

1 Voted, to petition the General Court to the end that legislation be adopted
2 precisely as follows. The General Court may make clerical or editorial
3 changes of form only to the bill unless the mayor approves amendments to
4 the bill before enactment by the General Court. The mayor is hereby
5 authorized to approve amendments which shall be within the scope of the
6 public objectives of this petition.

7
8 **AN ACT ESTABLISHING A CHARTER FOR THE CITY OF MEDFORD**

9
10 Be it enacted by the Senate and House of Representatives in General Court
11 assembled, and by the authority of the same as follows:

12
13 SECTION 1. The following shall be the charter for the city of Medford:

14
15 **PREAMBLE**

16
17 We the people of the city of Medford, under the constitution and laws of the
18 Commonwealth of Massachusetts, desiring to manage our own affairs and
19 conduct our local government so that it is accountable, transparent,
20 innovative, stable, ethical, representative, and responsible, and wishing to
21 participate fully in exercising the rights and responsibilities of local
22 government, do adopt and adhere to this charter.

23
24 We aim for a government based upon this charter that will promote equity,
25 inclusivity, civic engagement, and a vibrant, diverse community in which all
26 people have a voice.

27
28 We recognize the fact that we need a government that is responsive and
29 serves residents' needs, and demand that our leaders are principled and
30 professional.

31
32 Our city's rich history, from even before the creation of the ford by the
33 meadow from which Medford draws its name, is complex and significant and
34 we resolve to cultivate a city that learns from that past to meet the promises
35 and challenges of the future.

36
37 **ARTICLE I**
38 **INCORPORATION; SHORT TITLE; DEFINITIONS**

39
40 **SECTION 1-1: INCORPORATION**

41
42 The inhabitants of the city of Medford, within the territorial limits established
43 by law, shall continue to be a municipal corporation, a body corporate and
44 politic, under the name "City of Medford".

1 **SECTION 1-2: SHORT TITLE**

2

3 This instrument shall be known and may be cited as the city of Medford
4 charter.

5

6 **SECTION 1-3: DIVISION OF POWERS**

7

8 The administration of the fiscal, prudential, and municipal affairs of the city
9 of Medford shall be vested in an executive branch headed by a mayor and a
10 legislative branch consisting of a city council. The legislative branch shall
11 never exercise any executive power, and the executive branch shall never
12 exercise any legislative power.

13

14 **SECTION 1-4: POWERS OF THE CITY**

15

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

22

23 **SECTION 1-5: CONSTRUCTION**

24

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

28

29 **SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

30

31 Subject only to express limitations in the constitution or General Laws, the
32 city may exercise any of its powers or perform any of its functions and may
33 participate in the financing thereof, jointly or in cooperation, by contract or
34 otherwise, with the commonwealth or any of its agencies or political
35 subdivisions, or with the United States government or any of its agencies.

36

37 **SECTION 1-7: DEFINITIONS**

38

39 As used in this charter, the following words shall, unless the context clearly
40 requires otherwise, have the following meanings:

41

1. "Charter", this charter and any adopted amendments to it.

42

2. "City", the city of Medford.

43

3. "City agency", any multiple member body, any department,

44

division or office of the city of Medford.

- 1 4. "City office or department head", a person having charge of a
2 city office or department.
- 3 5. "City website", a site established and maintained by the city as
4 its online repository of municipal information, whether on the
5 internet or accessed through another comparable technology.
- 6 6. "District", as appearing in Articles 4 and 7 of this charter shall
7 refer to the election of district school committee; 1 to be elected
8 from the following districts comprised of combined wards within the
9 city of Medford: wards 1 and 7, wards 2 and 3, wards 4 and 5, and
10 wards 6 and 8.
- 11 7. "Emergency", a sudden, generally unexpected occurrence or set
12 of circumstances demanding immediate action.
- 13 8. "Full city council", the entire authorized membership of the city
14 council, notwithstanding any vacancy that exists.
- 15 9. "Full multiple member body", the entire authorized membership
16 of a multiple member body, notwithstanding any vacancy that
17 exists.
- 18 10. "Full school committee", the entire authorized membership
19 of the school committee, notwithstanding any vacancy that exists.
- 20 11. "Initiative measure", a measure proposed by the voters
21 through the initiative process provided under this charter.
- 22 12. "Local newspaper", a newspaper of general circulation
23 within Medford, with either a weekly or daily circulation.
- 24 13. "Majority vote", when used in connection with a meeting of
25 a multiple member body, shall mean a majority of those present
26 and voting, unless another provision is made by ordinance or by
27 such body's own rules; provided, however, that General Laws
28 related to any vote to meet in executive session shall always
29 require a majority of the full multiple member body.
- 30 14. "Measure", any ordinance, order or other vote or
31 proceeding adopted, or which might be adopted, by the city council
32 or the school committee.
- 33 15. "Multiple member body", any council, commission,
34 committee, subcommittee or other body consisting of 2 or more
35 persons, whether elected, appointed or otherwise constituted, but
36 not including the city council, the school committee or an advisory
37 committee appointed by the mayor.
- 38 16. "Organization or reorganization plan", a plan submitted by
39 the mayor to the city council which proposes a change in the
40 organization or the administrative structure of the city
41 administration or organization or a change in the way in which
42 municipal services are delivered.

- 1 17. "Quorum", a simple majority of the members of the public
- 2 body, unless otherwise provided in a general or special law,
- 3 executive order or other authorizing provision.
- 4 18. "Recall", an election to remove an elected official from
- 5 office before the expiration of the term for which elected.
- 6 19. "Referendum measure", a measure adopted by the city
- 7 council or the school committee that is protested under the
- 8 referendum procedures of this charter.
- 9 20. "Remove from the city" or "remove from a ward", when a
- 10 person ceases to be domiciled within the territorial limits of the city
- 11 or a ward.
- 12 21. "Voters", registered voters of the city of Medford.
- 13 22. "Year", a calendar year, unless otherwise specified.

14
15 **ARTICLE II**
16 **LEGISLATIVE BRANCH**

17
18 **SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY**

- 19
- 20 a) There shall be a city council that shall exercise the legislative powers
- 21 of the city. The city council shall consist of 11 members, 1 ward
- 22 councilor nominated and elected by the voters of each of the 8 wards
- 23 of the city and the remaining 3 city council members shall be
- 24 councilors-at-large who shall be nominated and elected by and from
- 25 the voters at large.
- 26
- 27 b) The term of office for councilors shall be 2 years each, beginning on
- 28 the first Monday in the January succeeding the councilor's election,
- 29 except when that first Monday falls on a legal holiday, in which event
- 30 the term shall begin on the following day and shall end when their
- 31 successors have been qualified.
- 32
- 33 c) Any voter shall be eligible to hold the office of councilor-at-large. A
- 34 ward councilor shall be a voter in the ward from which election is
- 35 sought for at least 1 year prior to the date of inauguration. If a ward
- 36 councilor or a councilor-at-large removes from the city during the
- 37 councilor's term, that office shall immediately be deemed vacant and
- 38 filled in the manner provided in section 2-10. A ward councilor who
- 39 removes from the ward in which the councilor was elected and who
- 40 remains a resident of the city may continue to serve during the term
- 41 for which the councilor was elected. The city council shall determine by
- 42 2/3 vote whether a city councilor has removed from the city.

43
44

1 **SECTION 2-2: COUNCIL PRESIDENT AND VICE-PRESIDENT,**
2 **ELECTION; TERM; POWERS**

- 3
- 4 a) Election and Term – As soon as practicable after the councilors-elect
5 have been qualified following each biennial election, as provided in
6 section 9-11, the members of the city council shall annually elect from
7 among its members a city council president.
8
- 9 b) Powers and Duties - The president shall prepare the agenda for city
10 council meetings. The city council president shall preside at all
11 meetings of the city council, regulate its proceedings and shall decide
12 all questions of order. The city council president shall appoint all
13 members of all committees of the city council, whether special or
14 standing. The city council president shall have the same powers to
15 vote upon all measures coming before the city council as any other
16 member of the city council. The city council president shall perform
17 such other duties consistent with the office as may be provided by
18 charter, by ordinance, city council rules or by other vote of the city
19 council.
20
- 21 c) Council Vice-President – The members of the city council shall also
22 elect annually from among its members a city council vice-president
23 who shall serve as acting president during the temporary absence of
24 the city council president. The powers of an acting city council
25 president shall be limited to only those powers of the office
26 indispensably essential to the performance of the duties of the office
27 during the period of such temporary absence and no others.
28
- 29 d) Vacancy – If a vacancy shall occur in the office of city council president
30 the city council shall elect from among its members a city council
31 president who shall serve for the balance of the current term. If a
32 vacancy shall occur in the office of city council vice-president the city
33 council shall elect from among its members a city council vice-
34 president who shall serve for the balance of the current term
35

36 **SECTION 2-3: PROHIBITIONS**

- 37
- 38 a) No member of the city council shall hold any other city office or city
39 employment for which a salary or other emolument is payable from
40 the city treasury. No former member of the city council shall hold any
41 compensated appointed city office or appointed city employment until
42 1 year following the date on which such former member's service on
43 the city council has terminated.
44

- 1 b) Except for the purpose of inquiries and investigations pursuant to
2 section 2-6, the city council shall contact the officers and employees
3 serving under the mayor solely through the mayor, and neither the
4 city council nor any member of the city council shall give orders or
5 directions to any such officer or employee, either publicly or privately.
6

