



# FINAL REPORT OF THE MEDFORD CHARTER STUDY COMMITTEE

OCTOBER 10, 2024

CITY OF MEDFORD

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## INTRODUCTORY LETTER

To: Mayor Breanna Lungo-Koehn  
From: The Medford Charter Study Committee  
Date: October 10, 2024

Dear Mayor Lungo-Koehn,

We are proud to present our Final Report and proposed Charter. Since our formation in late 2022, we have worked diligently, open-mindedly, and enthusiastically to create a Charter we believe will serve our city now and into the future.

As our 11-member committee sought to update and modernize the city's governing document, we studied various charters, researched processes and experiences in other municipalities, consulted studies, and undertook a robust process of community engagement.

Medford is one of a handful of Massachusetts cities that retains a plan Charter (modified Plan A). Our current Charter document is supplemented by Massachusetts General Laws as well as relevant Special Acts, making Medford's Charter complex and difficult to access. In a memo to the committee (Appendix B), the Edward J. Collins, Jr. Center for Public Management determined that "the current Medford Charter does not provide even a basic level of understanding of the City government." Therefore, the committee's first decision was to craft a new Charter, one easily accessible to all residents.

In crafting this document, we used the generic modern charter provided to us by the Collins Center as a guide (Appendix A). A charter contained in a single document is the first step toward creating a more transparent, productive city government. It will also help facilitate the efficiency of another of our committee's significant recommendations: periodic charter review.

We are grateful for the essential guidance we received from the Collins Center, and the support we received from our city liaison Frances Nwajei. Several current and former elected and city officials graciously offered their time for interviews, and we thank them. We are also thankful to the hundreds of residents who shared their insights, opinions, and hopes for Medford.

Some committee members, for various reasons, had to leave us during the process. We are grateful for their contributions, and we particularly thank co-chair Laurel Siegel, who departed to take a job at City Hall, continuing her service to Medford.

Each and every member of our committee brought valuable experience and knowledge to the process. Our membership includes lifelong and newer residents, entrepreneurs, lawyers, educators, researchers, a podcaster, and a former elected official, among other vocations. Our combined skills, interests, contributions, commitment to service, and love of Medford facilitated our study. The values that informed our process are reflected in the preamble of the proposed Charter: equity, inclusivity, diversity, civic engagement, accountability, transparency, innovation, stability, and representation.

As part of our primary directive to study the Charter and make relevant recommendations, we connected with a wide range of individuals and materials, and organized many outreach and informational initiatives. We held approximately 50 open meetings; widely distributed a survey available in multiple languages; offered more than a dozen listening sessions in wards around the city; held three public information sessions at City Hall; conducted more than two dozen interviews with current and former elected and city officials; had conversations with officials from other cities as well as the MA Secretary of State's office; and organized community events around the city. We connected with residents at the Farmers' Market, Circle the Square, and at Wrights Pond (while enjoying ice cream!). We worked with groups including the Chamber of Commerce, Medford Family Network, and the Medford Housing Authority to reach residents; and played a charter-related Jeopardy game with high school students.

Through all this, we engaged in productive research and enlightening conversation, developed positive working relationships, learned a great deal about municipal government, and even had fun.

Below you will find a brief report on the Community Engagement that was an integral part of our process, summaries of our major recommendations including background and rationales, full text of the proposed Charter, and an Appendix with relevant materials.

As we submit the culmination of our committee's work, we look forward to a smooth and productive deliberative process with our city government and citizenry, and ultimate implementation of this proposed new Charter, which we believe will help move our city forward and build a more efficient, representative, and positive city government.

Respectfully submitted,

The Medford Charter Study Committee

## COMMUNITY ENGAGEMENT SUMMARY

The Charter Study Committee believes it is very important for the proposed charter to reflect the current and future needs of the city and its residents. Therefore, we undertook a variety of outreach and engagement strategies to educate residents about the charter and solicit their input and ideas for improvements. To ensure all residents felt encouraged to share their views and to gather a variety of opinions, the committee presented neutral information on the charter that shared current trends in local government in Massachusetts and asked impartial, unbiased questions.

From June 2023 to February 2024, the committee sought input through in-person and electronic means and partnered with city agencies and organizations to reach as many community members as possible. While we had a limited budget for community engagement and no community newspaper to utilize, we accomplished a lot. Our activities included:

- ◆ Educational Materials. To educate residents about the charter, the committee created a flyer about the committee that was translated into four languages, a glossary with key charter terms, and a charter game that quizzed residents about their knowledge on the current charter for use at community events.
- ◆ Public Hearings. We held three public hearings in Council Chambers in city hall on June 8, 2023, October 19, 2023, and January 25, 2024.<sup>1</sup> Residents could participate in-person or virtually. The first meeting provided information about the city's charter, the mission of the Charter Study Committee, and solicited general feedback on the charter. The second meeting provided information about city demographics and historic election results by ward and solicited input into city council make-up. The last meeting offered another opportunity for residents to provide input into the charter.
- ◆ Listening Sessions. The committee held 15 listening sessions across the city, partnering with city agencies or organizations to reach diverse populations by age, race/ethnicity, occupation, ability, and religion. A total of 91 residents were reached. These small group sessions focused on having guided conversations with residents and business owners on the charter. The 11 in-person sessions were held in a variety of locations across the city with two providing interpretation for Spanish and Haitian Creole speakers and one with an ASL interpreter; and

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<sup>1</sup> These sessions can be viewed on the Medford Community Media website:  
<https://medford.vod.castus.tv/vod/?video=9bfba157-2584-48f6-9d5d-afe280a44ab8>;  
<https://medford.vod.castus.tv/vod/?video=84bfb358-a257-48d2-ad10-074d1790090a>;  
<https://medford.vod.castus.tv/vod/?video=1e4959ab-3557-40c6-823c-10993dfa5899>.

four were held virtually. See the Appendix for the questions asked at the sessions and a report on the results.

- ◆ Survey. The committee disseminated an electronic survey on the charter and received 667 responses. The survey was promoted via multiple channels including announcing it through the mayor’s regular weekly update to residents, posting it on the Charter Study Committee website, disseminating survey flyers at tabling events, listening sessions, public hearings, and promotion on Patch and social media pages. The response rate to the survey was statistically significant for the Medford population with a margin of error of 4%, meeting industry standards.<sup>2,3</sup> Quite a few people declined to provide demographic information (depending on the question the decline rate was 3.2% to 29.2%).

While the response rate was good, the survey respondents who chose to answer questions about demographics tended to represent a population that was older, whiter, less Hispanic, and more home-owning than Medford’s general population as a whole. For that reason, the Charter Study Committee focused on engaged groups not represented in the survey for its listening sessions.

Of those respondents who did provide demographic information, they tended to be:

- 45 years old or older (54.5%) which is higher than the city overall (45%)<sup>4</sup>
- Homeowners (81.8%), which is a higher than the city overall (53.3%)
- Female (52.9%) which is similar to the city overall (52.7%)
- White (79%) which is higher than the city overall (69.8%)
- Non-Hispanic (74.1%) which is higher than the city overall (67.6%).

Therefore, the committee valued the input provided by the survey but recognized it represented a subset of the Medford population as a whole. See the Appendix for the text of the survey and a more in-depth analysis of the results.

- ◆ Interviews of Elected Officials and City Leaders. To understand how changes to the charter might impact the functioning of city government, we interviewed 31 current or former elected officials and heads of city departments. We interviewed the current mayor and two former mayors, nine current or former city councilors,

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<sup>2</sup> City overall statistics are taken from the US Census. See United States Census Bureau. (2023). *Quick Facts Medford City Massachusetts*.

<https://www.census.gov/quickfacts/fact/table/medfordcitymassachusetts/BZA010219>

<sup>3</sup> Calculation derived using Survey Monkey Sample Size Calculator. See <https://www.surveymonkey.com/mp/sample-size-calculator/>.

<sup>4</sup> Extrapolated from Census Reporter as Quick Facts does not breakdown by age group. See Census Reporter. (2022). *Medford City, Middlesex County, MA*.

<https://censusreporter.org/profiles/06000US2501739835-medford-city-middlesex-county-ma/>



eleven current or former school committee members, one state representative, the current and former Superintendent, and five current or former city officials. We offered to interview all current elected officials. A list of people interviewed can be found in the Appendix.

- ◆ Tabling and Emails. We attended three city events and received feedback via email. We attended the Medford Farmers Market, Circle the Square, and held a tabling event at Wrights Pond. We received feedback via email.
- ◆ Public Meetings. During a span of 22 months, we held a total of 58 public meetings. Twenty-eight of those were monthly meetings of the entire committee to discuss various components of a charter. We held 30 Sub Committee meetings to do deeper dives into several of the articles of a proper Charter such as the Legislative and Executive branches, School Committee, Finance and other topics.

All meetings were held on zoom, published on the city calendar, and circulated via social media. A public participation component was part of each meeting. All meetings were also televised live and recorded on Medford Community Media for future viewing.

We thank Medford community members for their feedback. In all, we received approximately 900 pieces of feedback from residents, elected leaders, and business owners, held or attended 22 events, and held 58 public meetings between June 2023 to February 2024. Our proposed charter reflects careful consideration and incorporation of the feedback we received from the community.

# RECOMMENDATIONS

## *Summary of Major Recommendations*

- ◆ Adopt a new, modernized Charter
- ◆ Keep mayor/council form of government
- ◆ Extend mayoral term to four years with a limit of four terms
- ◆ Keep terms for City Council and School Committee at two years
- ◆ Hybrid ward representation for City Council and School Committee
- ◆ Keep Mayor as member and Chair of School Committee
- ◆ Conduct an Annual Budget Meeting with all branches of government
- ◆ Use random drawing to determine ballot position for elections
- ◆ Include citizen participation mechanisms including initiative petition, referendum, recall
- ◆ Institute a financial reporting requirement for elected and other officials

## **Recommendations for outside the Charter**

- ◆ Pass ordinance creating a Compensation Advisory Board

***Article 1 Recommendations***

The committee recommends adding this section on incorporation and definitions in alignment with best practices for modern city charters.

## **Article 2: Legislative Branch Recommendations**

### **#1 - Modify the composition of City Council to a hybrid ward-based system**

After extensive research and deliberation, the committee recommends an 11-member hybrid system of eight ward councilors (one from each ward) and three at-large councilors. Medford's City Council is the smallest in the state for a city of our size, and remains one of only a few cities with an at-large City Council. Hybrid ward representation is the most common configuration for City Councils across the state, offering the benefits of ward representation while retaining some at-large seats.

In weighing the pros and cons of switching from an all at-large system to a hybrid system, we explored concerns expressed by residents and in interviews that ward representatives may focus more on the needs of their ward than on what is best for the city as whole (also known as parochialism or NIMBYism). Our literature search yielded only one study which showed that cities with ward representation had lower housing production.<sup>5</sup> This study focused on towns, and the author determined that effects of ward representation in larger municipalities would require further study. In addition, the author included the caveat that benefits of ward representation (such as increased diversity in elected leaders) were not considered.

