper, ~~if required by state law, and on the City's official website~~, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than ~~seven~~7 nor more than 14 days following the date of the publication.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Comment [z8]: Change "or" to "and"

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Comment [19]: This was added by 2017 TC-R&A

Formatted: Font: +Body (Calibri)

(2) Following the public hearing, the proposal, which may be amended by the ~~manager~~City Manager subsequent to the public hearing, shall be submitted to the ~~council~~City Council.

Formatted: Font: +Body (Calibri)

(3) An organization or reorganization plan shall become effective at the expiration of the 60 days following the date of submission of the proposal to the ~~council~~City Council unless the ~~council~~City Council shall, by a majority vote, vote to disapprove the plan.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

(4) The ~~council~~City Council may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed in order.

Formatted: Font: +Body (Calibri)

(5) The ~~manager~~City Manager may propose reorganization plans and subject only to express prohibitions of any general or special or this ~~charter~~Charter, reorganize, consolidate or abolish in whole or in part City agencies or establish such new City agencies as is deemed necessary to the same extent as is provided in subsection (1) of section 5-1, for ordinances; and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the ~~council~~City Council, transfer the appropriation of ~~one~~4 City agency to another.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

(1)(6) Whenever a reorganization proposal becomes effective, whether under the provisions of subsection (a) or (b), no proposal to again reorganize which deals with substantially the same subject matter shall be acted upon within 18 months following the first reorganization, except on the petition of the ~~manager~~City Manager.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

## Section 5-2. Personnel Administration

Formatted: Font: +Body (Calibri), Bold

The ~~manager~~City Manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements:

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

- 1) a method of administration;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

- 2) personnel policies indicating the rights, obligations and benefits of employees;
- 3) a classification plan;
- 4) a compensation plan;
- 5) a method of recruiting and selecting employees based upon merit principles;
- 6) a centralized record keeping system;
- 7) a merit based performance evaluation system;
- 8) disciplinary procedures; and
- 9) other elements that are determined necessary.

All **City** agencies and positions shall be subject to the rules and regulations adopted under this section; provided, however, that this shall not include employees of the regional school departments.

Formatted: Font: +Body (Calibri)

Department heads shall have the authority to appoint, suspend and remove based upon merit and fitness alone all department subordinates and employees, except as otherwise provided by law, collective bargaining agreements, this ~~charter~~ Charter or personnel rules adopted under this ~~charter~~ Charter. Employees of the regional school departments and persons serving under officers elected directly by the voters of the **City** are excluded.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

**Section 5-3. City Attorney**

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

(a) Appointment - There shall be a legal officer of the **City** appointed by the ~~manager~~ **City** Council to a maximum 5 year renewable term.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

(b) Role - The legal officer shall serve as chief legal advisor to the ~~council~~ **City** Council, the ~~manager~~ **City** Manager and all **City** departments, offices and agencies, shall represent the **City** in all legal proceedings and shall perform other duties prescribed by any general or special law, by this ~~charter~~ Charter or by ordinance.

**Comment [110]:** The city attorney represents the city as a whole, and as representatives of the citizens, the council majority gives direction on behalf of the city. The City Manager is also accountable to the Council, therefore I believe the attorney should be appointed by the Council, not the GM.

**Comment [111]:** Consistent with other city appointed positions, I believe the City Attorney should also have a limited term, with options for re-appointe

**ARTICLE VI- FINANCIAL MANAGEMENT**

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

**Section 6-1. Annual Budget Policy**

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

1 The Council President shall call a joint meeting of the City Council, the Regional School  
2 Committee chair, or the chair's designee, the Finance Committee, the City Manager and any  
3 other committee established for the budget process, before the commencement of the budget  
4 process to review the financial condition of the City, revenue and expenditure forecasts and  
5 other relevant information in order to develop a coordinated budget.

6  
7 The fiscal year of the City shall begin annually on the first day of July and end on the last day of  
8 June of the following year.

9  
10 **Section 6-2. Submission of Budget; Budget Message**

11  
12 Not later than February 1st of each year, the City Manager shall submit to the City Council a  
13 preliminary budget for the ensuing fiscal year and an accompanying message

14  
15 Within the period prescribed by any general or special law, but no later than April 1, the City  
16 Manager shall file with the City Council Clerk City a proposed operating budget and budget  
17 message for all City agencies and regional school districts. The budget message submitted by  
18 the City Manager shall include content as explained in section 6-2(b) of this charter.

Comment [TG12]: The deleted stuff here is covered below and is redundant

19  
20 The City Manager may request a time extension. The extension may be granted at the  
21 discretion of the City Council, but must provide for a reasonable and timely review of the  
22 proposed budget.

23  
24 (a) **Budget** - The budget shall provide a complete financial plan of all City funds and activities  
25 for the ensuing fiscal year and, except as required by law or this Charter, shall be in the  
26 form as the City Manager deems desirable or the City Council may require for effective  
27 management and an understanding of the relationship between the budget and the City's  
28 strategic goals. The budget shall be realistic and based on a forecast of those scenarios  
29 most likely to occur in the coming year. The budget shall begin with a clear general  
30 summary of its contents, shall show in detail all estimated income, indicating the proposed  
31 property tax levy and all proposed expenditures, including debt service, for the ensuing  
32 fiscal year and shall show comparative figures for actual and estimated income and  
33 expenditures of the current fiscal year and actual income and expenditures of the  
34 preceding fiscal year. At a minimum, it shall indicate in separate sections:

- 35  
36 1) The proposed goals and expenditures for current operations during the ensuing fiscal  
37 year, detailed for each fund by department or by other organization unit, and program,  
38 purpose or activity, method of financing such expenditures and methods to measure  
39 outcomes and performance related to the goals;  
40  
41 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,  
42 detailed for each fund by department or by other organization unit when practical, the  
43 proposed method of financing each such capital expenditure and methods to measure  
44 outcomes and performance related to the goals; and

1  
2 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing  
3 year for each utility or other enterprise fund or internal service fund operated by the  
4 ~~City~~ and methods to measure outcomes and performance related to the goals;  
5 provided, however, that for any fund, the total of proposed expenditures shall not  
6 exceed the total of estimated income plus carried forward fund balance exclusive of  
7 reserves.  
8

9 (b) **Budget Message** - The ~~City~~ Manager's message shall explain the budget both in fiscal terms  
10 and in terms of the work programs, linking those programs to organizational goals and  
11 community priorities. It shall outline the proposed financial policies of the ~~City~~ for the  
12 ensuing fiscal year and the impact of those policies on future years. It shall describe the  
13 important features of the budget, indicate any major changes from the current year in  
14 financial policies, expenditures and revenues together with the reasons for such changes,  
15 summarize the ~~City's~~ debt position, including factors affecting the ability to raise resources  
16 through debt issues and include such other material as the ~~City~~ Manager deems desirable.  
17

18  
19 **Section 6-3. Action of the Budget**  
20

21 (a) **Public Hearing** - The ~~council~~~~City~~ Council shall publish in a newspaper of general circulation  
22 in the ~~City~~, if required by law, or the ~~City's~~ official website, ~~a summary of the proposed~~  
23 ~~operating budget as submitted by the~~ ~~manager~~~~City~~ Manager, ~~by a notice stating: (1) the~~  
24 ~~times and places where copies of the entire proposed budget are available for inspection~~  
25 ~~by the public; and (2) The~~ ~~council~~~~City~~ Council shall identify ~~a the date, time and place not~~  
26 ~~less than 14 days after the publication, when a public hearing on the proposed budget will~~  
27 ~~be held by the~~ ~~council~~~~City~~ Council. For the purpose of this section, the summary of the  
28 proposed operating budget that is required to be published shall contain proposed  
29 appropriations, funding sources and any narrative summary deemed necessary by the  
30 ~~council~~~~City~~ Council. ~~The proposed budget will be published on the~~ ~~City's~~ website ~~not less~~  
31 ~~than 14 days before the date of the public hearing.~~  
32

33 (b) **Adoption of the Budget** - The ~~council~~~~City~~ Council shall adopt the budget, with or without  
34 amendments, within 45 days following the date the budget is filed with the ~~council~~~~City~~  
35 ~~clerk~~Council Clerk of the ~~council~~~~City~~ Council. In amending the budget, the ~~council~~~~City~~ Council may  
36 delete or decrease any programs or amounts except expenditures required by ~~law~~ or for  
37 debt service. The ~~council~~~~City~~ Council shall not increase any line item without a  
38 corresponding decrease in an identified line item and the total proposed budget may not  
39 be increased from what was proposed unless otherwise authorized by any general or  
40 special law. If the ~~council~~~~City~~ Council fails to take action with respect to any item in the  
41 budget within 45 days after receipt of the budget, the amount shall, without any action by  
42 the ~~council~~~~City~~ Council become a part of the appropriations for the year and be available  
43 for the purposes specified. The adopted budget will be published on the ~~City's~~ official  
44 website not less than 14 days after adoption.

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

1  
2 **(c) Budget to Actual Assessments** - The City Manager shall conduct a mid-year budget to  
3 actual comparison, showing significant variances, for review and presentation to the City  
4 Council. The mid-year assessment will be conducted on or before January 1, and published  
5 on the City's official website, not less than fourteen (14) days after review with the City  
6 Council.

**Comment [I13]:** This paragraph is contained in the current charter. It was updated by the 2014 CRC, but removed by the 2017 TC R&P. I believe it is important to have a formal mid-year review of the budget to ensure transparency on actual vs. budgeted expenses, so I added it back in.

7  
8 **Section 6-4. Supplementary Budgets and Appropriations**

9  
10 Whenever the ~~manager~~ City Manager submits to the ~~council~~ City Council a request for an  
11 appropriation of any sum of money, whether as a supplement to the annual operating budget  
12 or for an item not included therein, the ~~council~~ City Council shall not act upon the request until  
13 it has given notice by publication in a ~~local newspaper~~ of general circulation in the City, if  
14 required by state law, or the City's official website of the request and held a public hearing  
15 concerning the request. The publication and the public hearing shall be in conformity with the  
16 provisions of subsection (a) of section 6-3 concerning the proposed annual operating budget.

**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri), Bold  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)

17  
18 (a) **Supplemental Appropriations** - If during or before the fiscal year begins, the ~~manager~~ City  
19 Manager certifies that there are available for appropriation, revenues in excess of those  
20 estimated in the budget, the ~~council~~ City Council by ordinance may make supplemental  
21 appropriations for the year up to the amount of the excess.

**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri), Bold  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)

22  
23 (b) **Emergency Appropriations** - To address a public emergency affecting life, health, property  
24 or the public peace, the ~~council~~ City Council may make emergency appropriations as  
25 provided under M.G.L. c. 44, section 31. The appropriations may be made by emergency  
26 ordinance in accordance with Article II. To the extent that there are no available  
27 unappropriated revenues or a sufficient fund balance to meet the appropriations, the  
28 ~~council~~ City Council may by an emergency ordinance authorize the issuance of emergency  
29 notes, which may be renewed from time to time, but the emergency notes and renewals of  
30 any fiscal year shall be paid or refinanced as long-term debt not later than the last day of  
31 the fiscal year next succeeding that in which the emergency appropriation was made.