7 **SECTION 2-4: COMPENSATION**

- 8
9 a) The members of the city council shall receive such salary for their
10 services as may from time to time be set by ordinance. No ordinance
11 increasing or decreasing the salary of city councilors shall be effective
12 unless it shall have been adopted by a 2/3 vote during the first 18
13 months of the term for which city councilors are elected and it
14 provides that such salary is to take effect upon the organization of the
15 city government following the next regular municipal election.
16
17 b) Subject to appropriation, the city council members shall be entitled to
18 reimbursement of their actual and necessary expenses incurred in the
19 performance of their duties.
20

21 **SECTION 2-5: EXERCISE OF POWERS; QUORUM; RULES**

- 22
23 a) Except as otherwise provided by law or the charter, all powers of the
24 city shall be vested in the city council, which shall provide for their
25 exercise and for the performance of all duties and obligations imposed
26 upon the city by law.
27
28 b) The city council shall from time to time adopt rules regulating its
29 procedures that shall include, but not be limited to:
30
31 1) Regular meetings of the city council be held at a time and place
32 fixed by ordinance;
33
34 2) Special meetings of the city council to be held at the call of the
35 president or at the call of not less than 3 members, by written
36 notice delivered in hand, via electronic mail or by first class mail to
37 each member; provided, however, that such notice shall contain a
38 listing of the items to be acted upon; provided further, that except
39 in case of an emergency, which shall be determined by the
40 president, such notice shall be delivered not less than 48 hours in
41 advance of the time set for such meeting, excluding Saturdays,
42 Sundays and legal holidays; and provided further, that a copy of
43 the notice to members shall immediately be posted upon the city
44 bulletin boards;
45

- 1 3) All sessions of the city council and of every committee or
2 subcommittee of the city council shall be open to the public unless
3 another provision is allowed by law.
4

5 **SECTION 2-6: ACCESS TO INFORMATION**

6

- 7 a) The city council may request a member of a multiple-member body or
8 a city officer or employee to appear before the city council to give any
9 information that the city council may require in relation to the
10 municipal services, functions and powers or duties which are within the
11 scope of responsibility of that person and not within the jurisdiction of
12 the school committee.
13
- 14 b) The city council may request specific information from the mayor on
15 any municipal matter and may request that the mayor be present to
16 answer written questions relating to that information at a meeting to
17 be held not earlier than 14 days from the date the mayor receives the
18 questions. The mayor shall personally, or through a designee, attend
19 such meeting and respond to the questions. The mayor, or designee,
20 shall not be required to answer questions relating to any other matter.
21
- 22 c) The city council shall give a minimum of 14 days' notice to a person it
23 may request to appear before it under this section. The notice shall
24 include specific questions on which the city council seeks information,
25 and no person called to appear before the city council under this
26 section shall be required to respond to any question not relevant or
27 related to those questions presented in advance and in writing.
28

29 **SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL**

30

- 31 a) The city council shall elect a city clerk to serve for a term of up to 3
32 years. The city clerk shall be the keeper of vital statistics of the city
33 and the custodian of the city seal and of all records of the city. The city
34 clerk shall administer the oath of office to all city officers and shall
35 issue licenses and permits as may be provided by law. The city clerk
36 shall have the powers and duties provided to that office by law, this
37 charter, ordinances or other votes of the city council.
38
- 39 b) Subject to appropriation, the city council may establish additional
40 support positions by ordinance as the city council deems necessary
41 and may appoint staff to serve in those positions. All officials of the
42 city shall cooperate with employees of the city council in the
43 performance of any oversight functions. City council staff shall have

1 such other powers and duties as may be provided for by charter, by
2 ordinance or by other vote of the city council.
3

- 4 c) City council staff appointed under this section shall receive such
5 compensation as may from time to time be provided for such position
6 by ordinance.
7

8 **SECTION 2-8: ORDINANCES AND OTHER MEASURES**

9

- 10 a) No ordinance shall be passed finally on the date it is introduced,
11 except in case of an emergency involving the health or safety of the
12 people or their property or in the case of the unanimous vote of the
13 city council. No ordinance shall be regarded as an emergency
14 ordinance unless the emergency is defined and declared in a preamble
15 to the ordinance, separately voted upon and receives the affirmative
16 vote of not less than 8 members of the city council. An emergency
17 ordinance shall be repealed after the expiration of 60 days following its
18 adoption unless an earlier date is specified in the measure, or another
19 measure passed under this section extends the original emergency
20 ordinance.
21

- 22 b) The city council may pass a measure through all of its stages at one
23 meeting, except for proposed ordinances, appropriation orders and
24 loan authorizations, if no member of the city council shall object;
25 provided, however, that if a single member objects, a vote on the
26 measure shall be postponed to the next meeting of the city council. If
27 a member objects to the taking of a vote on the first occasion that the
28 question of adopting any measure is put to the city council, except an
29 emergency ordinance under subsection (a), the vote shall be
30 postponed until the next regular or special meeting of the city council.
31 This procedure shall not be used more than once for any measure
32 notwithstanding any amendments made to the original measure.
33

- 34 c) Every introduced ordinance, appropriation order or loan authorization,
35 except an emergency ordinance, shall be posted on the city bulletin
36 board and city website and made available in the office of the city
37 clerk. After final passage it shall be posted on the city bulletin board
38 and city website and otherwise published and made public as may be
39 required by ordinance.
40

41 **SECTION 2-9: CITY COUNCIL CONFIRMATION OF CERTAIN** 42 **APPOINTMENTS**

43

44 The mayor shall refer to the city council, and simultaneously file with the city
45 clerk the name of each person the mayor desires to appoint as a member of

1 a multiple-member body. Appointments made by the mayor shall become
2 effective on the 30th day after the date on which notice of the proposed
3 appointment was filed with the city clerk unless rejected by a 2/3 vote of the
4 city council within the 30 days, such rejection shall not be unreasonably
5 withheld. The question on rejection of any appointment made by the mayor
6 shall not be subject to the procedure of objection provided in section 2-8(b)
7 of the charter.

8 **SECTION 2-10: FILLING OF VACANCIES**

- 9
- 10
- 11 a) If a vacancy shall occur in the office of councilor-at-large, the vacancy
12 shall be filled in descending order of votes received by the candidate
13 for the office of councilor-at-large at the preceding city election who
14 received the highest number of votes without being elected and who
15 received not less than 30 percent of the total votes cast for the
16 candidate with the highest number of votes for the office of councilor-
17 at-large, if that person remains eligible and willing to serve as
18 councilor-at-large. The city clerk shall certify this candidate to the
19 office of councilor-at-large to serve for the balance of the unexpired
20 term.
- 21
- 22 b) If a vacancy shall occur in the office of ward councilor, the vacancy
23 shall be filled in descending order of votes received by the candidate
24 for the office of ward councilor in the ward in which the vacancy occurs
25 at the preceding city election who received the highest number of
26 votes without being elected and who received not less than 30 percent
27 of the total votes cast for the candidate with the highest number of
28 votes for the office of ward councilor in the ward, if that person
29 remains eligible and willing to serve as ward councilor. The city clerk
30 shall certify this candidate to the office of ward councilor to serve for
31 the balance of the unexpired term.
- 32
- 33 c) If a vacancy shall occur in the office of councilor-at-large or in that of
34 ward councilor and there is no available candidate to fill the vacancy in
35 the manner provided in subsection (a) or (b), the remaining members
36 of the city council shall elect a person to fill the vacancy. The notice of
37 the meeting to fill the vacancy must be posted at least 10 days in
38 advance of the meeting. A person elected by the city council to fill a
39 vacancy shall serve until the next regular election, at which time the
40 vacancy shall be filled by the voters and the person chosen to fill the
41 vacancy shall immediately be sworn and shall serve for the remainder
42 of the unexpired term in addition to the term for which the person is
43 elected.
- 44

- 1 d) No vacancy shall be filled under this section if a regular city election is
2 to be held within 120 days following the date the vacancy is declared
3 to exist. A person serving as a councilor under this section shall not be
4 entitled to have the words "candidate for re-election" printed against
5 the person's name on the election ballot.
6

7 **ARTICLE III**
8 **EXECUTIVE BRANCH**
9

10 **SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;**
11 **COMPENSATION; PROHIBITIONS**
12

- 13 a) The chief executive officer of the city shall be a mayor, elected by and
14 from the voters of the city at large. Any voter shall be eligible to hold
15 the office of mayor. The mayor shall devote full time to the office and
16 shall not hold any other elective public office, nor shall the mayor be
17 engaged in any other business, occupation, or profession during the
18 period of service as mayor.
19
- 20 b) The term of office of the mayor shall be 4 years beginning on the first
21 Monday in the January succeeding the mayor's election, except when
22 that first Monday falls on a legal holiday, in which event the term shall
23 begin on the following day and shall end when a successor has been
24 qualified.
25
- 26 c) No person shall be elected to the office of mayor for more than 4
27 consecutive terms.
28
- 29 d) The city council shall, by ordinance, establish compensation for the
30 mayor. No ordinance increasing or decreasing the compensation of the
31 mayor shall be effective unless it has been adopted by a 2/3 vote of
32 the full city council. No ordinance increasing or decreasing the
33 compensation of the mayor shall be effective unless it has been
34 adopted during the first 36 months of the term for which the mayor is
35 elected and unless it provides that the compensation increase or
36 decrease is to take effect upon the organization of the city government
37 following the next regular city election.
38
- 39 e) No former mayor shall hold any compensated appointed city office or
40 city employment at least 1 year following the date on which said
41 mayor leaves office.
42
43
44
45