Another concern we examined was the possibility that ward councilors could accrue too much power and become "ward bosses." The reality that each of the eleven councilors would retain equal voting power reassured us that this would not be the case. Furthermore, we searched for but could find no empirical evidence to support this scenario.

The reasons to transition to a ward-based system are compelling:

- The unambiguous majority of community feedback we received is in favor of ward representation
- We examined the period between 2005 and 2021, and found that Wards 1 and 4 had no representation on City Council, while two Wards (Wards 2 and 3) shared a disproportionate amount of representation (50%).
- Studies have shown that ward representation increases diversity among elected officials.<sup>6</sup>

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<sup>5</sup> Mast, Evan. (2020). *Warding Off Development: Local Control, Housing Supply, and NIMBYs*. Policy Brief. W.E. Upjohn Institute for Employment Research. <https://doi.org/10.17848/pb2020-27>.

<sup>6</sup> Abott, C., & Magazinnik, A. (2020). At-Large Elections and Minority Representation in Local Government. *American Journal of Political Science*, 64(3), 717–733. <http://www.jstor.org/stable/45295343>.

- With one majority-minority ward (Ward 7) and an evolving population, we conclude that ward representation would best serve equity and representation issues and avoid potential lawsuits (such as those that occurred in Lowell, Worcester, and Springfield).<sup>7,8,9</sup>
- Medford's neighborhoods have a broad diversity of character and unique needs that would be better served by ward representation.
- Ward representation would make running for office more accessible by reducing cost and other burdens of campaigning.
- Ward representation can improve constituent services.

## **#2 - Retain a two-year term for City Council with no term limits**

The committee explored the possibility of lengthening terms for City Council, but concluded that the term length should remain at two years. While a four-year term would result in fewer elections and could make running for office easier, some feedback we received revealed that it could discourage people from running for office. A big concern we heard expressed repeatedly was that voters want to weigh in more often than every four years. We considered, but put aside, the idea of a three-year term because the Secretary of State does not allow municipal candidates to share a ballot with state or federal candidates. Because of the burden this would put on elections departments, it is very rare for cities in Massachusetts to have three-year terms for their elected officials.

Although term limits are broadly popular among Medford residents for all elected officials, the committee does not recommend them here for several reasons. There is a significant amount of research showing that term limits do not deliver the results hoped for by voters, and are particularly problematic for legislative bodies, where they result in more inexperience and less effectiveness.<sup>10</sup>

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<sup>7</sup> Lawyers Committee for Civil Rights. *Settlement of Federal Voting Rights Lawsuit Challenging City of Lowell's Electoral System: Frequently Asked Questions*. <https://lawyersforcivilrights.org/wp-content/uploads/2019/05/Lowell-Settlement-FAQ-English-FINAL-2.pdf>.

<sup>8</sup> The Bay State Banner. (2009). *Springfield Minorities Feeling More Hope for Political Power*. <https://www.baystatebanner.com/2009/05/06/springfield-minorities-feeling-more-hope-for-political-power/>.

<sup>9</sup> Lawyers Committee for Civil Rights. (2021). *Plaintiffs In Voting Rights Lawsuit Applaud Worcester's Announcement That It Will Change Method Of Electing School Committee*. <https://lawyersforcivilrights.org/wp-content/uploads/2021/04/Worcester-Announcement-Press-Release-FINAL.pdf>

<sup>10</sup> Center for Effective Government. (2024). *Democracy Reform Primer Series: Term Limits*. University of Chicago. <https://effectivegov.uchicago.edu/primers/term-limits>.

### **# 3 - Access to information**

In response to concerns about transparency and balance of power, and in light of strong feedback from the community to see more interaction and cooperation between the branches of government, the committee recommends giving the City Council greater access to information, including subpoena power and the ability to require appearances by the Mayor and other city officers at meetings.

### **# 4 - Ability to retain staff**

The committee recommends that subject to appropriation, the City Council have the ability to create positions for and hire support staff and consultants.

### **# 5 - Confirmation power of certain appointments**

The committee recommends that the City Council have the power to reject, with a two-thirds majority, mayoral appointments to multi-member bodies.

### ***Article 3: Executive Branch Recommendations***

#### **#1 - Keep mayor-council form of government**

After taking into consideration survey responses, feedback from interviews and listening sessions, materials from the Collins Center, and open meeting discussion, the committee determined that there is little appetite in Medford for switching from mayor to city manager, and such a move would not be right for the city at this point in time.

This determination led us to further explore the balance of power between Medford's executive and legislative branches, an issue of concern repeatedly raised during our process. As we learned in the comparison of mayoral authority we requested from the Collins Center (Appendix B), the authority of Medford's Mayor is in alignment with other cities in the state. When it comes to the strength of our Mayor, Medford is not an outlier. Nevertheless, the consideration of balance of power was applied to the majority of our discussions and conclusions.

#### **Four-year term**

Based on strong community support and interview feedback, and the extended time and focus needed for executive tasks, the committee recommends extending the mayoral term to four years, a practice currently trending in Massachusetts.

#### **#2 - Term limit**

Notwithstanding the aforementioned significant amount of research regarding term limits, the committee recommends imposing a term limit of not more than four consecutive four-year terms for mayor. This is based on community feedback as well as Medford's recent past history with the longest-serving mayor in the state (14 terms, 28 years).

#### **# 3 - Vacancy provisions**

Medford's current charter does not delineate a process in case the mayor is absent or unable to serve temporarily or permanently. Our recommendations include provisions for the City Council to appoint an Acting Mayor in the case of a temporary absence, as well as processes for City Council appointment or Special Election (depending on the timeline) for a new Mayor in case of a vacancy.

#### ***Article 4: School Committee Recommendations***

##### **#1 - Modify the composition of the School Committee to a hybrid ward-based system**

While the committee received clear community feedback in favor of ward representation, the School Committee presented us with specific considerations. We wanted to put in place a system of hybrid ward representation, but did not feel increasing the size of the School Committee to eleven made sense.

After much discussion and research our subcommittee led by Paulette van der Kloot, with her invaluable years of experience as a sitting school committee member in Medford, proposed a hybrid system of ward and at-large members that involves combining wards. The full committee agreed unanimously to recommend this for the new Charter.

Among the reasons the committee felt combining wards would be appropriate for School Committee but not City Council are the fact that our schools are not evenly spread through the wards of the city, and the children of residents might live in one ward while attending school in another. When the committee chose which wards to combine, we aimed to include at least one school in each combined ward.

While the School Committee is less neighborhood-based than City Council, adopting a hybrid ward system for both bodies will make running for office more accessible by reducing the cost of running and allowing candidates to focus on a subset of the Medford population.

##### **#2 - Retain a two-year term for School Committee with no term limits**

See Article 2, Recommendation #2.

##### **# 3 - Mayor's position on School Committee**

The committee recommends that the Mayor remain a member of the School Committee and retain the position of Chair. Although the public feedback we received stood against this, the subcommittee researched practices in other cities and conducted several interviews with current and former School Committee members and Mayors, and deemed that the Mayor remaining as Chair would be in the best interests of the schools and the city.

It is very uncommon in Massachusetts cities for the Mayor not to sit on the School Committee, and it is not at all uncommon for the Mayor to be the Chair. Mayoral leadership allows the executive branch to be fully informed on vital issues surrounding



the schools, gives the Superintendent and School Committee members regular opportunities to discuss issues of importance with the Mayor present in a public forum, gives the Mayor direct access to public comment at School Committee meetings, and allows the public to address the Mayor along with the School Committee at meetings.

While the committee did not unanimously agree with the subcommittee's conclusions on keeping the Mayor as Chair, the majority voted in favor of it.

#### **# 4 - Vacancy provisions**

Medford's current charter does not delineate a process in case a School Committee member can no longer serve. The draft Charter codifies a replacement process that mirrors that of the City Council.

***Article 5 Recommendations***

The committee recommends adding this section on administrative organization in alignment with best practices for modern city charters.

## ***Article 6: Financial Procedures Recommendations***

### **#1 Annual budget meetings between mayor, city council, and school committee**

The charter recommends having an annual meeting of the city's elected leaders (mayor, city council and school committee) to review the financial condition of the city and plan for the future early in the calendar year. This section also specifies time frames for submitting the budget to city council, public hearings on the budget, and time frame for passage of the budget that aligns with the recently passed budget ordinance.

While the Charter Study Committee reviewed the current proposal of city council to provide it with the authority to increase budget lines, it declined to adopt the policy at this time, as it is prohibited by state law.<sup>11</sup> Instead, the Charter Study Committee recommends that the next charter review include a more in-depth analysis of budgeting options for Medford including a review of the status of budgeting under the new budget ordinance, ability to include participatory budgeting, and options for city council to increase or amend budget lines.

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<sup>11</sup> See [44 M.G.L. Section 32](#).

## ***Article 7: Elections Recommendations***

### **#1 - Signature requirements**

In order to make running for office as accessible as possible, we recommend signature requirements that we feel are not prohibitive, between 50 and 150 depending on the office.

### **#2 - Ballot position**

In light of the advantage our current system conveys to incumbents and/or candidates with a last name in the first part of the alphabet, we recommend what we believe is a fairer system, one that involves establishing ballot position by a drawing.

## ***Article 8: Citizen Participation Recommendations***

While Medford does not currently have a process for citizen participation, the Charter Study Committee believes it is important for Medford residents to have mechanisms to directly participate in their democracy.

### **#1 Allow for Citizen Initiative Opportunities in Medford**

The proposed citizen participation recommendations include providing for free petition (allowing citizens to put a legislative item on the city council agenda), citizen initiative measures (allowing citizens to place a legislative item on the ballot), and citizen referendum measures (allowing citizens to ask voters whether to uphold or repeal an enacted law), with some exclusions. It also includes the ability of city council to put an issue to the voters.

These measures require demonstration of significant public support to succeed and are only valid if they are approved at ballot by 20% of registered voters, a percentage that equals or exceeds the current voter turnout for city elections.

### **#2 Allow for Recall of Elected Officials in Medford**

Medford does not currently have a process to allow voters to recall elected officials. The Charter Study Committee proposes instituting a recall process to ensure voters have a mechanism that maintains accountability of elected officials, especially as the term of office for mayor is extended to four years.

However, this measure requires demonstration of significant public support to succeed, including requiring signatures of 20% of the constituent voters to get on the ballot and approval at the ballot by 25% of registered voters.

If an elected official is recalled, Section 2-10: Filling of Vacancies describes the process for filling the vacancy created by the recall.

## ***Article 9: General Provisions***

### **#1 - Periodic charter review**

Regular charter review is common practice in cities across the state, for good reasons. As communities evolve, revisiting their governing document is smart governance. Given the decades that passed with no charter review in Medford, the committee recommends the next charter review take place in five years, with subsequent reviews taking place every ten years. The committee recommends the reviews be undertaken by a nine-member committee comprised of Medford residents appointed by the three branches of government. This complete Charter provides an accessible template for future committees to efficiently and effectively conduct review, without needing to research variously located Special Acts, legislation, and charter sections.

### **#2 - Periodic ordinance review**

The committee recommends an ordinance review every five years, undertaken by a committee established by ordinance.