**Comment [I14]:** Added this word  
**Formatted:** Font: +Body (Calibri), Highlight  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri), Bold  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)

32  
33 (c) **Reduction of Appropriations** - If at any time during the fiscal year it appears probable to  
34 the ~~manager~~ City Manager that the revenues or fund balances available will be insufficient  
35 to finance the expenditures for which appropriations have been authorized, the manager  
36 shall report to the ~~council~~ City Council without delay, indicating the estimated amount of  
37 the deficit, any remedial action taken by the ~~manager~~ City Manager and recommendations  
38 as to any other steps to be taken. The ~~council~~ City Council shall then take the further action  
39 as it deems necessary to prevent or reduce any deficit and for that purpose it may by  
40 ordinance reduce or eliminate one or more appropriations.

**Formatted:** Font: +Body (Calibri), Bold  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri), Highlight  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri)  
**Formatted:** Font: +Body (Calibri), Highlight  
**Formatted:** Font: +Body (Calibri)

41  
42 (d) **Transfer of Appropriations** - At any time during or before the fiscal year, the following may  
43 occur:

**Formatted:** Font: +Body (Calibri), Bold  
**Formatted:** Font: +Body (Calibri)

1 ~~1) The finance director manager, with concurrence of the manager City Manager from~~  
2 ~~the finance committee and the council, may transfer up to a maximum of an~~  
3 ~~amount cited in M.G.L. c. 30B, section 5\$25,000 of the unencumbered appropriation~~  
4 ~~balance from one department, fund, service, strategy or organizational unit to the~~  
5 ~~appropriation for other departments or organizational units or a new appropriation.~~  
6 ~~The manager City Manager and shall report the transfers to the council City Council~~  
7 ~~in writing within a 14-day period.~~

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

9 ~~2) The finance director manager may also, with concurrence of the manager City~~  
10 ~~Manager from the finance committee and council, transfer up to a maximum of an~~  
11 ~~amount cited in M.G.L. c. 30B, section 5 funds among line items within a department,~~  
12 ~~fund, service, strategy or organizational unit. The manager City Manager and shall~~  
13 ~~report the transfers to the council City Council in writing within a 14-day period.~~

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Comment [115]: Reformatted paragraph to break out sub-sections... added "the following may occur"

15 (e) **Limitation; Effective Date** -- M.G.L. c. 44, section 7 and 8 regulate the purposes for which  
16 municipalities may incur debt, and the maximum maturity for bonds issued for each  
17 purpose. M.G.L. c. 44, section 10 specifies that the debt limit for Cities is 5% of equalized  
18 valuation. No appropriation for debt service may be reduced or transferred, except to the  
19 extent that the debt is refinanced and less debt service is required and no appropriation  
20 may be reduced below an amount required by-law to be appropriated or by more than the  
21 amount of the unencumbered balance thereof. The supplemental and emergency  
22 appropriations and reduction or transfer of appropriations authorized by this section may  
23 be made effective immediately upon adoption.

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

25 **Section 6-5. Administration and Fiduciary Oversight of the Budget**

Formatted: Font: +Body (Calibri), Bold

26 ~~The council City Council may shall~~ provide by ordinance the procedures for administration and  
27 fiduciary oversight of the budget.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

30 **Section 6-6. Capital Improvements Program**

Formatted: Font: +Body (Calibri), Bold

32 (a) **Preparation** - The manager City Manager may shall, in conjunction with any committee  
33 established for such purpose, annually submit a five5-year capital improvement program  
34 by a date established by to the City council at least 30 days before the date for submission  
35 of the operating budget, unless some other time is provided by ordinance.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

37 (b) **Contents** - The capital improvement program shall include:

Formatted: Font: +Body (Calibri), Bold

39 1) A clear general summary of its contents;

Formatted: Font: +Body (Calibri)

41 2) Identification of the long-term goals of the community;

Formatted: Font: +Body (Calibri)

43 3) A list of currently approved projects and their status;

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

- 4) A list of **new** capital improvements and other capital expenditures proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- 5) ~~Cost estimates and implementation recommended time~~ schedules for each improvement or other capital expenditure;
- 6) Method of financing upon which each capital expenditure is to be reliant;
- 7) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- 8) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
- 9) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

**Comment [SaBP16]:** Remove all and add "new". The idea is to make the new projects separate from the status of old projects for the next fiscal year.

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

The above shall be ~~reviewed annually revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.~~

(c) ~~Public Hearing - The council~~ **City** Council shall publish on the **City**'s official website and, if required by state law, in a newspaper of general circulation in the **City** a summary of the proposed capital improvement plan as submitted by the ~~manager~~ **City** Manager. The ~~council~~ **City** Council shall identify a ~~by a notice stating: (1) the times and places where copies of the entire proposed capital improvement plan are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed capital improvement plan will be held by the council. The proposed capital improvement plan will be published on the 's website not less than 14 days before the date of the public hearing.~~

**Formatted:** Font: +Body (Calibri), Bold

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

(d) **Adoption of the Capital Improvement Program** - ~~council~~ **City** Council shall adopt the capital improvement plan, with or without amendments, ~~7~~ provided that each amendment must be voted separately and that any increase in the capital improvement plan as submitted must clearly identify and approve the method of financing proposed to accomplish the increase. The proposed capital improvement plan will be published on the **City**'s website upon adoption.

**Formatted:** Font: +Body (Calibri), Bold

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Section 6-7. Long Term Financial Forecast**

**Formatted:** Font: +Body (Calibri)

(a) The **City** Manager shall annually prepare a five-year financial forecast of **City** revenue, expenditures and the general financial condition of the **City**. The forecast shall include, but not

**Comment [SP17]:** The purpose is for the Manager to provide the forecast and the Council to verify that forecast with the audit. There are inherent problems when the auditor is hired by and reports to the Manager. The audit must remain independent and report to the Council.