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

- 1
2
3 a) The executive powers of the city shall be vested solely in the mayor
4 and may be exercised by the mayor either personally or through the
5 several city agencies under the general supervision and control of the
6 office of the mayor. The mayor shall cause the charter, the laws, the
7 ordinances and other orders for the government of the city to be
8 enforced and shall cause a record of all official acts of the executive
9 branch of the city government to be kept.
10
11 b) The mayor shall exercise general supervision and direction over all city
12 agencies, unless otherwise provided by law or the charter. Each city
13 agency shall furnish to the mayor, forthwith upon request, any
14 information, materials or otherwise as the mayor may request and as
15 the needs of the office of mayor and the interest of the city may
16 require.
17
18 c) The mayor shall be, by virtue of the office, a member of every
19 multiple-member body of the city. The mayor shall have a right, as
20 such ex officio member, to attend any meeting of any multiple-
21 member body of the city, at any time, including so-called executive
22 sessions, to participate in the discussions, to make motions and to
23 exercise every other right of a regular member of such body, but not
24 including the right to vote.
25

SECTION 3-3: APPOINTMENTS BY THE MAYOR

- 26
27
28 a) The mayor shall appoint, subject to the review of such appointments
29 by the city council under section 2-9, all city officers and department
30 heads and the members of multiple-member bodies for whom no other
31 method of appointment or selection is provided by the charter. All
32 appointments to multiple-member bodies shall be in accordance with
33 section 2-9. Upon the expiration of the term of a member of a
34 multiple-member body, a successor shall be appointed in like manner.
35 The mayor shall fill a vacancy for the remainder of the unexpired term
36 of a member of any multiple-member body.
37
38 b) All persons classified as department heads, except the city clerk, shall,
39 subject to the consent of the mayor, appoint, promote, and discipline
40 all assistants, subordinates, and other employees of the agency for
41 which that person is responsible. All appointments and promotions
42 made or approved by the mayor shall be made based on merit and
43 fitness demonstrated by examination, past performance or by other
44 evidence of competence and suitability. Each person appointed to fill
45 an office or position shall be a person especially fitted by education,

1 training, and previous work experience to perform the duties of the
2 office or position for which the person is chosen.

3 4 **SECTION 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS**

5
6 The mayor may, in writing, remove or suspend any city officer or the head of
7 any city department appointed by the mayor by filing a written statement
8 containing the effective date of the removal or suspension and the office or
9 officer affected, with the city clerk.

10 11 **SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES**

- 12
13 (a) If a temporary or permanent vacancy occurs in a city office and
14 the needs of the city require that the office be filled, the mayor may
15 designate the head of another city agency, a city officer, a city
16 employee or some other person to perform the duties of the office on
17 a temporary basis until the position can be filled as otherwise provided
18 by law or by this charter. If a person is designated under this section,
19 the mayor shall file a certificate with the city clerk in substantially the
20 following form:

21
22 I designate (name of person) to perform the duties of the
23 office of (designate office in which vacancy exists) on a
24 temporary basis until the office can be filled by (here set
25 out the regular procedure for filling the vacancy or when
26 the regular officer shall return). I certify that said person
27 is qualified to perform the duties that will be required and
28 that I make this designation solely in the interests of the
29 city of Medford.

- 30
31 (b) A person serving as a temporary officer under this section shall
32 have only those powers of the office essential to the performance of
33 the duties of the office during the period of the temporary
34 appointment. Notwithstanding any general or special law to the
35 contrary, no temporary appointment shall be for more than 180 days;
36 provided, however, that 1 extension of not more than 120 days of a
37 temporary appointment may be made when a permanent vacancy
38 exists in the office.

39 40 **SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS**

- 41
42 (a) Within 12 weeks following the start of each fiscal year the mayor
43 shall submit to the city council, and make available for public
44 distribution, a complete report on the financial and administrative

1 activities of the city for the preceding fiscal year. The mayor shall,
2 from time to time throughout the year, by written communications,
3 recommend to the city council for its consideration such measures as,
4 in the judgment of the mayor, the needs of the city require. The mayor
5 shall, from time to time throughout the year by written
6 communications, keep the city council fully informed of the financial
7 and administrative condition of the city and shall specifically indicate in
8 any such reports any fiscal, financial or administrative problems of the
9 city.

- 10
11 (b) The mayor may call a special meeting of the city council for any
12 purpose. Notice of the meeting shall, except in an emergency, require
13 written notice delivered in hand, via electronic mail or by first class
14 mail to each member; provided, however, that such notice shall
15 contain a listing of the items to be acted upon; provided further, that
16 except in case of an emergency, which shall be determined by the
17 mayor, such notice shall be delivered not less than 48 hours in
18 advance of the time set for such meeting, excluding Saturdays,
19 Sundays and legal holidays; and provided further, that a copy of the
20 notice to members shall immediately be posted upon the city bulletin
21 boards.
22

23 **SECTION 3-7: APPROVAL OF CITY MAYOR, VETO**

24
25 Every order, ordinance, or vote adopted or passed by the city council
26 relative to the affairs of the city, except resolutions, the selection of city
27 officers by the city council and any matters relating to the internal affairs of
28 the city council, shall be presented to the mayor for approval. If the mayor
29 approves of a measure, the mayor shall sign it. If the mayor disapproves of
30 a measure, the mayor shall return the measure with the specific reasons for
31 the disapproval attached to it, in writing, to the city council. The city council
32 shall enter the objections of the mayor on its records and shall reconsider
33 the measure not less than 10 but not more than 30 days from the date of
34 the measure is returned. If the city council shall again pass the order,
35 ordinance or vote by a 2/3 vote of the full city council, it shall then take
36 effect notwithstanding the objections of the mayor. If the mayor has neither
37 signed a measure nor returned it to the city council within 10 days following
38 the date it was presented to the mayor, the measure shall take effect.
39

40 **SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR**

- 41
42 (a) Whenever, the mayor is unable to perform the duties of the
43 office, the president of the city council shall serve as acting mayor or,
44 if the city council president is unable or unwilling to serve, the city

1 council shall elect, by majority vote, one of its members to serve as an
2 acting mayor. The city council, by unanimous vote of the entire
3 membership, may determine whether the mayor is unable to perform
4 the duties of the office. The mayor may of their own authority declare
5 themselves temporarily unable to perform the duties of the office.
6 Notwithstanding any general or special law to the contrary, the vote
7 shall be taken in public session by a roll call vote. The mayor may at
8 any point declare themselves able to perform the duties of office.
9

- 10 (b) The acting mayor shall have only those powers of the mayor as
11 are indispensable and essential to conduct the business of the city in
12 an orderly and efficient manner and on which action may not be
13 delayed. The acting mayor shall have no authority to make a
14 permanent appointment or removal from city service unless the
15 absence of the mayor shall extend beyond 60 days, nor shall an acting
16 mayor approve or disapprove of any measure adopted by the city
17 council unless the time within which the mayor must act would expire
18 before the return of the mayor. During any period in which any
19 member of the city council is serving as acting mayor, such councilor
20 shall not vote as a member of the city council.
21

22 **SECTION 3-9: DELEGATION OF AUTHORITY BY THE MAYOR**

23
24 The mayor may authorize a subordinate officer or employee of the city to
25 exercise a power or perform a function or a duty which is assigned by this
26 charter, or otherwise, to the mayor and the mayor may rescind or revoke an
27 authorization previously made; provided, however, that all acts performed
28 under any such delegation of authority during the period of authorization
29 shall be and remain the acts of the mayor. Nothing in this section shall be
30 construed to authorize a mayor to delegate the powers and duties of a
31 school committee member, the power of appointment to city office or
32 employment or to sign or return measures approved by the city council.
33

34 **SECTION 3-10: VACANCY IN THE OFFICE OF THE MAYOR**

- 35
36 (a) If a vacancy in the office of mayor occurs during the first 34
37 months of the term for which the mayor is elected, the city council
38 shall forthwith order a special election to be held within 90 days
39 following the date the vacancy is created, to fill such vacancy for the
40 balance of the remaining term. If a regular city election is to be held
41 within 180 days following the date the vacancy is created, a special
42 election need not be held and the position shall be filled by vote at
43 such regular election The person elected shall serve for the balance of

1 the remaining term. An acting mayor as provided in Section 3-8 shall
2 serve until such special or regular municipal election.
3

- 4 (b) If a vacancy in the office of mayor occurs in the last 14 months
5 of the term to which the mayor is elected, the president of the city
6 council shall serve as acting mayor and if the city council president is
7 unable or unwilling to serve, the city council shall elect one of its
8 members to serve as acting mayor. A majority vote of the city council
9 shall be required to elect a mayor from among the members of the city
10 council. Upon the election of a member of the city council as the
11 mayor, under this section, a vacancy shall exist in that city council
12 seat which shall be filled in the manner provided in section 2-10. Any
13 person serving as mayor under this subsection shall not be subject to
14 the restrictions contained in the second sentence of section 3-1(a), nor
15 shall such person be entitled to have the words "candidate for re-
16 election" printed against their name on the election ballot.
17