### **#3 - Public Comment**

Given the importance of public comment to the democratic functioning of our city, the committee recommends that the City Council, School Committee, and all multi-member boards develop and adopt policies addressing public comment.

### **#4 - Requirement for annual Financial Disclosures**

The committee recommends that elected officials and some city officials be required to submit an annual financial disclosure form to be generated and overseen by an Ethics Commission.

### **#5 - Create ordinance separate from charter to create a Compensation Advisory Board**

The committee strongly considered a charter provision that would create a Compensation Advisory Board. Due to the fact that no known Massachusetts charter has such a provision, and the fact that charter changes are significantly more difficult to achieve than ordinance changes, the committee opted to leave this out of the draft charter.

Nevertheless, the committee strongly recommends the City Council craft an ordinance for the formation of a seven-member Municipal Compensation Advisory Committee, with appointees from each branch of city government, to periodically review (not less frequently than every ten years) the adequacy and equity of compensation for elected officials. Former and current elected officials and relatives of elected officials should not

be eligible to serve. The City Council should retain authorization to decide whether and/or how to act on the recommendations.

***Article 10 Recommendations***

The committee recommends adding this section on transitional provisions in alignment with best practices for modern city charters.



# **PROPOSED CHARTER**

## **PREAMBLE**

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

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

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

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

## **ARTICLE I INCORPORATION; SHORT TITLE; DEFINITIONS**

### **SECTION 1-1: INCORPORATION**

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

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

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

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

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

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

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

## **SECTION 1-5: CONSTRUCTION**

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

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

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

## **SECTION 1-7: DEFINITIONS**

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

- 1) “Charter”, this charter and any adopted amendments to it.
- 2) “City”, the city of Medford.
- 3) “City agency”, any multiple member body, any department, division or office of the city of Medford.
- 4) “City office or department head”, a person having charge of a city office or department.
- 5) “City website”, a site established and maintained by the city as its online repository of municipal information, whether on the internet or accessed through another comparable technology.
- 6) “District”, as appearing in Articles 4 and 7 of this charter shall refer to the election of district school committee; 1 to be elected from the following districts comprised of combined wards within the city of Medford: wards 1 and 7, wards 2 and 3, wards 4 and 5, and wards 6 and 8.
- 7) “Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

- 8) “Full city council”, the entire authorized membership of the city council, notwithstanding any vacancy that exists.
- 9) “Full multiple member body”, the entire authorized membership of a multiple member body, notwithstanding any vacancy that exists.
- 10) “Full school committee”, the entire authorized membership of the school committee, notwithstanding any vacancy that exists.
- 11) “Initiative measure”, a measure proposed by the voters through the initiative process provided under this charter.
- 12) “Local newspaper”, a newspaper of general circulation within Medford, with either a weekly or daily circulation.
- 13) “Majority vote”, when used in connection with a meeting of a multiple member body, shall mean a majority of those present and voting, unless another provision is made by ordinance or by such body’s own rules; provided, however, that General Laws related to any vote to meet in executive session shall always require a majority of the full multiple member body.
- 14) “Measure”, any ordinance, order or other vote or proceeding adopted, or which might be adopted, by the city council or the school committee.
- 15) “Multiple member body”, any council, commission, committee, subcommittee or other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted, but not including the city council, the school committee or an advisory committee appointed by the mayor.
- 16) “Organization or reorganization plan”, a plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization or a change in the way in which municipal services are delivered.
- 17) “Quorum”, a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.
- 18) “Recall”, an election to remove an elected official from office before the expiration of the term for which elected.
- 19) “Referendum measure”, a measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.
- 20) “Remove from the city” or “remove from a ward”, when a person ceases to be domiciled within the territorial limits of the city or a ward.
- 21) “Voters”, registered voters of the city of Medford.
- 22) “Year”, a calendar year, unless otherwise specified.

## **ARTICLE II LEGISLATIVE BRANCH**

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

Composition: There shall be a city council that shall exercise the legislative powers of the city. The city council shall consist of 11 members, one ward councilor nominated and elected by the

voters of each of the 8 wards of the city and the remaining council members shall be councilors-at-large who shall be nominated and elected by and from the voters at large.

Term of Office - The term of office for councilors shall be two years each, beginning on the first Monday in the January succeeding the councilor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall end when their successors have been qualified.

Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor shall be a voter in the ward from which election is sought for at least one year prior to the date of inauguration. If a ward councilor or a councilor-at-large removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section 2-10. A ward councilor who removes from the ward in which the councilor was elected and who remains a resident of the city may continue to serve during the term for which the councilor was elected. The city council shall determine by two-thirds vote whether a city councilor has removed from the city.

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

Election and Term – As soon as practicable after the councilors-elect have been qualified following each biennial election, as provided in section 9-11, the members of the city council shall annually elect from among its members a council president.

Powers and Duties - The president shall prepare the agenda for city council meetings. The council president shall preside at all meetings of the city council, regulate its proceedings and shall decide all questions of order. The council president shall appoint all members of all committees of the city council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the city council as any other member of the city council. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance, city council rules or by other vote of the city council.

Council Vice-President – The members of the city council shall also elect annually from among its members a council vice-president who shall serve as acting president during the temporary absence of the council president. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence and no others.

Vacancy – If a vacancy shall occur in the office of council president the city council shall elect from among its members a council president who shall serve for the balance of the current term. If a vacancy shall occur in the office of council vice-president the city council shall elect from among its members a council vice-president who shall serve for the balance of the current term

### **SECTION 2-3: PROHIBITIONS**

Holding Other City Office or Position – No member of the city council shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the city council shall hold any compensated appointed city office or appointed city employment until one year following the date on which such former member’s service on the city council has terminated.

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

### **SECTION 2-4: COMPENSATION**

Salary - The members of the city council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of city councilors shall be effective unless it shall have been adopted by a two-thirds majority during the first eighteen months of the term for which city councilors are elected and it provides that such salary is to take effect upon the organization of the city government following the next regular municipal election.

Expenses - Subject to appropriation and to prior authorization, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

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

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

Rules of Procedure. The city council shall from time to time adopt rules regulating its procedures that shall include, but not be limited to, requirements that address:

1. Regular meetings of the city council be held at a time and place fixed by ordinance;
2. Special meetings of the city council to be held at the call of the president or at the call of not less than 3 members, by written notice delivered in hand, via electronic mail or by first class mail to each member; provided, however, that such notice shall contain a listing of the items to be acted upon; provided further, that except in case of an emergency, which shall be determined by the president, such notice shall be delivered not less than 48 hours in advance of the time set for such meeting, excluding Saturdays,

Sundays and legal holidays; and provided further, that a copy of the notice to members shall immediately be posted upon the city bulletin boards;

3. All sessions of the city council and of every committee or subcommittee of the board be open to the public unless another provision has been made by law.

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

**In General** - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

**City Officers, Members of City Agencies, Employees** - The city council may require any city officer, member of a city agency or city employee to appear before it to give such information as the city council may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of such person.

**Mayor**. The city council may require the mayor to provide specific information to the city council on any matter within the jurisdiction of the city council. The city council may require the mayor to appear before the city council in person to provide specific information on the conduct of any aspect of the business of the city. The mayor may bring to such meeting any assistant, department head or other city officer or employee that the mayor deems necessary to assist in responding to the questions posed by the city council.

**Notice**. The city council shall give notice to any person the city council may require to appear before it under this section not less than 10 days before such appearance is required. The notice shall include specific questions on which the city council seeks information and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those topics presented in advance and in writing. The mayor shall receive a copy of all such notices.

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

**City Clerk**. The city council shall elect a city clerk to serve for a term of 3 years. The city clerk shall be the keeper of vital statistics of the city and the custodian of the city seal and of all records of the city. The city clerk shall administer the oath of office to all city officers and shall issue licenses and permits as may be provided by law. The city clerk shall have the powers and duties provided to that office by law, this charter, ordinances or other votes of the city council.

**Staff** - Subject to appropriation, the council may establish additional council support positions by ordinance as the council deems necessary and may appoint staff to serve in those positions. All officials of the city shall cooperate with employees of the city council in the performance of any oversight functions. Council staff shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the city council.

Salaries - Council staff and officers appointed under Section 2-7 shall receive such salaries as may from time to time be provided for such office by ordinance.

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

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

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

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

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

The mayor shall refer to the city council, and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a member of a multiple-member body. Appointments made by the mayor shall become effective on the 30<sup>th</sup> day after the date on which notice of the proposed appointment was filed with the city clerk unless rejected by a two-thirds vote of the city council within the 30 days, with rejection not to be unreasonably undertaken. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of objection provided in section 2-8(b) of this charter.

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

- (a) Councilor-at-Large. If a vacancy shall occur in the office of councilor-at-large, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding city election who received the highest number of votes without being elected and who received not less than 30 percent of the total votes cast for the candidate with the highest number of votes for the office of councilor-at-large, if that person remains eligible and willing to serve as councilor-at-large. The city clerk shall certify this candidate to the office of councilor-at-large to serve for the balance of the unexpired term.
- (b) Ward Councilor. If a vacancy shall occur in the office of ward councilor, the vacancy shall be filled in descending order of votes received by the candidate for the office of ward councilor in the ward in which the vacancy occurs at the preceding city election who received the highest number of votes without being elected and who received not less than 30 per cent of the total votes cast for the highest vote getter for the office of ward councilor in the ward, if that person remains eligible and willing to serve as ward councilor. The city clerk shall certify this candidate to the office of ward councilor to serve for the balance of the unexpired term.
- (c) Filling of Vacancies by City Council. If a vacancy shall occur in the office of councilor-at-large or in that of ward councilor and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b), the remaining members of the city council shall elect a person to fill the vacancy. The notice of the meeting to fill the vacancy must be posted at least 10 days in advance of the meeting. A person elected by the city council to fill a vacancy shall serve until the next regular election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which the person is elected. No vacancy shall be filled under this section if a regular city election is to be held within 90 days following the date the vacancy is declared to exist. A person serving as a councilor under this section shall not be entitled to have the words "candidate for re-election" printed against the person's name on the election ballot.

### **ARTICLE III EXECUTIVE BRANCH**

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

- (a) Mayor, Qualifications - The chief executive officer of the city shall be a mayor, elected by and from the voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation, or profession during the period of service as mayor.



Term of Office. The term of office of the mayor shall be 4 years beginning on the first Monday in the January succeeding the mayor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall end when a successor has been qualified.

- (b) No person shall be elected to the office of mayor for more than four consecutive four-year terms.
- (c) Compensation. The city council shall, by ordinance, establish the compensation for the mayor. No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted by a two-thirds vote of the full city council. No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted during the first 36 months of the term for which the mayor is elected and unless it provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election.
- (d) Prohibitions – No former mayor shall hold any compensated appointed city office or city employment until one year following the date on which such former mayor's city service has terminated.

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

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

The mayor shall exercise a general supervision and direction over all city agencies, unless otherwise provided by law, by the charter or by ordinance. Each city agency shall furnish to the mayor, forthwith upon request, any information, materials or otherwise as the mayor may request and as the needs of the office of mayor and the interest of the city may require.