1 be limited to: (1) an identification of factors which will impact on the financial condition of the  
2 City; (2) revenue and expenditure trends; and (3) potential sources of new or expanded  
3 revenues and any long or short-term actions which may be taken that may enhance the  
4 financial condition of the City. The forecast shall be submitted to the City Council and finance  
5 committee and shall be available to the public for inspection. The long-term financial forecast  
6 shall be published on the City's official website and when updates occur, they shall be posted  
7 in a timely manner.

8  
9 **Section 6-8. Annual Independent Audit**

**Comment [SP18]:** Is "Annual" the appropriate frequency?

10  
11 The City Council shall provide for an independent annual audit of all City accounts and may  
12 provide for more frequent audits as it deems necessary. An independent certified public  
13 accountant or firm of such accountants shall make the audits. The audits should be performed  
14 in accordance with generally-accepted auditing standards and generally-accepted  
15 governmental auditing standards.

**Comment [SP19]:** The purpose of the Council running the audit is to provide a check and balance.

16  
17 The City Council shall designate no fewer than three of its members to serve as an audit  
18 committee. The committee shall:

- 19  
20 1) Lead the process of selecting an independent auditor;
- 21  
22 2) Provide input as needed to the independent auditor to help identify any matters of  
23 concern with respect to internal controls, and  
24
- 25 3) Receive the report of the internal auditor and present that report to the City Council  
26 with any recommendations from the committee.

27  
28 The Council's audit committee shall designate such accountant or firm which shall be ratified  
29 by the City Council for a period not exceeding five years. The designation for a particular fiscal  
30 year shall be made not later than 30 days after the beginning of the fiscal year. The auditor  
31 must be capable of exercising objective and impartial judgment on all issues encompassed  
32 within the audit engagement. An accountant or firm that provides other similar services to the  
33 Town of Bridgewater may not conduct the annual independent audit. If the Commonwealth  
34 makes such an audit, the Council may accept it as satisfying the requirements of this section.

**Formatted:** Font: +Body (Calibri)

35  
36 **Section 6-9. Finance Committee**

37  
38 (a) There shall be a Finance Committee, the number of members and terms of office of which  
39 shall be established by ordinance. The Finance Committee shall report in writing its  
40 recommendations on finance related matters to the City Council. Before preparing its  
41 recommendations, the Finance Committee shall hold one or more public meetings to  
42 permit discussion of finance matters before the City Council, except those matters subject  
43 to public hearings by other multiple-member City bodies and not containing

1 appropriations. The Finance Committee shall have such additional powers and duties as  
2 may be provided by the General Laws, by this Charter or by ordinance.

3  
4 (b) The City Manager or designee shall have ex-officio membership, without voting rights on  
5 the committee. The Finance Committee shall carry out its duties in accordance with the  
6 provisions of general law, this Charter and ordinance and it shall have regular and free  
7 access and inspection rights to all books and accounts of any City department or office.  
8

9 **Section 6-10. Financial Management Standards**

10 The City Council may by ordinance establish reasonable standards relating to the  
11 management of financial systems and practices. Any standards adopted shall conform to  
12 modern concepts of financial management.  
13

14  
15 **Section 6-11. Public Records**

16  
17 Copies of the budget, capital program, independent audits and appropriation and revenue  
18 ordinances shall be public records and shall be published on the City's website.  
19

20 Formatted: Font: +Body (Calibri)

21  
22 **ARTICLE VII- ELECTIONS AND; RELATED MATTERS**

Formatted: Font: +Body (Calibri), Bold

23  
24 **Section 7-1. City Elections**

Formatted: Font: +Body (Calibri), Bold

25  
26 The regular City election of City officers shall be held annually on the Saturday preceding the  
27 last Monday in April.  
28

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

29 **Section 7-2. Non-Partisan Elections**

Formatted: Font: +Body (Calibri), Bold

30  
31 All elections for City offices shall be non-partisan and election ballots shall be printed without  
32 any party mark, emblem or other designation whatsoever  
33

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

34 **Section 7-3. Signature Requirements; Information to Voters; Ballot Position**

Formatted: Font: +Body (Calibri), Bold

35  
36 (a) **Signature Requirements** - The number of signatures of voters required to place the name  
37 of a candidate on the official ballot to be used at an election shall be as follows: For an  
38 office which is to be filled by the voters of the whole City, not less than 150. For an office  
39 which is to be filled by the voters of a district, not less than 100 from such district.  
40

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

**Comment [E120]:** The 2014 CRC recommended changing the required number of signatures to run for a District Town Councilor from 100 to 75... but the TC R&P did not agree

41 (b) **Information to Voters** - If the candidate in a regular City election is an incumbent elected  
42 by the voters to the office to which the candidate seeks election, against the candidate's  
43 name shall appear the phrase "candidate for re-election".  
44

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

1 (c) **Ballot Position** - The order in which names of candidates appear on the ballot for each  
2 office in a regular ~~City~~ election shall be determined by a drawing by lot conducted by the  
3 elected ~~City~~ Clerk. At least 35 days before the date of the election, the ~~City~~ Clerk  
4 shall post in a conspicuous place in the ~~City~~ hall the names and residences of the  
5 candidates for election who have duly qualified as candidates for election. The order of the  
6 names as to appear on the ballot shall be drawn by the ~~City~~ Clerk. In drawing by lot  
7 for position on the ballot the candidates shall have an opportunity to be present in person  
8 or by one representative each.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

#### 10 **Section 7-4. Districts**

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

11  
12 The territory of the ~~City~~ shall be divided into ~~seven~~7 districts so established as to consist of as  
13 nearly an equal number of inhabitants as it is possible to achieve based on compact and  
14 contiguous territory, bounded insofar as possible by the center line of known streets or ways  
15 or by other well defined limits. Each such district shall be composed of ~~one~~1 or more voting  
16 precincts established in accordance with general laws. The ~~City~~ Council shall from time  
17 to time, but at least once in each ~~ten~~10 years, review such districts to ensure their uniformity  
18 in number of inhabitants.