18 **ARTICLE IV** 19 **SCHOOL COMMITTEE**

20 21 **SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY**

- 22
23 (a) The school committee shall consist of 7 members: 2 members
24 elected at large by the voters of the city; and 1 each elected from the
25 following districts comprised of combined wards within the city: wards
26 1 and 7, wards 2 and 3, wards 4 and 5, and wards 6 and 8. The mayor
27 shall serve as the 7th member of the school committee and will serve
28 as chair.
29
- 30 (b) The term of office for school committee members shall be 2
31 years each, beginning on the first Monday in the January succeeding
32 the member's election, except when that first Monday falls on a legal
33 holiday, in which event the term shall begin on the following day and
34 shall end when their successors have been qualified.
35
- 36 (c) Any voter shall be eligible to hold the office of school committee
37 member at-large. A district school committee candidate shall be a
38 voter in the district from which election is sought.
39
- 40 (d) If any school committee member removes from the city during
41 the school committee member's term, that office shall immediately be
42 deemed vacant and filled in the manner provided in section 4-6. A
43 district school committee member who removes from the district in
44 which the school committee member was elected and who remains a

1 resident of the city may continue to serve during the term to which the
2 remainder of the school committee member was elected. The school
3 committee shall determine by 2/3 vote whether a school committee
4 member has removed from the city.
5

6 **SECTION 4-2: SCHOOL COMMITTEE ORGANIZATION; CHAIR, VICE**
7 **CHAIR AND CLERK (SECRETARY)**
8

9 (a) Immediately prior to the first regular committee meeting in
10 January or as soon as practical after school committee members-elect
11 have been qualified following each regular city election, the school
12 committee members shall choose from amongst their membership a
13 vice chair and secretary (clerk) who will each serve for 1 year.
14

15 (b) With the assistance of the superintendent of schools, the chair
16 shall prepare the agenda for the school committee meetings. The chair
17 shall preside over all regular meetings of the school committee,
18 regulate its proceedings, and decide all questions of order. The chair
19 shall appoint members to various subcommittees after seeking each
20 member's views regarding interest and availability. The chair will have
21 the same powers to vote upon measures coming before the school
22 committee as any other member of the school committee. The school
23 committee chair shall perform such other duties consistent with the
24 office as may be provided by charter, by ordinance or by other vote of
25 the school committee. The vice chair shall preside in the absence of
26 the chair.
27

28 (c) The secretary shall record the votes taken at regular school committee
29 meetings. The secretary shall oversee and approve the bills of the
30 school department unless the school committee votes to form a
31 subcommittee expressly for reviewing the bills.
32

33 **SECTION 4-3: PROHIBITIONS**
34

35 No member of the school committee shall hold any other city office or city
36 employment for which a salary or other emolument is payable from the city
37 treasury. No former member of the school committee shall hold any
38 compensated appointed city office or city employment until at least 1 year
39 after the date on which the member's service on the school committee has
40 ended; provided, however, that a city officer or other city employee who has
41 vacated a position in order to serve as a member of the school committee
42 may return to the same office or position of city employment held at the
43 time the position was vacated if it has remained vacant but shall not be
44 eligible for any other municipal position until at least 1 year after the end of
45 service as a member of the school committee.

1 **SECTION 4-4: COMPENSATION**

2
3 The members of the school committee shall receive such salary for their
4 services as may from time to time be set by ordinance. No ordinance
5 increasing or decreasing the salary of school committee members shall be
6 effective unless it shall have been adopted by a 2/3 vote of the city council
7 during the first 18 months of the term for which school committee members
8 are elected and it provides that such salary is to take effect upon the
9 organization of the city government following the next regular municipal
10 election.

11
12 **SECTION 4-5 POWERS AND DUTIES**

- 13
14 a) The school committee shall have all powers which are conferred on
15 school committees by the General Laws and the additional powers and
16 duties provided by charter, ordinance or otherwise and not inconsistent
17 with the General Laws.
18
- 19 b) The school committee shall exercise the following powers and perform
20 the following duties, and no individual member is empowered to act
21 unless by vote of the school committee:
22
- 23 1) Selection, evaluation, and removal of a superintendent of
24 schools who shall be charged with the administration of the
25 school system, subject only to policy guidelines and directives
26 adopted by the school committee and, upon the
27 recommendation of the superintendent, to establish and appoint
28 assistant or associate superintendent(s), business manager(s),
29 director(s) of special education, and nurses as authorized by the
30 General Laws.
31
- 32 2) Making all reasonable rules and regulations for the management
33 of the public school system and for conducting the business of
34 the school committee as deemed necessary or desirable;
35 including but not limited to determining the hours and sessions
36 of the public schools, establishing rates of tuition for non-
37 resident pupils, and participating in negotiations in accordance
38 with the General Laws of the Commonwealth of Massachusetts.
39
- 40 3) Adopting and overseeing the administration of an annual
41 operating budget for the school department, subject to
42 appropriation by the city council; provided, however, that the
43 school committee shall have general charge and superintendence
44 of all school buildings and grounds and shall furnish all school
45 buildings with proper fixtures, furniture and equipment.

SECTION 4-6: FILLING OF VACANCIES

- 1
- 2
- 3 a) If a vacancy shall occur in the office of school committee at-large, the
- 4 vacancy shall be filled in descending order of votes received by the
- 5 candidate for the office of school committee at-large at the preceding
- 6 city election who received the highest number of votes without being
- 7 elected and who received not less than 30 percent of the total votes
- 8 cast for the candidate with the highest number of votes for the office of
- 9 school committee at-large, if that person remains eligible and willing to
- 10 serve as school committee at-large. The city clerk shall certify this
- 11 candidate to the office of school committee at-large to serve for the
- 12 balance of the unexpired term.
- 13
- 14 b) If a vacancy shall occur in the office of district school committee
- 15 member, the vacancy shall be filled in descending order of votes
- 16 received by the candidate for the office of district school committee in
- 17 the district in which the vacancy occurs at the preceding city election
- 18 who received the highest number of votes without being elected and
- 19 who received not less than 30 percent of the total votes cast for the
- 20 highest vote getter for the office of district school committee in the
- 21 district, if that person remains eligible and willing to serve as district
- 22 school committee. The city clerk shall certify this candidate to the
- 23 office of ward councilor to serve for the balance of the unexpired term.
- 24
- 25 c) If a vacancy shall occur in the office of school committee at-large or in
- 26 that of district school committee member and there is no available
- 27 candidate to fill the vacancy in the manner provided in subsection (a)
- 28 or (b), the remaining members of the school committee and the city
- 29 council shall meet in joint session to elect a person to fill the vacancy.
- 30 The notice of the meeting to fill the vacancy must be posted at least
- 31 10 days in advance of the meeting. A person elected by the school
- 32 committee and city council to fill a vacancy shall serve until the next
- 33 regular election, at which time the vacancy shall be filled by the voters
- 34 and the person chosen to fill the vacancy shall immediately be sworn
- 35 and shall serve for the remainder of the current term in addition to the
- 36 term to which elected. No vacancy shall be filled under this section if a
- 37 regular city election is to be held within 120 days following the date
- 38 the vacancy is declared to exist. A person serving as a school
- 39 committee member under this section shall not be entitled to have the
- 40 words "candidate for re-election" printed against the person's name on
- 41 the election ballot.
- 42
- 43
- 44

1 **ARTICLE V**
2 **ADMINISTRATIVE ORGANIZATION**

3
4 **SECTION 5-1: ORGANIZATION OF CITY AGENCIES**

5
6 The organization of the city into agencies to provide services and administer
7 the government may be accomplished only through an administrative order
8 submitted to the city council by the mayor. No administrative order may
9 originate with the city council. The mayor may, subject only to express
10 prohibitions of a general law or this charter, submit proposals to reorganize,
11 consolidate or abolish any agency, in whole or in part, or to establish a new
12 agency as is deemed necessary, establish terms of office and prescribe the
13 functions and administrative procedures to be followed by all such agencies.
14 No function assigned by this charter to a particular agency may be
15 discontinued or assigned to any other agency unless specified by this
16 charter. The mayor may prepare and submit to the city council
17 administrative orders that establish agencies for the orderly, efficient, or
18 convenient conduct of the business of the city. These administrative orders
19 shall be accompanied by a message from the mayor which explains the
20 expected benefits and advises the city council if an administrative order shall
21 require amendments, insertions, revisions, repeal or otherwise of existing
22 ordinances. Whenever the mayor proposes an administrative order, the city
23 council shall hold 1 or more public hearings on the proposal giving notice by
24 publication in a local newspaper and on the city's website, which notice shall
25 describe the scope of the proposal and the time and place at which the
26 public hearing will be held, not less than 7 nor more than 14 days following
27 the publication. An organization or reorganization plan shall become effective
28 at the expiration of 60 days following the date the proposal is submitted to
29 the city council unless the city council shall, by a majority vote, within that
30 60-day period, vote to disapprove the plan. The city council may vote only to
31 approve or to disapprove the plan and may not vote to amend or to alter it.

32
33 **SECTION 5-2: MERIT PRINCIPLES**

34
35 All appointments and promotions of city officers and employees shall be
36 made on the basis of merit and fitness demonstrated by examination, past
37 performance or by other evidence of competence and suitability. Each
38 person appointed to fill an office or position shall be a person especially
39 fitted by education, training and previous work experience to perform the
40 duties of the office or position.

41
42
43
44

1 **ARTICLE VI**
2 **FINANCIAL PROCEDURES**

3
4 **SECTION 6-1: FISCAL YEAR**

5
6 The fiscal year of the city shall begin on July 1 and shall end on the last day
7 of June, unless another period is required by general law.