The mayor shall be, by virtue of the office, a member of every multiple-member body of the city. The mayor shall have a right, as such ex officio member, to attend any meeting of any multiple-member body of the city, at any time, including so-called executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.

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

The mayor shall appoint, subject to the review of such appointments by the city council under section 2-9, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by this charter. All

appointments to multiple-member bodies shall be in accordance with section 2-9. Upon the expiration of the term of a member of a multiple-member body, a successor shall be appointed in like manner. The mayor shall fill a vacancy for the remainder of the unexpired term of a member of a multiple-member body.

All persons classified as department heads, except the city clerk, shall, subject to the consent of the mayor, appoint, promote, and discipline all assistants, subordinates and other employees of the agency for which that person is responsible. All appointments and promotions made or approved by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training, and previous work experience to perform the duties of the office or position for which the person is chosen.

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

City Officers and Department Heads - The mayor may, in writing, remove or suspend any city officer or the head of any city department appointed by the mayor by filing a written statement, with the city clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said city officer, or head of a department. The said city officer, or head of a department may make a written reply by filing such a reply statement, with the city clerk, within ten days following the date the statement of the mayor has been filed; but such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a city officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. The removal shall take effect on the thirtieth day following the date of filing in the office of the city clerk the notice of removal by the mayor.

#### **SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES**

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

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy or when the regular officer shall return). I certify that said person is qualified to perform the duties

that will be required and that I make this designation solely in the interests of the city of Medford.

(signed)

Mayor

- (b) A person serving as a temporary officer under this section shall have only those powers of the office essential to the performance of the duties of the office during the period of the temporary appointment. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 120 days; provided, however, that 1 extension of not more than 60 days of a temporary appointment may be made when a permanent vacancy exists in the office.

### **SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS**

Communications to the City Council - Within twelve weeks following the start of each fiscal year the mayor shall submit to the city council, and make available for public distribution, a complete report on the financial and administrative activities of the city for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, from time to time throughout the year by written communications, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative problems of the city.

Special Meetings of the City Council - The mayor may call a special meeting of the city council for any purpose. Notice of the meeting shall, except in an emergency, which shall be determined by the mayor, be delivered at least 48 weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately or as required by the General Laws relative to such a posting.

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

Every order, ordinance, or vote adopted or passed by the city council relative to the affairs of the city, except memorial resolutions, the selection of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval. If the mayor approves of a measure, the mayor shall sign it. If the mayor disapproves of a measure, the mayor shall return the measure with the specific reasons for the disapproval attached to it, in writing, to the city council. The city council shall enter the objections of the mayor on its records and shall reconsider the measure not less than 10 but not more than 30 days from the date of the measure's return. If the city council shall again pass the order, ordinance, resolution or vote by a 2/3 vote of the full council, it shall then take effect notwithstanding the objections of the mayor. If the mayor has neither signed a measure nor returned it to the city

council within 10 days following the date it was presented to the mayor, the measure shall take effect.

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

Acting Mayor – Whenever, the mayor is unable to perform the duties of the office, the president of the city council shall appoint an acting mayor from among the city council to hold that role for no more than sixty days. The appointed acting mayor must be confirmed by a simple majority vote of the city council. The city council, by unanimous vote of the entire membership, may determine whether the mayor is unable to perform the duties of the office. The mayor may of their own authority declare themselves temporarily unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote. The mayor may at any point declare themselves able to perform the duties of office ending the role of acting mayor.

Powers of Acting Mayor – The acting mayor shall have only those powers of the mayor as are indispensable and essential to conduct the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make a permanent appointment or removal from city service unless the absence of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the city council is serving as acting mayor, such councilor shall not vote as a member of the city council.

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

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

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

Special Election - If a vacancy in the office of mayor occurs during the first 34 months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the city council shall forthwith order a special election to be held within ninety (90) days following the date the vacancy is created, to fill such vacancy for the balance of the remaining term. If a regular city election is to be held within one-hundred eighty (180) days following the date the vacancy is created a special election need not be held and the

position shall be filled by vote at such regular election The person elected shall serve for the balance of the remaining term.

Council Election - If a vacancy in the office of mayor occurs in the in the last 14 months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall appoint a mayor from among the city council. Upon the qualification of a member of the city council as the mayor, under this section, a vacancy shall exist in that council seat on the city council which shall be filled in the manner provided in section 2-10. Any person serving as mayor under this subsection shall not be subject to the restrictions contained in the third sentence of section 3-1(d), nor shall such person be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

## **ARTICLE IV SCHOOL COMMITTEE**

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

- A. Composition - The school committee shall consist of 7 members: 2 members elected at large by the voters of the city; and 1 each elected from the following districts comprised of combined wards within the city of Medford: wards 1 and 7, wards 2 and 3, wards 4 and 5, and wards 6 and 8.

The Mayor will serve as the seventh member of the school committee by virtue of office and will serve as chair as outlined in section 4-2.

- B. Term of Office - The term of office for school committee members shall be two years each, beginning on the first Monday in the January succeeding the member's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall end when their successors have been qualified.
- C. At large Eligibility: A school committee member shall at the time of election be a Medford voter. If a school committee member moves from Medford during the term for which elected such office shall be immediately deemed vacant and filled in the manner provided in section 4-6.
- D. District Eligibility: A school committee candidate shall at the time of election be a Medford voter and shall have resided in one of the wards of the district from which they are seeking office for one year prior to inauguration for the office of school committee. If a school committee member moves from Medford during the term for which elected such office shall be immediately deemed vacant and filled in the manner provided in section 4-6. A district school committee member removes from the district in which the member was elected and who remains a resident of the city may continue to serve during the term for which the member was elected.

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

The Mayor shall serve as the Chair of the School Committee. Immediately prior to the first regular committee meeting in January or as soon as practical after school committee members-elect have been qualified following each regular city election, the school committee members shall choose from amongst their membership a vice chair and secretary (clerk) who will each serve for one year. The position should rotate amongst members with no member serving more than one year in the role for which they have been selected for by the committee.

**Powers and Duties:** With the assistance of the Superintendent of Schools, the chair shall prepare the agenda for school committee meetings. The chair shall preside at all regular meetings of the school committee, regulate its proceedings and decide all questions of order. The chair shall appoint all members of the school committee to the various sub committees of the school committee after seeking each member's views regarding interest and availability. The chair will have the same powers to vote upon measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.

**Vice Chair:** the Vice Chair shall preside in the absence of the chair.

**Secretary (or Clerk):** The Secretary has the responsibility to record the votes taken at regular school committee meetings. In addition the Secretary is responsible for overseeing and approving the bills of the school department unless the school committee votes to form a subcommittee expressly for reviewing the bills.

## **SECTION 4-3: PROHIBITIONS**

Limitations on ability to hold other elected or appointed positions and the duration of any limitations:

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

## **SECTION 4-4: COMPENSATION**

The city council may, by ordinance, provide an annual salary for the members of the school committee. No ordinance increasing such salary shall be effective unless it shall have been adopted during the first 18 months of a term of office and it provides that such salary is to take effect with the organization of the city government following the next regular municipal election.

The mayor will not receive additional compensation for service on the school committee.

## **SECTION 4-5 POWERS AND DUTIES**

The school committee shall have all powers which are conferred on school committees by the General Laws and the additional powers and duties provided by charter, ordinance or otherwise and not inconsistent with the General Laws.

The school committee shall exercise the following powers and perform the following duties, and no individual member is empowered to act unless by vote of the school committee:

- A. Selection, evaluation, and removal of a superintendent of schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendent(s), business manager(s), director(s) of special education, and nurses as authorized by the General Laws.
- B. Making all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as deemed necessary or desirable; including but not limited to determining the hours and sessions of the public schools, establishing rates of tuition for non-resident pupils, and participating in negotiations in accordance with the General Laws of the Commonwealth of Massachusetts.
- C. Adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the city council; provided, however, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment.

## **SECTION 4-6: FILLING OF VACANCIES**

1. School committee at-large. If a vacancy shall occur in the office of school committee at-large, the vacancy shall be filled in descending order of votes received by the candidate for the office of school committee at-large at the preceding city election who received the highest number of votes without being elected and who received not less than 30 percent of the total votes cast for the candidate with the highest number of votes for the office of school committee at-large, if that person remains eligible and willing to serve as school

committee at-large. The city clerk shall certify this candidate to the office of school committee at-large to serve for the balance of the unexpired term.

2. District School Committee member. If a vacancy shall occur in the office of district school committee member, the vacancy shall be filled in descending order of votes received by the candidate for the office of district school committee in the district in which the vacancy occurs at the preceding city election who received the highest number of votes without being elected and who received not less than 30 per cent of the total votes cast for the highest vote getter for the office of district school committee in the district, if that person remains eligible and willing to serve as district school committee. The city clerk shall certify this candidate to the office of ward councilor to serve for the balance of the unexpired term.
3. Filling of Vacancies by the School Committee and City Council. If a vacancy shall occur in the office of school committee at-large or in that of district school committee member and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b), the remaining members of the school committee and the city council shall meet in joint session to elect a person to fill the vacancy. The notice of the meeting to fill the vacancy must be posted at least 10 days in advance of the meeting. A person elected by the school committee and city council to fill a vacancy shall serve until the next regular election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which the person is elected. No vacancy shall be filled under this section if a regular city election is to be held within 90 days following the date the vacancy is declared to exist. A person serving as a school committee member under this section shall not be entitled to have the words "candidate for re-election" printed against the person's name on the election ballot.

## **ARTICLE V ADMINISTRATIVE ORGANIZATION**

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

The organization of the city into agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council. The mayor may, subject only to express prohibitions of a general law or this charter, submit proposals to reorganize, consolidate or abolish any agency, in whole or in part, or to establish a new agency as is deemed necessary, establish terms of office and prescribe the functions and administrative procedures to be followed by all such agencies. No function assigned by this charter to a particular agency may be discontinued or assigned to any other agency unless specified by this charter. The mayor may prepare and submit to the city council, administrative orders that establish agencies for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message from the mayor which explains the expected benefits and



advises the city council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the city council shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper and on the city's website, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within that 60-day period, vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

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

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

## **ARTICLE VI FINANCIAL PROCEDURES**

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

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

### **SECTION 6-2: ANNUAL BUDGET MEETING**

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

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

Not less than 30 days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the budget as approved by the school committee, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important

features of the proposed operating budget and indicate any major variations from the current operating budget, fiscal policies, revenues and expenditures, together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable. The school budget, as adopted by the school committee, shall be submitted to the mayor within a reasonable time before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the budget of the school committee shall be submitted to the mayor. The mayor and the school superintendent shall coordinate the dates and times of the school committee's budget process under the General Laws.