Formatted: Font: +Body (Calibri)

#### 20 **Section 7-5. Application of State Laws**

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

21  
22 Except as expressly provided in the ~~Charter~~Charter and authorized by any general or special  
23 law, all ~~City~~ elections shall be governed by federal, state and local laws relating to the right to  
24 vote, the registration of voters, the nomination of candidates, the conduct of elections, the  
25 submission of charter amendments and other propositions, the counting of votes and the  
26 declaration of results.

Formatted: Font: +Body (Calibri)

### 30 **ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS**

Formatted: Font: +Body (Calibri), Bold

#### 32 **Section 8-1. Citizen Initiative Measures**

33  
34 (a) **Commencement** - Initiative procedures shall be started by the filing of a proposed initiative  
35 petition with the ~~City~~ Clerk. The petition shall be addressed to the ~~City~~ Council, shall  
36 contain a request for the passage of a particular measure which shall be set forth in full in  
37 the petition and shall be signed by at least 50 voters. The petition shall be accompanied by  
38 an affidavit signed by ten voters and containing their residential addresses stating they will  
39 constitute the petitioners' committee and be responsible for circulating the petition and  
40 filing it in proper form. The person whose signature appears first on the affidavit  
41 accompanying such petition petitioner shall be designated as clerk.

42  
43 (b) **Referral to City Attorney** - The ~~City~~ Clerk shall ~~deliver~~ a copy of the petition to the ~~City~~  
44 Attorney ~~within one business day~~. The ~~City~~ Attorney shall, within 15 days following receipt

1 of a copy of the petition, in writing, advise the City Clerk whether the measure as  
2 proposed may lawfully be proposed by the initiative process and whether, in its present  
3 form, it may be lawfully adopted by the own Council. If the opinion of the City Attorney is  
4 that the measure is not in proper form, the reply shall state the reasons for such opinion, in  
5 full. A copy of the opinion of the City Attorney shall also be mailed by the City Clerk to the  
6 clerk of the petitioners' committee.

7  
8 **(c) Submission to City Clerk** - If the opinion of the City Attorney is that the petition is in  
9 proper form, the City Clerk shall provide blank forms for the use of subsequent signers and  
10 shall print at the top of each blank a fair, concise summary of the proposed measure, as  
11 determined by the City Attorney, together with the names and addresses of the first ten  
12 voters who signed the originating petition. Within ten days following the date the blank  
13 forms are issued by the City Clerk the petitions shall be returned and filed with the City  
14 Clerk signed by at least ten percent of the total number of voters as of the date of the most  
15 recent City election. Within ten days following the filing of the petition the Board of  
16 Registrars of voters shall ascertain by what number of voters the petition has been signed  
17 and what percentage that number is of the total number of voters as of the date of the  
18 most recent City election and shall return the petition along with a certificate showing the  
19 results of the examination of the Registrars of voters to the City Clerk. A copy of the  
20 certificate of the Board of Registrars of voters shall also be mailed to the person designated  
21 as clerk of the petitioners' committee.

Comment [TG21]: Removed space

Comment [TG22]: I moved this to be near the relevant section

22  
23 Signatures to an initiative petition need not all be on one paper, but all such papers  
24 pertaining to any one measure shall be fastened together and shall be filed as a single  
25 instrument, with the endorsement thereon of the name and residence address of the  
26 person designated as filing the same. With each signature on the petition there shall also  
27 appear the street and number of the residence of each signer.

28  
29 **(d) Action on Petitions** - Within 30 days following the date a petition has been returned to the  
30 City Clerk and after publication in accordance with section 8.1(e) of this Charter, the City  
31 Council;

- 32 • may pass the measure without alteration, subject to the referendum vote  
33 provided by this Charter or,
- 34 • The City Council shall call a special election to be held on a date fixed by it not less  
35 than 35 nor more than 60 days after the date of the certificate hereinbefore  
36 mentioned and shall submit the proposed measure without alteration to a vote of  
37 the voters at that election; provided, however, that if a City election is otherwise  
38 to occur within 120 days after the date of the certificate, the City Council may, at  
39 its discretion, omit the calling of a special election and submit the proposed  
40 measure to the voters at the approaching election. The ballots used when voting  
41 upon a proposed measure under this section shall state the nature of the measure  
42 in terms sufficient to show the substance thereof as set forth in subsection (f).