8
9 **SECTION 6-2: ANNUAL BUDGET MEETING**

10
11 On or before February 15th, the mayor shall call a joint meeting of the city
12 council and school committee before the commencement of the budget
13 process to review the financial condition of the city and share relevant
14 information.

15
16 **SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET**
17 **MESSAGE**

18
19 Not less than 45 days before the beginning of the fiscal year, the mayor
20 shall submit to the city council a proposed operating budget for all city
21 agencies, which shall include the budget as approved by the school
22 committee, for the ensuing fiscal year with an accompanying budget
23 message and supporting documents. The budget message submitted by the
24 mayor shall explain the operating budget in fiscal terms and in terms of work
25 programs for all city agencies. It shall outline the proposed fiscal policies of
26 the city for the ensuing fiscal year, describe key features of the proposed
27 operating budget and indicate any major variations from the current
28 operating budget, fiscal policies, revenues, and expenditures, together with
29 reasons for such changes. The proposed operating budget shall provide a
30 complete fiscal plan of all city funds and activities and shall be in the form
31 the mayor deems desirable. The school budget, as adopted by the school
32 committee, shall be submitted to the mayor within a reasonable time before
33 the submission of the proposed operating budget to the city council. The
34 mayor shall notify the school committee of the date by which the budget of
35 the school committee shall be submitted to the mayor. The mayor and the
36 school superintendent shall coordinate the dates and times of the school
37 committee's budget process.

38
39 **SECTION 6-4: ACTION ON THE OPERATING BUDGET**

- 40
41 a) The city council shall publish in at least one local news publication of
42 general circulation in the city a notice of the proposed operating budget
43 as submitted by the mayor. The notice shall state: (i) the times and
44 places where copies of the entire proposed operating budget are

1 available for inspection by the public; and (ii) the date, time and place,
2 not less than 14 days after its publication, when a public hearing on the
3 proposed operating budget will be held by the city council.
4

5 b) The city council shall adopt the operating budget, with or without
6 amendments, not more than 30 days following the date the budget is
7 filed with the city clerk. In amending the operating budget, the city
8 council may delete or decrease any amounts except expenditures
9 required by law. The city council, except on the recommendation of the
10 mayor, shall not increase any item in or the total of the proposed
11 operating budget unless otherwise authorized by law. If the city council
12 fails to act on an item in the operating budget within 30 days after
13 receipt of the budget, that amount shall, without any action by the city
14 council, become a part of the appropriations for the upcoming fiscal year
15 and shall be available for the purposes specified.
16

17 c) In addition to any other posting requirements under law, immediately
18 after the submission of the proposed budget to the city council, the
19 mayor shall cause the entire budget document to be posted on the city's
20 website, such posting shall be prominently labeled as "Proposed FY
21 ___Budget". Said proposed budget document shall remain posted
22 during the city council review process contained in this article. After the
23 enactment of the budget, it shall be posted on the city's website and
24 prominently labeled as "FY ___Budget" and shall remain there
25 throughout the fiscal year for which it is in effect. Said budget document
26 shall reflect any amendments made by the city council and approved by
27 the mayor.
28

29 **SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM**

30

31 a) The mayor shall submit a capital improvement program to the city
32 council at least 120 days before the start of each fiscal year. The capital
33 improvement program shall include:
34

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

1 b) The city council shall publish in at least one newspaper of general
2 circulation in the city, and on the city's website, a notice stating: (1) the
3 times and places where entire copies of the capital improvements
4 program are available for inspection by the public; and, (2) the date,
5 time and place not less than 14 days after such publication, when a
6 public hearing on said plan will be held by the city council.
7

8 c) At any time after the public hearing but before the first day of the last
9 month of the current fiscal year, the city council shall by resolution adopt
10 the capital improvements program with or without amendment,
11 provided that each amendment must be voted separately and that any
12 increase in the capital improvements program as submitted must clearly
13 identify the method of financing proposed to accomplish such increase.
14

15 **SECTION 6-6: INDEPENDENT AUDIT**

16
17 The city shall annually provide for an outside audit of the books and
18 accounts of the city to be conducted by a certified public accountant or a
19 firm of certified public accountants, which has no personal interest, direct or
20 indirect, in the fiscal affairs of the city or any of its officers. The mayor shall
21 annually provide a sum sufficient to satisfy the estimated cost of conducting
22 the audit. The report of the audit shall be filed in final form and published on
23 the city website. At least every 5 years, the city shall conduct a competitive
24 procurement process to retain auditing services.
25

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

27
28 Except as otherwise provided by law, no official shall knowingly and
29 intentionally expend in any fiscal year any sums in excess of the
30 appropriations duly made in accordance with law or involve the city in any
31 contract for the future payment of money in excess of these appropriations
32 and any such expenditure or involvement shall be in strict compliance with
33 section 31 of chapter 44 of the General Laws. An official who violates this
34 section shall be personally liable to the city for any amounts so expended to
35 the extent that the city does not recover these amounts from the person to
36 whom the sums were paid.
37

38 **ARTICLE VII** 39 **ELECTIONS**

40 41 **SECTION 7-1: PRELIMINARY ELECTIONS**

42
43 A preliminary election to nominate candidates for mayor, councilor-at-large,
44 ward city councilor, and at large and district school committee members

1 shall be held on the second Tuesday in September in each odd-numbered
2 year in which the candidates are to be elected, but the city clerk may, with
3 the approval of the city council, reschedule the preliminary election to the
4 fourth Tuesday in September to avoid a conflict with any civic or religious
5 holiday. Whenever a special election to fill a vacancy is to be held, a
6 preliminary election shall be conducted, if necessary, 28 days before the
7 date established for the special election; provided, however, that a
8 preliminary election to fill a vacancy for ward councilor shall be held only in
9 the affected ward, and in the case of a district school committee, in the
10 wards comprising such district.

11 **SECTION 7-2: PRELIMINARY ELECTION PROCEDURES**

- 12
- 13
- 14 a) The number of signatures of voters required to place the name of a
15 candidate on the official ballot to be used at a preliminary election
16 shall be as follows: for the office of mayor, not less than 150 certified
17 signatures; for any other office elected at large, not less than 100
18 certified signatures; for the office of ward councilor, not less than 50
19 certified signatures; for the office of district school committee, not less
20 than 50 certified signatures; provided, however, that the signatures
21 for the office of ward councilor shall be from voters in the ward for
22 which the councilor shall be elected, and the signatures for district
23 school committee members shall be from voters in the wards
24 comprising such district. Signatures of voters shall be made on a form
25 prescribed by the registrars of voters and shall be made available not
26 earlier than April 2 in each city election year and those forms shall be
27 submitted to the registrars of voters for certification of the names on
28 or before the 14th day preceding the date fixed for submission to the
29 city clerk. The forms shall be submitted to the city clerk on or before
30 5:00 in the afternoon on the 45th day prior to the declared date of the
31 preliminary election. An individual may appear on the ballot for only
32 one office at any preliminary, regular or special city election.
33
- 34 b) The order in which names of candidates for each office appear on the
35 ballot shall be determined by a drawing, by lot, conducted by the city
36 clerk at least 40 days before the preliminary election. The drawing
37 shall be open to the public.
38
- 39 c) The 2 persons who receive the highest number of votes for nomination
40 for an office at the preliminary election shall, except as provided by
41 this section be the sole candidates for that office whose names shall be
42 printed on the official ballot to be used at the regular or special city
43 election at which the office is to be voted upon and no acceptance of a
44 nomination shall be necessary to its validity. If 2 or more persons are

1 to be elected to the same office at the regular or special city election,
2 the several persons equal in number to twice the number to be
3 elected, receiving at such preliminary election the highest number of
4 votes for nomination for that office shall, except as provided by this
5 section, be the sole candidates for that office whose names shall be
6 printed on the official ballot. If the preliminary election results in a tie
7 vote among candidates for nomination receiving the lowest number of
8 votes which would entitle a person receiving the same to have that
9 person's name printed on the official ballot for the election, all
10 candidates participating in the tie vote shall have their names printed
11 on the official ballots, although in consequence thereof there shall be
12 printed on the ballots the names of candidates exceeding twice the
13 number to be elected.
14

- 15 d) If at the expiration of the time for filing statements of candidates to be
16 voted for at any preliminary election, not more than twice as many
17 such statements have been filed with the city clerk for an office as are
18 to be elected to such office, the candidates whose statements have
19 thus been filed shall be deemed to have been nominated to the office
20 and those candidates shall be voted on for such office at the regular or
21 special city election and the city clerk shall not print those names on
22 the ballot to be used at the preliminary election and no other
23 nomination to the office shall be made. If in consequence it shall
24 appear that no names are to be printed upon the official ballot to be
25 used at a preliminary election in the city, no preliminary election shall
26 be held for such office or offices.
27

28 **SECTION 7-3 REGULAR CITY ELECTION**

29
30 The regular city election shall be held on the first Tuesday following the first
31 Monday in November in each odd-numbered year.
32

33 **SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION**

34
35 The order in which names of candidates for each office appear on the ballot
36 shall be determined by a drawing, by lot, conducted by the city clerk not
37 later than 7 days after the certification of the preliminary election results. If
38 there is no preliminary election in advance of the regular city election, the
39 drawing shall be conducted at least 40 days before the general election. If
40 there is no preliminary election in advance of a special city election, the
41 drawing shall be conducted at least 40 days prior to the special city election.
42 The drawing shall be open to the public.
43
44

1 **SECTION 7-5: NON-PARTISAN ELECTIONS**

2

3 All elections for city offices shall be nonpartisan and election ballots shall be
4 printed without any party mark, emblem, or other political designation.