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

- (a) Public Hearing. The city council shall publish in at least one local news publication of general circulation in the city a notice of the proposed operating budget as submitted by the mayor. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time and place, not less than 14 days after its publication, when a public hearing on the proposed operating budget will be held by the city council.
- (b) Adoption of the Budget. The city council shall adopt the operating budget, with or without amendments, not more than 45 days following the date the budget is filed with the city clerk. In amending the operating budget, the city council may delete or decrease any amounts except expenditures required by law. The city council, except on the recommendation of the mayor, shall not increase any item in or the total of the proposed operating budget unless otherwise authorized by law. If the city council fails to take action on an item in the operating budget within 45 days after receipt of the budget, that amount shall, without any action by the city council, become a part of the appropriations for the year and shall be available for the purposes specified.
- (c) Availability of the Operating Budget - In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the mayor shall cause the entire budget document to be posted on the city's website, such posting shall be prominently labeled as "Proposed FY \_\_\_ Budget". Said proposed budget document shall remain posted during the city council review process contained in this article. After the enactment of the budget, it shall be posted on the city's website and prominently labeled as "FY \_\_\_ Budget" and shall remain there throughout the fiscal year for which it is in effect. Said budget document shall reflect any amendments made by the city council and approved by the mayor.

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

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

1. a clear and concise general summary of its contents;
  2. a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement;
  3. cost estimates, methods of financing and recommended time schedules for each improvement; and,
  4. the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.
- (b) Public hearing - The city council shall publish in at least one newspaper of general circulation in the city, and on the city's website, a notice stating: (1) the times and places where entire copies of the capital improvements program are available for inspection by the public; and, (2) the date, time and place not less than fourteen days after such publication, when a public hearing on said plan will be held by the city council.
- (c) Adoption - At any time after the public hearing but before the first day of the last month of the current fiscal year, the city council shall by order adopt the capital improvements program with or without amendment, provided that each amendment must be voted separately and that any increase in the capital improvements program as submitted must clearly identify the method of financing proposed to accomplish such increase.

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

The city council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The mayor shall annually provide to the city council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the city council. The award of a contract to audit shall be made by the city council on or before September 15 of each year. The report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award. At least every three years, the city council shall conduct a competitive procurement process to retain these auditing services.

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

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

## **ARTICLE VII ELECTIONS**

### **SECTION 7-1: PRELIMINARY ELECTIONS**

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

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

- (a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor, not less than 150 certified signatures; for any other office elected at large, not less than 100 certified signatures; for the office of ward city councilor, not less than 50 certified signatures; for the office of school committee, not less than 50 certified signatures; provided, however, that the signatures for the office of ward city councilor shall be from voters in the ward for which the councilor shall be elected, and the signatures for district school committee members shall be from voters in the wards comprising such district. Signatures of voters shall be made on a form prescribed by the registrars of voters and shall be made available not earlier than April 2 in each municipal election year and those forms shall be submitted to the registrars of voters for certification of the names on or before the 14th day preceding the date fixed for submission to the city clerk. The forms shall be submitted to the city clerk on or before 5:00 in the afternoon on the 45th day prior to the declared date of the preliminary election. An individual may appear on the ballot for only one office at any preliminary, regular or special city election.
- (b) Ballot Position - The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least 40 days before the preliminary election. The drawing shall be open to the public.
- (c) Determination of Candidates - The two persons who receive the highest number of votes for nomination for an office at the preliminary election shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special city election at which the office is to be

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

- (d) Condition Making Preliminary Unnecessary - If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to the office and those candidates shall be voted on for such office at the succeeding regular or special city election and the city clerk shall not print those names on the ballot to be used at the preliminary election and no other nomination to the office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at a preliminary election in the city, no preliminary election shall be held.

### **SECTION 7-3 REGULAR MUNICIPAL ELECTION**

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

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

The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk not later than seven days after the certification of the preliminary election results. In the event that there is no preliminary election in advance of the regular city election, the drawing shall be conducted at least 40 days before the general election. In the event that there is no preliminary election in advance of a special city election, the drawing shall be conducted at least 40 days prior to the special city election. The drawing shall be open to the public.

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

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

## **SECTION 7-6: WARDS**

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

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

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

# **ARTICLE VIII CITIZEN PARTICIPATION MECHANISMS**

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

The city council or the school committee shall hold a public hearing on every petition addressed to the city council or the school committee that is signed by not less than 25 voters, along with their addresses, and that seeks the passage of a measure. The hearing shall be held by the city council or the school committee, or by a committee or subcommittee of the city council or the school committee, and the action by the city council or the school committee shall be taken not later than 10 weeks after the petition was filed with the city clerk or the school committee. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The city clerk or the school committee secretary shall mail notice of the hearing to the 10 persons whose names appear first on the petition not less than 7 days before the hearing. No hearings shall be required on the same content more than one time a year. Notice by publication of all such hearings shall be at public expense.

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

- (a) Commencement. Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary (clerk) of the school committee. The petition shall: (i) be addressed to the city council or the school committee; (ii) contain a

request for the passage of a particular measure, which shall be set forth in full in the petition; and (iii) be signed by not less than 250 voters and include their addresses. Not less than 25 signatures shall be certified from each ward. The petition shall be accompanied by an affidavit signed by 10 voters, containing their residential addresses, stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, as well as designating one member as its clerk.

- (b) Referral to City Solicitor. The city clerk or the secretary (clerk) of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city solicitor. The city solicitor shall, not more than 15 days following receipt of a copy of the petition, advise the city council or the school committee in writing as to whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of the opinion of the city solicitor shall be mailed to the members of the petitioners' committee.
  
- (c) Submission to City Clerk. If the opinion of the city solicitor is that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first 10 voters who signed the originating petition. Not more than 90 days following the date the blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk, signed by not less than 5 percent of the total number of voters as of the date of the most recent city election. Signatures to an initiative petition may be on more than one sheet of paper but all papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument with the endorsement on it of the name and residential address of the person designated as filing the same. With each signature on the petition, there shall also appear the street and number of the residence of each signer. Not more than ten days following the filing of the petition, the board of registrars of voters shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent city election. The board of registrars of voters shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk or to the secretary of the school committee, depending on how the petition is addressed. A copy of the board of registrars of voters' certificate shall also be mailed to the person designated as clerk of the petitioners' committee.
  
- (d) Action on Petitions. Not more than 30 days following the date a petition has been returned to the city clerk or the secretary (clerk) of the school committee and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by: (i) passing it without change; (ii) passing a measure stated to be in lieu of the initiative measure; or (iii) rejecting it. The passage of a measure in lieu of an initiative measure shall be considered a rejection of the initiative measure. If the city council or the school committee does not act with respect to an initiative measure

that is presented to it not more than 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the secretary (clerk) of the school committee shall promptly give notice of that fact to the persons designated as the petitioners' committee by certified mail.

- (e) **Supplementary Petitions.** Not more than 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the executive secretary of the school committee, but only by persons constituting the original petitioners' committee. The supplemental initiative petition shall be signed by a number of additional voters that is not less than 5 percent of the total number of voters as of the date of the most recent city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of not less than 10 percent of the total number of voters in the city. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date fixed by it not less than 35 days nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, that if another city election is to be held not more than 180 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition, the city council may omit the calling of such special election and cause the question to appear on the election ballot at such municipal election for determination by the voters.
- (f) **Publication.** The full text of an initiative measure that is submitted to the voters shall be published in at least one local news publication not less than 7 days but not more than 14 days before the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk and on the city's website.
- (g) **Form of Question.** The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure that was proposed by an initiative petition take effect? (Here insert a fair, concise summary prepared by the petitioners and approved by the city solicitor.)

YES  
NO

- (h) **Time of Taking Effect.** If a majority of the votes cast on the question is in the affirmative, the measure shall be effective immediately unless a later date is specified in the measure.

### **SECTION 8-3: CITIZEN REFERENDUM PROCEDURES**



- (a) Petition, Effect on Final Vote. If, not more than 21 days following the date on which the city council or the school committee has voted finally to approve of a measure, a petition signed by a number of voters amounting to not less than 12 percent of the total number of voters as of the date of the most recent general city election and addressed to the city council or to the school committee, as the case may be, protesting against the measure or any part of it is filed with the secretary (clerk) of the school committee or city clerk, the effective date of the measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters at a special election, which the city council may call at its convenience, or within such time as may be requested by the school committee or at the next regular city election; provided, however, that pending this submission and determination the effect of the measure shall continue to be suspended.
- (b) Certain Initiative Provisions to Apply. The petition under this section shall be a referendum petition and the applicable provisions of section 8-2 that relate to the filing and certification of signatures shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall replace the word "measure" and the word "referendum" shall replace the word "initiative". The measure or part protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part protested against at the election.

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

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

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

#### **SECTION 8-5 RECALL**

- (a) Application - Any holder of an elected office in the city, with more than 6 months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the city in the manner provided in this section. No recall petition shall be filed against an officer within six months after taking office.
- (b) Recall Petition - A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled, provided that the affidavit is signed by at least 500 voters for the office of mayor or councilor-at-large and at least 300 voters for any other elected official; provided, however, that the signatures for a recall petition for the office of ward city councilor shall be from voters in the ward for which the councilor was elected, and the signatures for a recall provision of a district school committee member shall be signed by voters of the wards constituting such district. The city clerk shall thereupon deliver to those voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available. The blanks shall be issued by the city clerk, with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to the city council and shall contain the names of all the persons to whom the blanks are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. Said recall petition shall be returned and filed with the city clerk within 40 days after the filing of the affidavit, and shall have been signed by at least 20% of the voters of the city for any officer elected at large, signed by at least 20% of the voters of the ward for an officer elected by ward, and signed by at least 20% the voters in wards constituting a school committee district. The city clerk shall submit the petition to the registrars of voters and the registrars shall, within five days, certify thereon the number of signatures which are names of voters.
- (c) Recall Election - If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within five days, and the city council shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by the city council not less than 64 days and not more than 90 days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 120 days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.
- (d) Office Holder - The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled under articles 2, 3 and 4 of this charter for filling vacancies in such offices. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular

city election. Should the person be a candidate in the subsequent election, that person will not be allowed to have "candidate for reelection" appear on the ballot at such election.

- (e) Ballot Proposition - The form of the question to be voted upon shall be substantially as follows:

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

Yes

No

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

- (f) Repeat of Recall - In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least 270 days after the election at which the officer's recall was submitted to the voters of the city.
- (g) Office Holder Recalled - No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person shall be appointed to any city office within two years after such recall or such resignation.

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

For any measure to be effective under initiative procedure and for any measure to be declared null and void under a referendum procedure and for any recall election, at least 20% of the registered voters as of the most recent regular city election must vote at an election that includes on the ballot submission to the voters of one or more initiative or referendum questions, and 25% of the registered voters as of the most recent regular city election must vote at an election that includes on the ballot submission to the voters of a recall question.

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

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

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

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

### **ARTICLE IX**

## **GENERAL PROVISIONS**

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

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

### **SECTION 9-2: SPECIFIC PROVISION TO PREVAIL**

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

### **SECTION 9-3: RULES AND REGULATIONS**

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

### **SECTION 9-5: PERIODIC REVIEW OF CHARTER**

The charter shall be subject to review by a charter review committee as defined below within 5 years of the charter's approval by the voters. Thereafter, the charter shall be subject to review at least once every 10 years.