1 (e) **Publication** - The full text of any initiative measure which is submitted to the voters shall  
2 be published in a local newspaper, if required by state law, and on the City's official  
3 website not less than seven nor more than 14 days preceding the date of the election at  
4 which the question is to be voted upon. Additional copies of the full text shall be available  
5 for distribution to the public in the office of the City Clerk and on the City's official website.  
6

7 (f) **Form of Question** - The ballots used when voting on a measure proposed by the voters  
8 under this section shall contain a question in substantially the following form:  
9

10 Shall the following measure which was proposed by an initiative petition take effect? (Here  
11 insert a fair, concise summary prepared by the City Attorney.)  
12

13 YES NO  
14

15 (g) **Time of Taking Effect** - If a majority of the votes cast on the question is in the affirmative,  
16 the measure shall be deemed to be effective immediately, unless a later date is specified in the  
17 measure.  
18

19  
20 **Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage**

21  
22 If within ~~10~~ **thirty** days after the final passage of a measure, a petition signed by voters  
23 equal in number to at least ~~five~~ **5** percent of the total number of voters and addressed to the  
24 council ~~City Council~~, protesting against the measure or any part thereof taking effect, is filed  
25 with the ~~elected clerk~~ **City Clerk**, the same shall thereupon and thereby be suspended from  
26 taking effect and the ~~council~~ **City Council**, as the case may be, shall immediately reconsider the  
27 measure or part thereof and if such measure or part thereof is not entirely rescinded, the  
28 council ~~City Council~~ shall submit the same, to a vote of the voters either at the next regular **City**  
29 election or at a special election which may, in its discretion, be called for the purpose and the  
30 measure or part thereof shall forthwith become null and void unless a majority of the voters  
31 voting on the same at the election vote in favor thereof.  
32

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

33 **Section 8-3. Required Voter Participation**

34  
35 For a measure to be effective under the initiative procedure and for any measure to be  
36 declared null and void under a referendum procedure, at least 20 ~~percent~~  
37 vote at an election upon which an initiative or referendum question is submitted to the voters.  
38

39 **Section 8-4. Measures Not Subject to Initiative and Referendum**

40  
41 Measures which include the following subject matter shall not be subject to initiative and  
42 referendum procedures:  
43

- 44 1) Revenue loan orders;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

- 2) Appropriations for the payment of debt or debt service;
- 3) Internal operational procedures of the ~~City~~ Council;
- 4) Emergency measures;
- 5) The ~~City~~ budget as a whole or the School Committee budget as a whole;
- 6) Appropriation of funds to implement a collective bargaining agreement;
- 7) Procedures relating to election, appointment, removal, discharge or other personnel action; and
- 8) Proceedings providing for the submission or referral of a matter to the voters at an election.

**Section 8-5. Submission of Proposed Measure to Voters**

The ~~council~~ ~~City~~ Council may, of its own motion, submit any proposed measure or a proposition for the repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a general or special ~~City~~ election. The ~~council~~ ~~City~~ Council shall also allow for the submissions upon request of the ~~Regional school committee~~ ~~School Committee~~ if a measure originates with the committee and pertains to the affairs under its administration. Such action of the ~~council~~ ~~City~~ Council shall have the same force and effect as are provided herein for submission of the measures on petition by the voters.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

**Section 8-6. Measures with Conflicting Provisions**

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

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

**Section 8-7. Free Petition**

(a) **Individual Petitions, Action Discretionary** - The ~~council~~ ~~City~~ Council shall receive all petitions which are addressed to them and signed by a voter, as certified by the ~~City board of registrars~~ ~~Board of Registrars~~ of voters, or its successor, and may ~~at the discretion of~~ ~~majority vote~~ take such action with regard to the petitions as they deem necessary and appropriate.

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

(b) **Group Petitions; Action Required** - The ~~council~~ ~~City~~ Council shall hold a public hearing and act by taking a vote on the merits of every petition which is addressed to it and is signed by at least 150 voters, as certified by the ~~City~~ Board of Registrars of Voters, or its successor. The hearing shall be held by the ~~council~~ ~~City~~ Council or by a committee or subcommittee

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

1 thereof and the action by the ~~council~~ City Council shall be taken not later than two  
2 months after the petition is filed with the elected ~~clerk~~ City Clerk. Hearings on two or  
3 more petitions filed under this section may be held at the same time and place. The  
4 elected ~~clerk~~ City Clerk shall mail and email, as appropriate, notice of the hearing to the  
5 ten~~10~~ petitioners whose names first appear on each petition at least seven~~7~~ days before  
6 the hearing. Notice by publication shall be made at least seven~~7~~ days before such hearings  
7 shall also be made and shall be at the public expense. No hearing shall be heard upon any  
8 one subject more than once in any given 12 month period. All petitions papers with  
9 signatures shall be filed in the office of elected ~~clerk~~ City Clerk as one instrument on one  
10 date and time.

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Font color Red
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold

## 14 **ARTICLE IX- GENERAL PROVISIONS**

### 16 **Section 9-1. Conflicts of Interest**

17  
18 (a) **Conflicts of Interest** - The use of public office for private gain is prohibited. The ~~council~~ City  
19 Council shall implement this prohibition by ordinance, the terms of which shall include, but not  
20 be limited to:

- 21 1) acting in an official capacity on matters in which the official has a private financial  
22 interest clearly separate from that of the general public;
- 23 2) the acceptance of gifts and other things of value;
- 24 3) acting in a private capacity on matters dealt with as a public official;
- 25 4) the use of confidential information; and
- 26 5) appearances by City officials before other City agencies on behalf of private  
27 interests.

28  
29  
30 This ordinance shall include a statement of purpose and shall provide for reasonable  
31 public disclosure of finances by officials with major decision-making authority over monetary  
32 expenditures and contractual and regulatory matters and, insofar as permissible under state  
33 law, shall provide for fines and imprisonment for violations.

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold, Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight

### 35 **Section 9-2- Prohibitions**

36  
37 (a) **Activities Prohibited** - The following activities are prohibited:

- 38 1) No person shall be appointed to or removed from, or in any way favored or  
39 discriminated against with respect to a City position or appointive City administrative  
40 office because of race, gender, age, sexual orientation, disability, religion, country of  
41 origin or political affiliation;

- Comment [E123]: Reformatted paragraph to improve clarity and readability.
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

1 2) No person shall willfully make a false statement, certificate, mark, rating or report in  
2 regard to a test, certification or appointment under the provisions of this  
3 ~~charter~~Charter or the rules and regulations made there under or in any manner commit  
4 or attempt to commit any fraud preventing the impartial execution of the provisions,  
5 rules and regulations;

6  
7 3) No person who seeks appointment or promotion with respect to a ~~City~~ position or  
8 appointive ~~City~~ administrative office shall directly or indirectly give, render or pay any  
9 money, service or other valuable thing to a person for or in connection with the  
10 applicant or employee's, appointment, proposed appointment, promotion or proposed  
11 promotion.