5

6 **SECTION 7-6: WARDS**

7

8 The territory of the city shall be divided into 8 wards so established as to
9 consist of as nearly an equal number of inhabitants as is reasonable to
10 achieve based on compact and contiguous territory, bounded as far as
11 reasonable by the center line of known streets or ways or by other well-
12 defined limits. Each ward shall be composed of voting precincts established
13 in accordance with the General Laws. The city council shall from time to time
14 but not less than once every 10 years, review the wards to ensure their
15 uniformity in number of inhabitants.

16

17 **SECTION 7-7: APPLICATION OF STATE GENERAL LAWS**

18

19 Except as otherwise expressly provided in this charter and authorized by
20 law, all city elections shall be governed by the General Laws relating to the
21 right to vote, the registration of voters, the nomination of candidates, voting
22 places, the conduct of preliminary, regular and special city elections, the
23 submission of charters, charter amendments and other propositions to the
24 voters, the of votes, the recounting of votes and the determination of
25 results.

26

27 **ARTICLE VIII**

28 **CITIZEN PARTICIPATION MECHANISMS**

29

30 **SECTION 8-1: FREE PETITION**

31

32 The city council or the school committee shall hold a public hearing on every
33 petition addressed to the city council or the school committee that is signed
34 by not less than 25 voters, along with their addresses, and that seeks the
35 passage of a measure. The hearing shall be held by the city council or the
36 school committee, or by a committee or subcommittee of the city council or
37 the school committee, and the action by the city council or the school
38 committee shall be taken not later than 10 weeks after the petition was filed
39 with the city clerk or the school committee. Hearings on 2 or more petitions
40 filed under this section may be held at the same time and place. The city
41 clerk or the school committee secretary shall mail notice of the hearing to
42 the 10 persons whose names appear first on the petition not less than 7
43 days before the hearing. No hearings shall be required on a petition

1 addressing the same content more than once each year. Notice by
2 publication of all such hearings shall be at public expense.

3 4 **SECTION 8-2: CITIZEN INITIATIVE MEASURES**

- 5
6 a) Initiative procedures shall be started by the filing of a proposed
7 initiative petition with the city clerk or the secretary (clerk) of the
8 school committee. The petition shall: (i) be addressed to the city
9 council or the school committee; (ii) contain a request for the passage
10 of a particular measure, which shall be set forth in full in the petition;
11 and (iii) be signed by not less than 250 voters and include their
12 addresses. Not less than 25 signatures shall be certified from each
13 ward. The petition shall be accompanied by an affidavit signed by 10
14 voters, containing their residential addresses, stating that they will
15 constitute the petitioners' committee and be responsible for circulating
16 the petition and filing it in proper form, as well as designating one
17 member as its clerk.
18
- 19 b) The city clerk or the secretary (clerk) of the school committee shall,
20 immediately following receipt of a proposed petition, deliver a copy of
21 the petition to the city solicitor. The city solicitor shall, not more than
22 15 days following receipt of a copy of the petition, advise the city
23 council or the school committee in writing as to whether the measure
24 as proposed may lawfully be proposed by the initiative process and
25 whether, in its present form, it may be lawfully adopted by the city
26 council or the school committee. If the opinion of the city solicitor is
27 that the measure is not in proper form, the reply shall state the
28 reasons for this opinion in full. A copy of the opinion of the city
29 solicitor shall be mailed to the members of the petitioners' committee.
30
- 31 c) If the opinion of the city solicitor is that the petition is in a proper
32 form, the city clerk shall provide blank forms for the use of subsequent
33 signers and shall print at the top of each blank form a fair, concise
34 summary of the proposed measure, as determined by the city solicitor,
35 together with the names and addresses of the first 10 voters who
36 signed the originating petition. Not more than 90 days following the
37 date the blank forms are issued by the city clerk, the petitions shall be
38 returned and filed with the city clerk, signed by not less than 5 percent
39 of the total number of voters as of the date of the most recent city
40 election. Signatures to an initiative petition may be on more than one
41 sheet of paper but all papers pertaining to any one measure shall be
42 fastened together and shall be filed as a single instrument with the
43 endorsement on it of the name and residential address of the person
44 designated as filing the same. With each signature on the petition,
45 there shall also appear the street and number of the residence of each

1 signer. Not more than 10 days following the filing of the petition, the
2 board of registrars of voters shall ascertain by what number of voters
3 the petition has been signed and what percentage that number is of
4 the total number of voters as of the date of the most recent city
5 election. The board of registrars of voters shall attach to the petition a
6 certificate showing the results of its examination and shall return the
7 petition to the city clerk or to the secretary of the school committee,
8 depending on how the petition is addressed. A copy of the board of
9 registrars of voters' certificate shall also be mailed to the person
10 designated as clerk of the petitioners' committee.
11

12 d) Not more than 30 days following the date a petition has been returned
13 to the city clerk or the secretary (clerk) of the school committee and
14 after publication under subsection (f), the city council or the school
15 committee shall act with respect to each initiative petition by: (i)
16 passing it without change; (ii) passing a measure stated to be in lieu
17 of the initiative measure; or (iii) rejecting it. The passage of a measure
18 in lieu of an initiative measure shall be considered a rejection of the
19 initiative measure. If the city council or the school committee does not
20 act with respect to an initiative measure that is presented to it not
21 more than 30 days following the date the measure is returned to it,
22 the measure shall be deemed to have been rejected on the thirtieth
23 day. If an initiative measure is rejected, the city clerk or the secretary
24 (clerk) of the school committee shall promptly give notice of that fact
25 to the persons designated as the petitioners' committee by certified
26 mail.
27

28 e) Not more than 60 days following the date an initiative petition has
29 been rejected, a supplemental initiative petition may be filed with the
30 city clerk or the secretary of the school committee, but only by
31 persons constituting the original petitioners' committee. The
32 supplemental initiative petition shall be signed by a number of
33 additional voters that is not less than 5 percent of the total number of
34 voters as of the date of the most recent city election. The signatures
35 on the initial petition filed under subsection (c) and the signatures on
36 the supplemental petition filed under this subsection, taken together,
37 shall contain the signatures of not less than 10 percent of the total
38 number of voters in the city. If the number of signatures to this
39 supplemental petition is found to be sufficient by the city clerk, the city
40 council shall call a special election to be held on a date fixed by it not
41 less than 35 days nor more than 90 days following the date of the
42 certificate of the city clerk that a sufficient number of voters have
43 signed the supplemental initiative petition and shall submit the
44 proposed measure, without alteration, to the voters for determination;

1 provided, however, that if another city election is to be held not more
 2 than 180 days following the date of the certificate of the city clerk that
 3 a sufficient number of voters have signed the supplemental initiative
 4 petition, the city council may omit the calling of such special election
 5 and cause the question to appear on the election ballot at such regular
 6 city election for determination by the voters.
 7

8 f) The full text of an initiative measure that is to be submitted to the
 9 voters shall be published in at least one local news publication not less
 10 than 7 days but not more than 14 days before the date of the election
 11 at which the question is to be voted upon. Additional copies of the full
 12 text shall be available for distribution to the public in the office of the
 13 city clerk , and the text of the initiative and ballot question shall be
 14 posted on the city’s website.
 15

16 g) The ballots used when voting on a measure proposed by the
 17 voters under this section shall contain a question in
 18 substantially the following form: Shall the following measure
 19 that was proposed by an initiative petition take effect? (Insert
 20 a fair, concise summary prepared by the petitioners and
 21 approved by the city solicitor.)
 22

- 23 YES
- 24 NO
- 25
- 26

27 If the vote meets the voter participation criterion of Section 8-6, and a
 28 majority of the votes cast on the question is in the affirmative, the measure
 29 shall be effective immediately unless a later date is specified in the measure.
 30

31 **SECTION 8-3: CITIZEN REFERENDUM PROCEDURES**
 32

33 a) If, not more than 21 days following the date on which the city council
 34 or the school committee has voted finally to approve of a measure, a
 35 petition signed by a number of voters amounting to not less than 12
 36 percent of the total number of voters as of the date of the most recent
 37 general city election and addressed to the city council or to the school
 38 committee, as the case may be, protesting against the measure or any
 39 part of it is filed with the secretary (clerk) of the school committee or
 40 city clerk, the effective date of the measure shall be temporarily
 41 suspended. The school committee or the city council shall immediately
 42 reconsider its vote on the measure or part of it and, if the measure is
 43 not rescinded, the city council shall provide for the submission of the
 44 question for a determination by the voters at a special election, which
 45 the city council may call at its convenience, or within such time as may

1 be requested by the school committee or at the next regular city
2 election; provided, however, that pending this submission and
3 determination the effect of the measure shall continue to be
4 suspended.
5

- 6 b) The petition under this section shall be a referendum petition and the
7 applicable provisions of section 8.2 that relate to the filing and
8 certification of signatures shall apply to such referendum petitions,
9 except that the words "measure or part thereof protested against"
10 shall replace the word "measure" and the word "referendum" shall
11 replace the word "initiative". The measure or part protested against
12 shall be null and void unless a majority of those voting on the question
13 shall vote in favor of the measure or part protested against at the
14 election.
15