In any year where a charter review is taking place, the mayor and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to be composed of 4 appointees of the mayor, 4 appointees of the city council president, and 1 appointed by the school committee vice chair. All members shall be appointed by March 1 of the year of the charter review, and the committee shall prepare a report of its recommendations within 15 months of the committee's appointments. The committee shall hold at least 2 public hearings, one to hear testimony from city officials and residents, and one to present the committee's recommendations to the public. All members of the committee shall be voters of the city. The special committee shall file its report with the city clerk. Copies of any recommendations shall be made available to the public at city hall and posted to the municipal website.

The city council shall review and vote on the recommendations within 90 days of receipt of the committee's report. The city council may amend the recommendations.

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

Not later than July 1, at 5-year intervals, in each year ending in a 6 or in a 1, the mayor and city council shall provide for a review to be made of some or all of the ordinances of the city to prepare a proposed revision or recodification of them. This review shall be made by a special committee to be established by ordinance. All members of the committee shall be voters of the city. The special committee shall file its report with the city clerk at a date specified by ordinance. The review of city ordinances shall be under the supervision of the city solicitor. Copies of any recommendations shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

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

- (a) Officers – All appointed multiple-member bodies shall elect a chair, a vice-chair and a secretary and any other officer it deems necessary.
- (b) Meetings - All appointed multiple-member bodies of the city shall meet regularly at the times and places that the multiple-member body, by the body’s own rules, prescribe. Special meetings of any multiple-member body shall be held at the call of the chair or by a majority of the members of the body. Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public.
- (c) Meeting Documents and Submissions - Each appointed multiple-member body shall determine its own rules and order of business. Each multiple-member body shall provide for the keeping of agendas, minutes and related submissions of its proceedings. All such documents shall be a public record and certified copies shall be placed on file in the office of the city clerk within a reasonable period from the date of approval or acceptance of such submissions. Agendas and meeting minutes shall be posted on the city’s website at the same time as submission to the city clerk, and to the extent practicable, all related submissions to any agenda item; provided, however, that if such submission cannot reasonably be posted on the website, the meeting minutes shall state where and when any submissions as referenced in the meeting minutes can be viewed.
- (d) Voting - If requested by a member, a vote of an appointed multiple-member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if the vote is unanimous, only that fact need be recorded.
- (e) Quorum - A majority of the members of an appointed multiple-member body shall constitute a quorum. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an exercise

of the powers of the multiple-member body. General Laws related to a vote to meet in “executive session” shall always require a majority of members of the body.

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

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

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

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

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

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

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

A mayor-elect, the city council members-elect, the school committee members-elect and a city clerk-elect shall, on the first Monday in the January of each even-numbered year, meet and take an oath or affirmation to the faithful discharge of the duties of their office by the city clerk. If the first Monday in January of such even-numbered years falls on a legal holiday, the oaths or affirmations shall be taken on the following day. Upon receiving the oath or affirmation, each official shall document the same by signing an oath or affirmation that shall be kept in a bound book maintained by the city clerk. In the case of the absence of the mayor-elect or any member-

elect of the city council or school committee on the day the oath is administered, the oath or affirmation may at any time thereafter be administered to that person by the city clerk, the assistant city clerk, a judge of a court of record or by a justice of the peace. Modifications to this section may be prescribed by ordinance.

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

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

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

Unless otherwise allowed by law or this charter, no person shall simultaneously hold more than 1 city office or position of employment. This section may be waived by the mayor with the approval the city council by majority vote. After the mayor submits the waiver request to the council, the council has 30 days to vote to accept or reject the request. If the council does not act 30 days after receiving the mayor’s request, the waiver will be granted.

**SECTION 9-14: FELONY CONVICTION**

An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office.

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

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

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

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

## **SECTION 9-18: ETHICS COMMISSION**

- (a) Composition. The Ethics Commission shall consist of five (5) members. The city council shall appoint two (2) members, the mayor shall appoint two (2) members, and the school committee shall appoint one (1) member.
- (b) Term of Office. The term of office for a member of the commission shall be two (2) years, beginning immediately following appointment. No person shall be appointed to the commission for more than two (2) terms.
- (c) Eligibility. The following individuals are ineligible to serve as members of the ethics commission:
  - 1. City employees
  - 2. Candidates for elected office
  - 3. Elected officials
  - 4. Any person holding office in any political party or political committee
  - 5. Family members of the individuals listed above. For the purpose of this article “family members” shall mean, parents, spouses, children and siblings.
  - 6. A former city employee or elected official shall not be eligible for appointment to the Commission for one-year after leaving office.
- (d) Powers and Duties.
  - 1. The Commission shall create a statement of financial disclosure form which will be completed annually by individuals identified in paragraph (e).
  - 2. The Commission will keep and maintain copies of completed statement of financial disclosure forms for a period five (5) years. Copies of statement of financial disclosure forms shall be available to members of the public upon request.
  - 3. On April 1st of each year the Commission will publish the names and titles of individuals identified in paragraph (e) who have not submitted a completed statement of financial disclosure form.



(e) The follow individuals must submit a completed statement of financial disclosure form to the Commission by March 1st of each year:

1. All elected city officials
2. The superintendent of schools
3. The chief financial officer
4. The chief procurement officer
5. The public works director
6. Any other municipal officers as may be designated by ordinance

(f) Statement of Financial Disclosure. The statement of financial disclosure form shall include the following:

1. A schedule of financial interest in real property located within the Commonwealth of Massachusetts
2. A schedule of interests in any corporation, partnership, limited liability partnership or limited liability corporation
3. A schedule of interests in any business entity that provides any services or goods to the city
4. A schedule of business entities in which the discloser's family members have a financial interest
5. Any other information that the city designates for disclosure by ordinance

1. The committee will submit recommendations to the City Council, which will have the authorization to act/not act on these recommendations.

## **ARTICLE X TRANSITIONAL PROVISIONS**

### **SECTION 10-1: CONTINUATION OF EXISTING LAWS**

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

## **SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION**

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

## **SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY**

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

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

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

## **SECTION 10-5: TIME OF TAKING EFFECT**

- (a) Ordinance Review: Not later than thirty days following the election at which this charter is adopted, the city council shall appoint seven (7) persons to be a committee to begin a review of the city's ordinances for the purpose of preparing such revisions and amendments as may be necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. At least two (2) of the persons appointed to the committee shall have been members of the Charter Study Committee appointed in 2022. The committee shall submit a report, with recommendations, to the mayor and council within one year of the charter's adoption. The committee may also file interim reports as their examination proceeds. The review

shall be conducted under the supervision of the city solicitor, or, by special counsel appointed for that express purpose.

- (b) At the regular municipal election of 2027, the voters will elect 11 members of the city council, 6 members of the school committee, and a mayor. The term of office of the city council and school committee will be two years, and the term of the mayor shall be four years. All persons elected at the regular municipal election held on November 2, 2027 will take office on January 3, 2028.

#### **SECTION 10-6: DISPOSITION OF CERTAIN SPECIAL ACTS**

Chapter 605 of the Acts of 1986 is hereby repealed.

## APPENDICES

***Appendix A: Generic Model Charter***

**Generic Modern Massachusetts City Charter**

(Summary of modern municipal charters for Medford's consideration. Each section compares Medford's existing charter with layout of a modern charter)

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The Preamble is an optional section in which the City can articulate value statements for the City operation (as opposed to the Committee's operation).

Medford's existing charter does not have a Preamble. Instead, it contains the statutory introduction to Plan A

Current Language: **Sec. 46. Plan A.**

## PREAMBLE

### *General guidelines for preambles:*

- While value statements can be incorporated, the more contentious a piece of work is, the less likely it is to get the approval required for implementation.
- Preambles should be a collective vision of the charter that is shared by the community.
- Length should be minimal. The preamble to the US Constitution has 52 words.

Some of the language in this section is considered standard / typical language. However, it is important. This is especially true of the definition section (how terms such as “days” are defined etc.).

Medford’s existing charter does not include this section

## ARTICLE 1 INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

SECTION 1-2: SHORT TITLE

SECTION 1-3: DIVISION OF POWERS

SECTION 1-4: POWERS OF THE CITY

SECTION 1-5: CONSTRUCTION

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

SECTION 1-7: DEFINITIONS

- Definition of key terms, such as days, quorum, City agency, department, multiple member body.

This is a weighty section. It begins to define the division of powers between the executive and legislative branch. It will look different depending on what that Committee decides to propose for the form of government – Mayor vs. City Manager.

Current Language: Sec. 50. City council; number; election; terms of office; officers., Sec. 50A. Filling of vacancies in city council.

There is no discussion of compensation, prohibitions, public access, council rules or appointment powers in the current language. Must refer to MGL c 43 Section 17A for compensation.

## ARTICLE 2 LEGISLATIVE BRANCH

### SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

- how the Council is composed, how many councilors, ward vs. at-large, 2 vs. 4 years, qualifications for office (ex: resident, voter).

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

- how Council leadership is established (ex: highest vote getter from general election, election among council members, most senior), term of office and duties (ex: agenda setting, conducting meetings etc., right to vote, appointment of committees)

### SECTION 2-3: PROHIBITIONS

- whether City Council members can hold other compensated positions for the City, appointed / volunteer positions, length of prohibition (some extend after term is complete), may place limits of Councilors giving direction to department heads

### SECTION 2-4: COMPENSATION

- whether Councilors are compensated and how compensation shall be fixed (ex: by ordinance) and limitations on adjustment of compensation (ex: has to be established by / when takes effect)

### SECTION 2-5: GENERAL POWERS

- scope of authority (typically broad, limited by General laws or charter)

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

- how authority is exercised, what constitutes a quorum, rules of procedure, roll call votes, how meetings are called, public comment / access, special meetings of the Council, notice, keeping of minutes.

SECTION 2-7: ACCESS TO INFORMATION

- how the City Council gains access to City information, including information from City Departments and the Mayor / Manager (calling department heads / Manager to meetings, notice, time for response to information requests from Council)

SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

- whether the City Council is allowed to appoint staff, how compensation is determined, method of removal / suspension of City Council Staff.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

- how ordinances are established, requirement of mayor approval / veto, emergency measures, raising a “charter objection” to voting on a measure (postponing a vote).

SECTION 2-10: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

- whether City Council should be required to confirm appointments of the Mayor / Manager, how that confirmation occurs, limitations on ability to reject appointments, time period.

SECTION 2-11: FILLING OF VACANCIES

- how a vacancy on City Council is filled and the term of the replacement member.

This is another weighty section. It continues to define the division of powers between the executive and legislative branch. It will look differently depending on what that Committee decides to propose for the form of government – Mayor vs. City Manager.

Current Language: Sec. 48. Mayor; election; term of office., Sec. 52. Mayor to make certain appointments without confirmation., Sec. 53. Certificate of appointment., Sec. 54. Removal of certain officials., Sec. 55. Approval or veto of measures by mayor; veto override, Sec. 56. [Mayor's salary.]

No discussion of temporary appointments or power during absence of executive. Must refer to MGL c 43 Section 26 about absence of executive.