12  
13 4) During working hours, no ~~City~~ employee shall knowingly or willfully participate in any  
14 aspect of a political campaign on behalf of, or opposition to, a candidate for ~~City~~ office.  
15 This section shall not be construed to limit a person's right to exercise rights as a citizen  
16 to express opinions or to cast a vote, nor shall it be construed to prohibit a person from  
17 active participation in political campaigns at any other level of government.

18  
19 (b) **Penalties** - A person found to be in of a violation of this section shall be ineligible for a  
20 period of ~~five~~5 years following such conviction to hold a ~~City~~ office or position and, if an officer  
21 or employee of the ~~City~~, shall immediately forfeit the employee's office or position. The  
22 ~~council~~~~City~~ Council shall establish by ordinance such further penalties as it may deem  
23 appropriate.

24  
25 **Section 9-3. Campaign Finance**

26  
27 (a) **Disclosure** - The ~~council~~~~City~~ Council shall enact ordinances to protect the ability of ~~City~~  
28 residents to be informed of the financing used in support of, or against, campaigns for locally-  
29 elected office. The terms of the ordinances shall include, but not be limited to, requirements  
30 upon candidates and candidate committees to report in a timely manner to the appropriate  
31 ~~City~~ office: contributions received, including the name, address, employer, and occupation of  
32 each contributor who has contributed \$200 or more; expenditures made; and obligations  
33 entered into by the candidate or candidate committee. In so far as is permissible under general  
34 or special law, the regulations shall also provide for fines and imprisonment for violations. The  
35 ordinance shall provide for convenient public disclosure pursuant to ~~MGL Chapter 55 Section~~  
36 ~~26~~.

37  
38 (b) **Contribution and Spending Limitations** - In order to combat the potential for, and  
39 appearance of, corruption and to preserve the ability of all qualified citizens to run for public  
40 office, the ~~City~~ shall, in so far as is permitted by general or special law and federal law, have  
41 the authority to enact ordinances designed to limit contributions and expenditures by, or on  
42 behalf of, candidates for locally-elected office. Ordinances under this section may include, but  
43 are not limited to: limitations on candidate and candidate committees that affect the amount,

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

1 time, place, and source of financial and in-kind contributions; and, voluntary limitations on  
2 candidate and candidate committee expenditures tied to financial or non-financial incentives.

3  
4 **Section 9-4. Charter Revision or Amendment**

5  
6 (a) **In General** - The Charter~~charter~~ may be replaced, revised or amended in accordance with  
7 any procedure made available by Article LXXXIX of the Amendments to the Constitution of  
8 the Commonwealth of Massachusetts and any general or special law enacted to implement  
9 the constitutional amendment.

10  
11 (b) **Periodic Review** - Not later than the first day of July, at ~~six~~6-year intervals, the ~~council~~City  
12 Council shall provide for a review and propose revisions to the ~~City charter~~Charter. The  
13 review shall be conducted by a special committee ~~to consist of~~ ~~to consist of~~ ~~consisting of~~  
14 ~~seven~~7 residents of the City appointed by the ~~council president~~Council President with the  
15 approval of the ~~council~~City Council. The committee shall file a report within the year  
16 recommending any changes in the ~~charter~~Charter which it may deem to be necessary or  
17 desirable, unless an extension is granted by vote of the ~~council~~City Council.

18  
19 (c) **Continuation of Existing Laws** - All ordinances, resolutions, rules, regulations and votes of  
20 the ~~council~~City Council which are in force at the time this Charter~~charter~~ is adopted, not  
21 inconsistent with the provisions of this Charter~~charter~~, shall continue in full force until  
22 amended or repealed. Where provisions of this Charter~~charter~~ conflict with provisions of  
23 City ordinances, rules, regulations, orders or special acts or acceptances of laws, the  
24 Charter~~charter~~ provisions shall govern. All provisions of City ordinances, rules, regulations,  
25 orders and special acts not superseded by this ~~charter~~Charter shall remain in force.

26  
27  
28 **Section 9-5. Severability**

29  
30 The provisions of this Charter are severable. If any of the provisions of this Charter are held to  
31 be unconstitutional, or invalid, the remaining provisions of this Charter shall not be affected  
32 thereby. If the application of this Charter, or any of its provisions, to any person or  
33 circumstances is held to be invalid, the application of the Charter and its provisions to other  
34 persons or circumstances shall not be affected thereby.

35  
36 **Section 9-6. Rules of Interpretation**

37  
38 The following rules shall apply when interpreting the Charter:

- 39  
40 (a) **Specific Provisions to Prevail** - To the extent that a specific provision of the Charter shall  
41 conflict with any provision expressed in general terms, the specific provision shall prevail;  
42  
43 (b) **Number and Gender** - Words imparting the singular number may extend and be applied to  
44 several persons or things, words imparting the plural number may include the singular.

Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri), Highlight  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri), Bold  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)  
Formatted: Font: +Body (Calibri)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

(c) **References to General Laws** - All references to the general or special laws contained in the Charter refer to the **Massachusetts General Laws** and are intended to include any amendments or revisions to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the Charter; and

(d) **Computation of Time** - Unless otherwise specified by the **Massachusetts** General Laws, in computing time under the Charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted. **The first day shall begin at 12:00am the day following the triggering event.**

**Section 9-7. Removal of Member of Multiple Member Appointed Bodies**

An official appointed by the ~~manager~~City Manager, appointing authority to a multiple-member body, may be removed from office by the City ~~M~~anager, appointing authority if the official fails to attend regularly scheduled meetings for a period of three~~3~~ consecutive meetings~~months~~ without express leave from the ~~chairman~~chair of the multiple member body, unless the ~~manager~~City Manager, appointing authority shall determine otherwise. The appointed official shall be automatically removed from office if the official is convicted of a felony or if the official is absent from the duties for the period of six~~6~~ months following the conviction, notwithstanding the permission from the ~~council president~~Council President to be absent.

A removal shall be accomplished in accordance with the following procedure:

- 1) A written notice of the intent to remove and a statement of the reasons therefore shall be delivered by registered mail to the last known address of the appointed official sought to be removed.
- 2) Within 14 days of delivery of the notice, the appointed official may request a public hearing before the appointing authority,
- 3) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;
- 4) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing;

- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Bold
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Font color Text 1
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Font color Text 1
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri), Highlight
- Formatted: Font: +Body (Calibri)
- Formatted: Font: +Body (Calibri)

- 1 5) Within ~~ten~~40 days after the public hearing is adjourned, the appointing authority may, by a  
 2 majority vote, remove the appointed official for good cause;
- 3
- 4 6) A notice of a decision to remove the appointed official and the reasons therefore shall be  
 5 delivered by registered mail to the last known address of the appointed official;
- 6
- 7 7) Within 14 days of delivery of the notice, the appointed official may request a public hearing  
 8 before the ~~council~~City Council;
- 9
- 10 8) If the appointed official fails to request a public hearing, then the appointed official shall be  
 11 discharged forthwith;
- 12
- 13 9) The appointed official may be represented by private counsel at the hearing and shall be  
 14 entitled to present evidence, to call witnesses and to examine any witness appearing at the  
 15 hearing; and
- 16
- 17 10) Within ~~ten~~40 days after the public hearing is adjourned, the ~~council~~City Council may, by a  
 18 two-thirds vote, reinstate the appointed official, but the appointed official shall otherwise  
 19 be removed. \*\*\*\*

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

21 Nothing (is) in this section shall be construed as granting a right to a hearing when an  
 22 appointed official who has been appointed to a fixed term, is not reappointed when the  
 23 appointed official's original term expires.

24 Nothing in this section shall be construed as granting a right to a hearing when an appointed  
 25 official who has been appointed to a fixed term, is not reappointed when that official's original  
 26 term expires.

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Bold, Font color: Red, Highlight

Formatted: Font: +Body (Calibri), Highlight

Formatted: Font: +Body (Calibri), Highlight

Comment [E124]: Was discussed on 3/18, but not voted on as further discussion is needed. Scott and I will review before next meeting and present further options.

29 **Section 9-8. Posting of Public Documents**

31 The ~~council~~City Council ~~board of selectmen~~ and ~~manager~~City Manager shall ensure that all  
 32 pertinent, public ~~city~~ documents be posted to the ~~city's~~ official website. Examples of these  
 33 documents include, but are not limited to, the following: ~~a~~Administrative ~~e~~Code, audit results,  
 34 budget, financial management policies, ordinances and personnel policies and procedures.

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri), Bold

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

Formatted: Font: +Body (Calibri)

38 **Section 9-9. Enforcement of Charter Provisions**

39 It shall be the duty of the council president to see that the provisions of the charter are  
 40 faithfully followed and complied with by all city agencies and city employees. Whenever it  
 41 appears to the council president that any city agency or city employee is failing to follow any  
 42 provision of this charter the council president shall, in writing, cause notice to be given to  
 43 such agency or employee via the City Manager, directing compliance with the charter. If it

Formatted: Font: +Body (Calibri), Bold, Highlight

Formatted: Font: +Body (Calibri), Bold, Highlight

Formatted: Font: +Body (Calibri), Bold, Highlight

1 shall appear to the city council that the council president personally is not following the  
2 provisions of the charter it shall, by resolution, direct the attention of the council president  
3 to those areas in which the council members believe there is a failure to comply with charter  
4 provisions.

5 The procedures made available in chapter two hundred and thirty-one A of the General Laws  
6 may be used to determine the rights, duties, status or other legal relations arising under this  
7 charter, including any question of construction or validity which may be involved in such  
8 determination.

**Comment [E125]:** Added and discussed on 3/18 but not voted on. Will be reviewed by Ed and Scott before the next meeting and presented again.

**Formatted:** Font: +Body (Calibri)

9  
10  
11  
12 **ARTICLE X- TRANSITIONAL PROVISIONS**

**Formatted:** Font: +Body (Calibri), Bold

13  
14 ~~Section 10-1. Continuation of Existing Laws~~

15  
16 ~~shall be rendered invalid by reason of the adoption of this charter.~~

17  
18 **Section 10-17. Time of Taking Effect**

19  
20 This ~~charter~~Charter shall become fully effective upon ratification by the voters as provided for  
21 by the Massachusetts General Laws except as provided in this section.

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)

22  
23 ~~The appointed position of -clerkCity\_Clerk will be created at the expiration of the elected~~  
24 ~~clerkCity\_Clerk's term or upon a vacancy in the office.~~

**Formatted:** Font: +Body (Calibri), Highlight

**Formatted:** Font: +Body (Calibri), Highlight

**Comment [E126]:** Removed since City Clerk will remain elected

**Formatted:** Font: +Body (Calibri), Highlight

**Formatted:** Font: +Body (Calibri)

**Formatted:** Font: +Body (Calibri)