16 **SECTION 8-4: INELIGIBLE MEASURES**

17
18 The following shall not be subject to the initiative or referendum
19 procedures:

- 20 (i) a proceeding relating to the internal organization or operation of
21 the city council or the school committee;
22 (ii) an emergency measure adopted under this charter;
23 (iii) the city budget or the school committee budget as a whole;
24 (iv) an appropriation for the payment of the city's debt or debt
25 service;
26 (v) an appropriation of funds to implement a collective bargaining
27 agreement;
28 (vi) a proceeding relating to the appointment, removal, discharge,
29 employment, promotion, transfer, demotion, or other personnel
30 action;
31 (vii) a proceeding repealing or rescinding a measure or part of it
32 that is protested by referendum procedures;
33 (viii) a proceeding providing for the submission or referral to the
34 voters at an election;
35 (ix) a memorial resolution and other votes constituting ordinary,
36 routine matters not suitable as the subject of an initiative or
37 referendum petition;
38 (x) setting of a property tax rate; and
39 (xi) setting of water and sewer rates.
40

41 **SECTION 8-5 RECALL**

- 42
43 a) Any holder of an elected office in the city, with more than 6 months
44 remaining in the term of office for which the officer was elected, may

1 be recalled therefrom by the voters of the city in the manner provided
2 in this section. No recall petition shall be filed against an officer within
3 6 months after taking office.
4

5 b) A recall petition may be initiated by the filing of an affidavit containing
6 the name of the officer sought to be recalled, provided that the
7 affidavit is signed by at least 500 voters for the office of mayor or
8 councilor-at-large and at least 300 voters for any other elected official;
9 provided, however, that the signatures for a recall petition for the
10 office of ward city councilor shall be from voters in the ward for which
11 the councilor was elected, and the signatures for a recall provision of a
12 district school committee member shall be signed by voters of the
13 wards constituting such district. The city clerk shall thereupon deliver
14 to those voters making the affidavit copies of petition blanks
15 demanding such recall, copies of which printed forms the city clerk
16 shall keep available. The blanks shall be issued by the city clerk, with
17 signature and official seal attached thereto. The blanks shall be dated,
18 shall be addressed to the city council and shall contain the names of all
19 the persons to whom the blanks are issued, the number of blanks so
20 issued, the name of the person whose recall is sought, the office from
21 which removal is sought and the grounds of recall as stated in the
22 affidavit. A copy of the petition shall be entered in a record book to be
23 kept in the office of the city clerk. Said recall petition shall be returned
24 and filed with the city clerk within 40 days after the filing of the
25 affidavit and shall have been signed by at least 20% of the voters of
26 the city, ward, or district dependent on the office being subject to
27 recall. The city clerk shall submit the petition to the registrars of voters
28 and the registrars shall, within 5 days, certify thereon the number of
29 signatures which are names of voters.
30

31 c) If the petition shall be found and certified by the city clerk to be
32 sufficient, the city clerk shall submit the same with such certificate to
33 the city council within 5 days, and the city council shall give written
34 notice of the receipt of the certificate to the officer sought to be
35 recalled and shall, if the officer does not resign within 5 days
36 thereafter, order an election to be held on a date fixed by the city
37 council not less than 64 days and not more than 90 days after the date
38 of the city clerk's certificate that a sufficient petition has been filed;
39 provided, however, that if any other city election is to occur within 120
40 days after the date of the certificate, the city council shall postpone
41 the holding of the recall election to the date of such other election. If a
42 vacancy occurs in said office after a recall election has been ordered,
43 the election shall not proceed as provided in this section.
44

- 1 d) The incumbent shall continue to perform the duties of the office until
2 the recall election. If said incumbent is not recalled, the incumbent
3 shall continue in office for the remainder of the unexpired term subject
4 to recall as before. If recalled, the officer shall be deemed removed
5 and the office vacant. The vacancy created thereby shall be filled
6 under articles 2, 3 and 4 of this charter for filling vacancies in such
7 offices. A person chosen to fill the vacancy caused by a recall shall
8 hold office until the next regular city election. Should the person be a
9 candidate in the subsequent election, that person will not be allowed
10 to have "candidate for reelection" appear on the ballot at such
11 election.
12
- 13 e) The form of the question to be voted upon shall be substantially
14 as follows: Shall [here insert the name and title of the elective
15 officer whose recall is sought] be recalled? Yes No
16
- 17 f) If a majority of the votes cast upon the question of recall is in the
18 affirmative, such elected officer shall be recalled.
19
- 20 g) In the case of an officer subjected to a recall election and not recalled
21 thereby, no other or additional recall petition shall be filed against
22 such officer until at least 270 days after the election at which the
23 officer's recall was submitted to the voters of the city.
24
- 25 h) No person who has been recalled from an office or who has resigned
26 from office while recall proceedings were pending against such person
27 shall be appointed to any city office within 2 years after such recall or
28 such resignation.
29

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

31
32 For any measure to be effective under initiative procedure and for any
33 measure to be declared null and void under a referendum procedure, at least
34 20% of the registered voters as of the most recent regular city election must
35 vote at an election that includes on the ballot submission to the voters of
36 one or more initiative or referendum questions. Any election that includes
37 on the ballot submission a recall question shall require that 25% of the
38 registered voters as of the most recent regular city election must vote at
39 such election.
40

41 **SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS**

42 The city council may by its own motion, and shall at the request of the
43 mayor or the school committee if a measure originates with the mayor or
44 school committee and pertains to affairs under its jurisdiction, submit to the
45 voters at any regular city election for adoption or rejection any measure in

1 the same manner and with the same force and effect as are hereby provided
2 for submission by petitions of voters.

3 4 **SECTION 8-8: CONFLICTING PROVISIONS**

5
6 If 2 or more measures passed at the same election contain conflicting
7 provisions, only the measure receiving the greatest number of affirmative
8 votes shall take effect.

9 10 **ARTICLE IX** 11 **GENERAL PROVISIONS**

12 13 **SECTION 9-1: CHARTER CHANGES**

14
15 This charter may be replaced, revised or amended in accordance with any
16 procedure made available under the state constitution or by the General
17 Laws.

18 19 **SECTION 9-2: SPECIFIC PROVISION TO PREVAIL**

20
21 To the extent that a specific provision of this charter conflicts with any
22 provision expressed in general terms, the specific provision of the charter
23 shall prevail.

24 25 **SECTION 9-3: RULES AND REGULATIONS**

26
27 A copy of all rules and regulations adopted by a city agency shall be placed
28 on file in the office of the city clerk not later than the effective date of the
29 rule or regulation and shall be available for review by any person who
30 requests such information at any reasonable time. Unless an emergency
31 exists, as determined by the mayor, no rule or regulation adopted by a city
32 agency shall become effective until at least 5 days following the date it is
33 filed.

34 35 **SECTION 9-5: PERIODIC REVIEW OF CHARTER**

- 36
37 a) The charter shall be subject to review by a charter review committee
38 as defined below within 10 years of the charter's approval by the
39 voters, and every 10 years thereafter.
40
41 b) In any year where a charter review is taking place, the mayor and city
42 council shall provide for a review to be made of the city charter. This
43 review shall be made by a special committee to be composed of 5
44 appointees of the mayor, 3 appointees of the city council president,

1 and 1 appointee by the school committee vice chair. The mayor shall
2 appoint the chair of the special committee. All members shall be
3 appointed by March 1 of the year of the charter review, and the
4 committee shall prepare a report of its recommendations within 15
5 months of the committee's appointments. The committee shall hold at
6 least 2 public hearings, one to hear testimony from city officials and
7 residents, and one to present the committee's recommendations to the
8 public. All members of the committee shall be voters of the city. The
9 special committee shall file its report with the city clerk. Copies of any
10 recommendations shall be made available to the public at city hall and
11 posted to the municipal website.
12

- 13 c) The city council shall review and vote on the recommendations within
14 90 days of receipt of the committee's report. The city council may
15 amend the recommendations.
16

17 **SECTION 9-6: PERIODIC REVIEW OF ORDINANCES**

18
19 Not later than July 1, at 5-year intervals, in each year ending in a 7 or in a
20 2, the mayor and city council shall provide for a review to be made of some
21 or all the ordinances of the city to prepare a proposed revision or
22 recodification of them. This review shall be made by a special committee to
23 be established by ordinance. All members of the committee shall be voters
24 of the city. The special committee shall file its report with the city clerk on a
25 date specified by ordinance. The review of city ordinances shall be under the
26 supervision of the city solicitor. Copies of any recommendations shall be
27 made available to the public at a cost not exceeding the actual cost of the
28 reproduction.
29

30 **SECTION 9-7: UNIFORM PROCEDURES GOVERNING MULTIPLE-** 31 **MEMBER BODIES**

- 32
33 a) All appointed multiple-member bodies shall elect a chair, a vice-chair
34 and a secretary and any other officer it deems necessary.
35
36 b) All appointed multiple-member bodies of the city shall meet regularly
37 at the times and places that the multiple-member body, by the body's
38 own rules, prescribe. Special meetings of any multiple-member body
39 shall be held at the call of the chair or by a majority of the members of
40 the body. Notice of the meeting shall be posted as required by law.
41 Except as may otherwise be authorized by law, all meetings of all
42 multiple-member bodies shall at all times be open to the public.
43
44 c) Each appointed multiple-member body shall determine its own rules
45 and order of business. Each multiple-member body shall provide for