## ARTICLE 3 EXECUTIVE BRANCH

### SECTION 3-1: CITY MANAGER / MAYOR: QUALIFICATIONS; APPOINTMENT/ TERM OF OFFICE; COMPENSATION; PROHIBITIONS

- the appointment method (selection by electorate, appointment by City Council, the quantum of vote required to confirm, the term of office, qualifications – registered voter, resident, or otherwise), prohibition on holding other elective public office, term of office (when it commences, length, swearing in).  
Compensation, how fixed and limitations on adjustment of compensation (ex: has to be established by / when takes effect)

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

- establishes how executive branch authority (including responsibility for enforcement of the charter, laws, ordinances and other city orders) is exercised, including general supervision of city departments and agencies. Defines head of executive's role in relation to departments, multiple member bodies, ex officio roles.

### SECTION 3-3: APPOINTMENTS BY CITY MANAGER / THE MAYOR

- defines the appointment authority of the head of the executive branch and specifies limitations (ex: appoints department heads subject to approval of CC, or members of multiple member bodies), whether authority can be delegated, and timeframes and procedures for filling vacancies.

SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

- how vacancies are handled while a permanent appointment is pending.

SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

- the preferred method of communication between the executive head and City Council (ex: the Mayor / Manager shall by written communication, keep the council fully informed of the financial and administrative condition of the city) and whether the executive head has the authority to call a meeting of City Council, and the protocols for calling a “special” meeting.

SECTION 3-6: APPROVAL OF CITY MANAGER / MAYOR, VETO

- whether ordinances, resolutions or votes by city council require approval or action by the head of the executive branch, and if so, the process required and timeframes. Whether the City Council can override with a 2/3 or other quantum of vote.

SECTION 3-7: TEMPORARY ABSENCE OF THE CITY MANAGER / MAYOR

- protocols for when there is a temporary absence of the head of the executive branch, including who declares absence / inability to perform, appointment process of person in acting capacity, and the authority / limitations of person appointed in acting capacity.

SECTION 3-8: DELEGATION OF AUTHORITY BY CITY MANAGER / MAYOR

- authority to delegate powers, limitations and revocation of delegation of authority.

SECTION 3-9: VACANCY IN OFFICE OF CITY MANAGER / MAYOR

- in contrast to a temporary vacancy, this section addresses protocols for handling a permanent vacancy in the office of the head of the executive branch. Addresses whether person is appointed in an acting capacity, whether filled by appointment or special election, and the timeframes involved.

Current Language: The current charter posted on the city's website does not include any language about the school committee. Must refer to state law specifically MGL c 43 Sections 31 to 36.

## ARTICLE 4 SCHOOL COMMITTEE

### SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

- establishes the composition of the school committee (how many members, at-large vs. ward, whether the head of executive or legislative has a role, the term of office, qualifications (ex: resident, voter), term of office, addresses issue of elected member who becomes ineligible (ex: moves from ward or out of district).

### SECTION 4-2: SCHOOL COMMITTEE CHAIR. VICE CHAIR. CLERK (if applicable)

- how Committee leadership is established (ex: election among council members, most senior), term of office (typically a year) and duties (ex: agenda setting, conducting meetings etc., right to vote, appointment of committees)

### SECTION 4-3: PROHIBITIONS

- limitations on ability to hold other elected or appointed positions and the duration of any limitations

### SECTION 4-4: COMPENSATION

- whether Committee members are compensated and how compensation shall be fixed (ex: by ordinance) and limitations on adjustment of compensation (ex: has to be established by / when takes effect)

### SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

- restates authority conferred by general laws and any additional authority provided by Charter (ex: role in school building projects, school maintenance)

SECTION 4-6: FILLING OF VACANCIES

- how a vacancy on the Committee is filled (whether by appointment, joint appointment, election), timeframes and the term of the replacement member.



Current Language: The current charter posted online does not include this section. Must refer to MA state law Chapter 41.

## ARTICLE 5 ADMINISTRATIVE ORGANIZATION

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

- defines the authority for determining the administrative organization for the City and its divisions and departments and prescribes the process for making changes to the City's organizational structure (ex: if consolidating departments the authority for making that decision and the process for accomplishing a reorganization).

### SECTION 5-2: MERIT PRINCIPLES

- general statement about fitness for position being qualifying factor in hiring, (anti-nepotism)

Current Language: The current charter posted online does not include this section..

## ARTICLE 6 FINANCIAL PROCEDURES

### SECTION 6-1: FISCAL YEAR

### SECTION 6-2: ANNUAL BUDGET MEETING

- establishes the timeframe for budget meetings and any required participants

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

- establishes the process for budget development and the timeframe for budget submission

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

- establishes the protocols for adopting the budget, including holding of public hearings, ability to modify, reject, timeframe for adoption and posting requirements

### SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

- establishes the protocols for creating and adopting the capital budget

### SECTION 6-6: INDEPENDENT AUDIT

- authority and protocol for independent audit process

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

- restatement of prohibition of expenditures beyond appropriations

Current Language: The current charter has limited language on elections spread across various sections; Sections 48, 49, 50 and 50A

## ARTICLE 7 ELECTIONS

### SECTION 7-1: PRELIMINARY ELECTIONS

- establishes the dates of the preliminary election, including date for preliminary election to fill a vacancy

### SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

- establishes the number of certified signatures required for each office, and the form required, including the date the forms are available, the position names appear on the ballot, how candidates for the ballot are determined (highest number of votes, resolution of ties) and defining the conditions under which no preliminary election is required (ex: uncontested)

### SECTION 7-3 REGULAR CITY ELECTION

- establishes date of regular city election

### SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION

- establishes the order in which candidate names appear on the ballot

### SECTION 7-5: NON-PARTISAN ELECTIONS

- restates that local elections are non-partisan

### SECTION 7-6: WARDS

- establishes number of wards, and timeframe for review of wards (process of establishing the ward boundaries is defined outside of the Charter)

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

- restating that unless otherwise provided in the Charter, City elections are governed by Massachusetts General Laws.

Articles regarding citizen participation define optional mechanisms that allow citizens to directly in government by demanding public hearings, creating laws, overturning laws, and removing elected officials.

Current Language: The current charter does not discuss citizen participation. Must refer to state law.

## ARTICLE 8 CITIZEN PARTICIPATION MECHANISMS

### SECTION 8-1: FREE PETITION

- provides mechanism for citizens to petition government, and signature requirement necessary to compel action / response from the government body petitioned (ex: petition to establish bike lanes in certain area may require 150 signatures from registered voters to compel a public hearing by city council). Also includes notice requirements for action, and limitations (ex: no hearing shall be required on any one subject more than 1x every 12 months).

### SECTION 8-2: CITIZEN INITIATIVE MEASURES

- process for requesting that the legislative body (city council or school committee) pass a certain measure, including number of signatures required, review by city solicitor, submission to city clerk, and review by registrars or election commissioners. Also includes the timeframe for acting on citizen initiative measures, presumption of rejection if inaction, supplemental petitions (if rejected by legislative body, may bring petition direct to ballot), publication requirements, form of question on ballot and the time the measure takes effect if passed by voters.

### SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

- process for requesting that the legislative body (city council or school committee) reconsider action on a measure, including signature requirements and other protocols provided above in section 8-2. Also includes submission to voters via ballot at special election or regular election.

SECTION 8-4: INELIGIBLE MEASURES

- list of actions that are exempt from citizen initiative / referendum process

SECTION 8-5 RECALL

- establishes process for citizen petition to remove elected official from office, including affidavit process, signature requirement for affidavit and petition, timeframe, process of election, form of ballot question, actions of office holder pending recall election, process for filling vacancy from recalled office holder, and effect of recall on office holder's ability to be appointed to other city positions.

SECTION 8-6: REQUIRED VOTER PARTICIPATION

- establishes minimum number of voters participating in election required for citizen initiative measure to be valid

SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

- ability of city council / school committee to submit a voter referendum provision

SECTION 8-8: CONFLICTING PROVISIONS

- when two conflicting measures are passed at the same election, this provision establishes which shall take effect (ex: the measure receiving the greatest number of votes)

Current Language: Not in the current charter.

## ARTICLE 9 GENERAL PROVISIONS

### SECTION 9-1: CHARTER CHANGES

- process for amending charter

### SECTION 9-2: SPECIFIC PROVISION TO PREVAIL

- restates general principle that specific language prevails over more general provisions

### SECTION 9-3: RULES AND REGULATIONS

- establishes effective date for “rules and regulations” adopted by city agencies and location where copies of such rules shall be filed / maintained.

### SECTION 9-4: PERIODIC REVIEW OF ORDINANCES

- establishes interval for review of ordinances and procedures for review (ex: establishing a committee etc.)

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

- establishes interval for review of charter and procedures for review (ex: establishing a committee etc.)

### SECTION 9-6: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

- establishes basic requirements for all MMBs including officers required, meeting requirements, notices, quorum, recording of votes and filing / maintenance of document requirements.

### SECTION 9-7: REFERENCES TO GENERAL LAWS

### SECTION 9-8: COMPUTATION OF TIME

- how time is computed (ex: when counting days are holidays, weekends included)

SECTION 9-9: OATHS OR AFFIRMATIONS

- process for administering oaths / affirmations, including persons authorized to administer oaths, date/timing and the process for recording.

SECTION 9-10: CERTIFICATE OF ELECTION OR APPOINTMENT

- provides how elections / appointments shall be recorded and maintained and record of oaths / affirmations shall be documented

SECTION 9-11: LIMITATION ON OFFICE HOLDING

- specifies limitations on holding multiple offices, or positions of employment within the City and process for obtaining a waiver

SECTION 9-12: FELONY CONVICTION

- effect of felony conviction on ability to hold elected office

SECTION 9-13: GROUP HEALTH AND LIFE INSURANCE

- eligibility of elected official to participate in group health or life insurance and other City benefit programs

SECTION 9-14: ENFORCEMENT OF CHARTER PROVISIONS

- responsibility for charter enforcement, and process for filing notice of charter compliance objection

Current Language: Not in current charter.

## ARTICLE 10 TRANSITION PROVISIONS SECTION

### SECTION 10-1: CONTINUATION OF EXISTING LAWS

- provides that existing laws not otherwise repealed by the Charter shall continue in full force and effect

### SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

- provides that all City agencies and officials shall continue to perform their duties

### SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

- provides that where the Charter reassigns duties / powers between City agencies, the corresponding records and property are also reassigned

### SECTION 10-4: CONTINUATION OF PERSONNEL

- provides that personnel shall continue to fulfill their role until duties have been otherwise assigned to another person or City agency

### SECTION 10-5: EFFECT ON OBLIGATIONS, TAXES, ETC.

- provides that the City's legal obligations and debts shall remain in full force and effect

### SECTION 10-6: DISPOSITION OF CERTAIN SPECIAL ACTS

- list of special acts recognized and retained

### SECTION 10-7: TIME OF TAKING EFFECT TBD

- specifies when Charter provisions shall take effect (ex: immediately upon passage, within 6 months of effective date, within a year of effective date)



## Appendix B: Memos from University of Massachusetts Boston's Edward J. Collins, Jr. Center for Public Management

### Framework for considering Mayor and Manager forms of government

Below are charts comparing a Mayor form of government with a Council-Manager form of government. The information on these charts refers to Massachusetts cities. Other states may vary in significant ways from what is presented here. The first section presents factual information about the differences between the two forms. The second and third sections present some pros and cons frequently cited for the two different forms of government.