1 the keeping of agendas, minutes and related submissions of its
2 proceedings. All such documents shall be a public record and certified
3 copies shall be placed on file in the office of the city clerk within a
4 reasonable period from the date of approval or acceptance of such
5 submissions. Agendas and meeting minutes shall be posted on the
6 city's website at the same time as submission to the city clerk, and to
7 the extent practicable, all related submissions to any agenda item;
8 provided, however, that if such submission cannot reasonably be
9 posted on the website, the meeting minutes shall state where and
10 when any submissions as referenced in the meeting minutes can be
11 viewed.
12

13 d) If requested by a member, a vote of an appointed multiple-member
14 body shall be taken by a roll call vote and the vote of each member
15 shall be recorded in the minutes, but if the vote is unanimous, only
16 that fact need be recorded.
17

18 e) A majority of the members of an appointed multiple-member body
19 shall constitute a quorum. Unless some other provision is made by the
20 multiple-member body's own rules while a quorum is present, except
21 on procedural matters, a majority of the full membership of the body
22 shall be required to vote on any matter representing an exercise of the
23 powers of the multiple-member body. General Laws related to a vote
24 to meet in "executive session" shall always require a majority of
25 members of the body.
26

27 **SECTION 9-8 LOSS OF OFFICE; EXCESSIVE ABSENCE**

28

29 If any person appointed to serve as a member of a multiple-member body
30 shall fail to attend 3 or more consecutive meetings, or all of the meetings
31 held during 4 calendar months, or at least 50 per cent of all of the meetings
32 of such body held in 1 calendar year, the remaining members of the
33 multiple-member body shall, by a majority vote of their members, notify the
34 appointing authority. Such notice to the appointing authority shall include
35 the notice from the chair of the multiple-member body to the person
36 meeting the criteria above given in hand, or mailed, postage prepaid, by
37 registered or certified mail, return receipt requested, of the body's intent to
38 notify the appointing authority of the incidence of absence at least 10 days
39 before providing notice to the appointing authority, and the response, if any,
40 received from the person so notified. Only the appointing authority may
41 determine if the seat is to be declared vacant.
42
43

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

2

3 All references to General Laws contained in the charter refer to the General
4 Laws of the commonwealth and are intended to refer to and to include any
5 amendments or revisions to such chapters or sections or to the
6 corresponding chapters and sections of any rearrangement, revision or
7 recodification of such statutes enacted or adopted subsequent to the
8 adoption of this charter.

9

10 **SECTION 9-10: COMPUTATION OF TIME**

11

12 In computing time under this charter the day of the act or event after which
13 the designated period of time begins to run shall not be included. The last
14 day of the period shall be included, unless it is a Saturday, Sunday or legal
15 holiday, in which event the period shall be extended to the next day which is
16 not a Saturday, Sunday or legal holiday. When the period of time designated
17 is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays
18 shall not be included, when the period is 7 days or more, Saturdays,
19 Sundays and legal holidays shall be included.

20

21 **SECTION 9-11: OATHS OR AFFIRMATIONS FOR THE OFFICE OF**
22 **MAYOR, CITY COUNCIL, SCHOOL COMMITTEE, CITY CLERK**

23

24 A mayor-elect, the city council members-elect, the school committee
25 members-elect and a city clerk-elect shall, on the first Monday in the
26 January of each even-numbered year, meet and take an oath or affirmation
27 to the faithful discharge of the duties of their office by the city clerk. If the
28 first Monday in January of such even-numbered years falls on a legal
29 holiday, the oaths or affirmations shall be taken on the following day. Upon
30 receiving the oath or affirmation, each official shall document the same by
31 signing an oath or affirmation that shall be kept in a bound book maintained
32 by the city clerk. In the case of the absence of the mayor-elect or any
33 member-elect of the city council or school committee on the day the oath is
34 administered, the oath or affirmation may at any time thereafter be
35 administered to that person by the city clerk, the assistant city clerk, a judge
36 of a court of record or by a justice of the peace. Modifications to this section
37 may be prescribed by ordinance.

38

39 **SECTION 9-12: CERTIFICATE OF ELECTION OR APPOINTMENT**

40

41 Every person who is elected or appointed to an office or as a member of a
42 multiple-member body shall receive a certificate of that election or
43 appointment from the city clerk. Except as otherwise provided by law, every
44 person who is elected or appointed to an office or as a member of a

1 multiple-member body, before performing any act under this election or
2 appointment, shall take and subscribe to an oath or affirmation to qualify to
3 enter upon the duties. The city clerk shall keep a record of this oath.

4
5 **SECTION 9-13: LIMITATION ON OFFICE HOLDING**

6
7 Unless otherwise allowed by law or this charter, no person shall
8 simultaneously hold more than 1 city office or position of employment. This
9 section may be waived by the mayor with the approval of the city council by
10 majority vote. The city council shall have 30 days to accept or reject the
11 mayor's request. If the city council does not act within said 30 days, the
12 waiver shall become effective.

13
14 **SECTION 9-14: FELONY CONVICTION**

15
16 An elected official who has been convicted of a state or federal felony while
17 holding office shall be deemed to have vacated the office. Any such vacancy
18 shall be filled in accordance with the charter.

19
20 **SECTION 9-15: ENFORCEMENT OF CHARTER PROVISIONS**

21 It shall be the duty of the mayor to see that the charter is faithfully followed
22 and complied with by all city agencies and city employees. Whenever it
23 appears to the mayor that a city agency or city employee is failing to follow
24 this charter the mayor shall, in writing, cause notice to be given to that
25 agency or employee directing compliance with the charter. If it appears to
26 the city council that the mayor personally is not following the charter the city
27 council shall, by resolution, direct the attention of the mayor to those areas
28 in which it believes there is a failure to comply with the charter. The
29 procedures made available in chapter 231A of the General Laws may be
30 used to determine the rights, duties, status or other legal relations arising
31 under this charter, including any question of construction or validity which
32 may be involved in such determination.

33
34 **SECTION 9-17: CONFLICT OF INTEREST**

35
36 All city employees shall be considered municipal employees under Chapter
37 268A of the General Laws and shall comply with the state conflict of interest
38 laws.

1 **ARTICLE X**
2 **TRANSITIONAL PROVISIONS**

3
4 **SECTION 10-1: CONTINUATION OF EXISTING LAWS**

5
6 All general or special laws, city ordinances and rules and regulations of or
7 pertaining to the city of Medford, including special acts creating regional
8 entities and arrangements of which the city is a member, that are in force
9 when this charter takes effect, and not specifically or by implication repealed
10 by this charter, shall continue in full force and effect until amended or
11 repealed, rescinded by law or until they expire by their own limitation. In
12 any case in which this charter is found to be inconsistent with any general or
13 special law that would otherwise be applicable, this charter shall be deemed
14 to prevail. Every inconsistency between the prior law and this charter shall
15 be decided in favor of this charter.

16
17 **SECTION 10-2: CONTINUATION OF GOVERNMENT AND**
18 **ADMINISTRATION**

19
20 All city agencies shall continue to perform the duties of the agency until re-
21 elected, reappointed or until successors to the respective positions are duly
22 appointed or elected or until the duties have been transferred and assumed
23 by another city agency.

24
25 **SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY**

26
27 All records, property and equipment of a city agency, or part thereof, the
28 powers and duties of which are assigned in whole or in part to another city
29 agency, shall be transferred immediately to that agency.

30
31 **SECTION 10-4: EFFECT ON OBLIGATIONS, TAXES, ETC.**

32
33 All official bonds, recognizance, obligations, contracts and other instruments
34 entered into or executed by or to the city before the adoption of this charter
35 and all taxes, assessments, fines, penalties and forfeitures, incurred or
36 imposed, due or owing to the city, shall be enforced and collected and all
37 writs, prosecutions, actions and causes of action, except as otherwise
38 provided in this charter, shall continue without abatement and remain
39 unaffected by the charter. No legal act done by or in favor of the city shall
40 be rendered invalid by reason of the adoption of this charter.

41
42 **SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL ACTS**

43
44 Chapter 605 of the Acts of 1986 is hereby repealed.

1 **SECTION 10-6: TIME OF TAKING EFFECT**

2

3 a) The mayor will be elected to a 4-year term at the November 2, 2027
4 regular city election.

5

6 b) The city council composed of 11 members will be elected at the
7 November 2, 2027 regular city election.

8

9 c) The provisions in Article 6 relative to the operating budget and the
10 capital improvement program will be in effect for the fiscal year
11 beginning July 1, 2028.

12 SECTION 2: The city clerk shall cause the following question to be placed on
13 the official ballot to be used by the city of Medford at the regular city
14 election to be held on November 4, 2025:

15 Shall the city adopt Chapter XXX of the Acts of 2025 that provides a special
16 act charter for the city of Medford?

17 The city solicitor shall prepare the summary of the proposed special act
18 charter which shall appear on the ballot along with the question provided in
19 this section and the city solicitor shall submit the question and summary to
20 the city clerk in accordance with section 42C of Chapter 54 of the General
21 Laws.

22 SECTION 3: Except as noted in Section 11-5, Section 1 of this act shall take
23 effect upon acceptance by a majority of the voters participating in the
24 November 4, 2025 election voting in the affirmative, but not otherwise.

25 SECTION 4: Section 2 of this act shall take effect upon passage.