Basic Ways in Which the Forms Differ		
Item	Mayor Form of Government	Manager Form of Government
1. Method of selection of chief executive	1. Election	1. Appointment by Council
2. Method of removal	2. Election or recall vote	2. Dismissal or non-renewal of contract by Council
3. Tenure	3. Typically, two or four years. Currently majority is two years, but the trend is toward four years	3. Set by contract. Parameters can be included in the charter
4. Veto powers	4. Mayor can typically veto certain Council actions	4. Manager cannot veto Council actions
Selected Strengths for Each Form of Government		
Item	Mayor Form of Government	Manager Form of Government
1. Political leadership	1. City is managed by a well-known resident with the political influence to push major initiatives and to advocate on its behalf with other levels of government, business organizations and interest groups	1. Separation of political leadership from managerial leadership can help take the politics out of executive decision-making, and chief executive will not be distracted by reelection or other campaigns
2. Professional management	2. Elected mayor may bring in professional skills from professional or personal background that a career administrator may not have	2. Recruiting and hiring a manager allows City to find someone with experience, skills, and knowledge of best practices, and does not restrict pool to residents who have the political skills to win an election
3. Accountability	3. Having mayor directly accountable to the voters for decisions creates clear incentive for performance	3. Having manager accountable to a council means that performance can be reviewed and discussed regularly
4. Separation of powers	4. Council can provide a political check on the mayor	4. Council can focus on policymaking and oversight while manager can focus on management and operations of the city
Selected Challenges for Each Form of Government		
Item	Mayor Form of Government	Manager Form of Government
1. Political leadership	1. Performance and direction of City both extraordinarily dependent on personal characteristics of one individual	1. City lacks a single figure with the sufficient political influence to push major initiatives and advocate strongly for the City externally
2. Professional management	2. Elected mayor may not have any professional experience help to governing a municipality	2. City that runs into a period of high turnover in the manager's position may have difficulty in recruiting and retaining manager
3. Accountability	3. Directly accountable mayor may be less likely to make tough short-term decisions with long-term benefits	3. To maintain his/her job, manager needs only to maintain a coalition with a one vote majority on a council, regardless of performance
4. Separation of powers	4. Conflicts between mayor and council can deteriorate from healthy checks & balances into prolonged conflict	4. Manager may exert undue influence over an inattentive council's legislative power

Edward J. Collins, Jr Center for Public Management  
University of Massachusetts Boston



## Memorandum

**TO: Medford Charter Study Committee**  
**FROM: The Edward J. Collins, Jr. Center for Public Management**  
**DATE: November 2, 2023**  
**RE: Analysis of Mayoral Authority in Massachusetts**

The Collins Center Project Team is pleased to provide this analysis of mayoral authority in Medford versus other communities in Massachusetts with an independently elected mayor. For the purposes of this analysis we compared mayoral authority in three main areas<sup>1</sup>:

1. The power to Veto Local Legislation
2. The power to appoint public officials
3. The power to remove public officials

### The power to Veto Local Legislation

In Medford, any ordinance, order, resolution or legislation adopted by the city Council must be sent to the mayor for their approval, subject to limitations under state law.

The Mayor has 10 days to approve of the legislation or to return it to the council with written objections. If the mayor neither approves of the legislation nor returns it within the 10 days, the legislation becomes effective.

If the mayor rejects the legislation the City Council can vote to “override” the veto. If two-thirds of the council vote to override the mayor’s veto, the legislation is enacted over the mayor’s objection. The council cannot take this vote until 7 days after receiving the mayor’s objection. The council cannot override the mayor’s veto of the submission of special legislation to the state legislature.

This analysis found that every city in Massachusetts, with an independently elected mayor, has a veto provision. In all of these provisions, the threshold for the council to override the mayor’s is a two-third vote by the council. There is some variance around the length of time that the mayor has to review legislation and the timeframe for the council to act on mayoral vetoes.

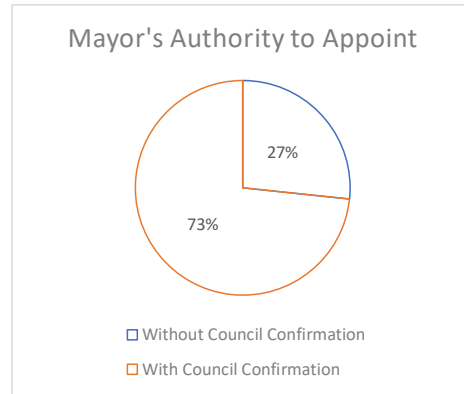
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<sup>1</sup> Creation of the municipal budget is a fourth area mayoral authority that was not analyzed. The reason for its exclusion is that state law dictates the creation, submission, and adoption of municipal budgets. Boston is the only community varies from these requirements, with special permission from the state.

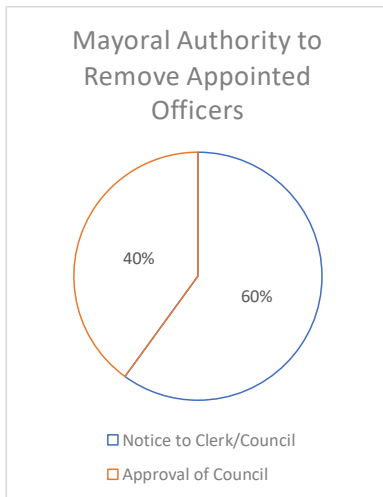
The power to appoint Public Officials

In Medford, the Mayor has the authority to appoint heads of departments and members or municipal boards without confirmation of the city council. There are 12 other communities in Massachusetts where the mayor has the same appointment authority. There are 33 communities in Massachusetts where the city council must confirm mayoral appointments.

Based on this analysis, Medford is not unique in the level of authority possessed by the mayor to make appointments, but this represents the minority of Massachusetts communities.



The power to remove public officials



In Medford, the mayor has the authority to remove department heads from their positions and members from municipal board by filing the reasons for the removal with the city clerk. A mayor’s authority to remove officials from their appointed positions varies significantly across the state. However, this area of mayoral authority can be broadly grouped in to two categories; “notice to the clerk/council” and “approval of the council”.

Eighteen communities follow the approval model, where no removal is effective until the council has had an opportunity to consider the removal. Medford is one of 27 communities following the “notice” model. Therefore Medford’s mayor has removal authority that is aligned with the majority of communities in Massachusetts

As has been stated earlier, there is significant variability in how communities approach this issue. One community has no mention of removal in their charter. Another requires a hearing, for the dismissed individual but does not specify who conducts the hearing or when. Some of this variability is related to the fact that employees have certain rights under state and federal law independent of the charter.

For the benefit of the reader, an appendix is appended to this memorandum that provides excerpts from the charter of each community referenced in this comparison. The appendix is divided in two sections: “Mayor’s Power to Appoint Municipal Officials” and “Mayor’s Power to Remove/Suspend Municipal Officials”.

# APPENDIX

Mayor's Power to Appoint Without Confirmation by the Council

Agawam	Section 3-3. Appointments by the Mayor The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided for by the charter, excepting only persons serving under the school committee, persons appointed by state officials and persons serving under the city council
Attleboro	Section 3-3 Appointments by Mayor (a) Regular Appointments -- The mayor shall appoint all city officers, department heads and members of city agencies except those for whom some other method of appointment or selection is provided by the charter, officers serving under the school committee, and officials appointed by state officers. Such persons shall hold office for the term for which they were appointed and until their successors are qualified.
Boston	Except for the school committee and officers the governor appoints, the mayor appoints all heads of departments and members of city boards without approval from the city council
Chicopee	The Mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided
Haverhill	Upon the adoption of Plan A, all heads of departments and members or municipal boards, except the school committee, officials appointed by the C-47 HAVERHILL CODE C-52 C:24 governor,

and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor without confirmation by the city council. (1915, 267, II, 7.) C-53. Certificates of Appointment

Holyoke

The mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided

Medford

Upon the adoption of Plan A, all heads of departments and members or municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor without confirmation by the city council.

North Adams

[1915, 267, II 7] Upon the adoption of Plan A, all heads of departments and members or municipal boards, except the school committee, officials appointed by the governor and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor with out confirmation by the city council

Quincy

SECTION 52. Upon the adoption of Plan A, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor without confirmation by the city council

Springfield	<p>Appointments of employees by mayor without confirmation Upon the adoption of Plan A, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, as their terms of 47 SPRINGFIELD CODE 52 C:24 office expire, shall be appointed by the mayor without confirmation by the city council</p>
Woburn	<p>The Mayor shall have sole power of appointment to all the municipal officers established by or under this Act, unless herein otherwise provided</p>
Everett	<p>The Mayor shall have the power to appoint and remove, subject to applicable civil service provision, and except as otherwise provided in this charter or by state law, all appointive officers and all employees of the City under his or her jurisdiction, or may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office.</p>

Mayor's Power to Appoint Subject to Confirmation by Council

Lynn

Section 2-3 Appointments by the Mayor  
T The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, persons appointed by state officials and persons serving under the city council. All such appointments made by the mayor shall be subject to review by the city council as provided by section 3-9.

West Springfield

The Mayor shall appoint, subject to the review of such appointments by the Town Council as provided in Section 2-10, all Town officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the Charter, excepting only persons serving under the School Committee, and persons serving under the Town Council. Except as may otherwise be required by the civil service law, appointments made by the Mayor shall be for indefinite terms

Beverly

The Mayor shall appoint, subject to the review of such appointments by the City Council as provided in Section 2-10, all City officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the Charter, excepting only persons serving under the School Committee, and persons serving under the City Council. Except as may otherwise be required by the civil service law, appointments made by the Mayor



shall be for periods not to exceed three years; provided, however, the Mayor may appoint the head of a department related to the public safety for a term of not less than three years nor more than five years.

Easthampton

SECTION 3-3. APPOINTMENTS BY THE MAYOR The mayor shall appoint, subject to the review of such appointments by the city council as provided in Section 2-10, all city officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the city council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for periods not to exceed three years, provided, however, the mayor may appoint the head of a department related to the public safety for a term of not more than five years.

Weymouth

SECTION 3-3. APPOINTMENTS BY THE MAYOR The mayor shall appoint, subject to the review of such appointments by the town council as provided in section 2-10, all town officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the town council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms

Northampton

SECTION 3-3. APPOINTMENTS BY THE MAYOR The mayor shall appoint, subject to review by the city council under section 2-10, all city officers and department heads and the members of multiple- member bodies for whom no other method of appointment or selection is provided by the charter; provided, however, this shall not include persons serving under the school committee and persons serving under the city council. All appointments to multiple-member bodies shall be for terms established under article 6. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under article 6

Pittsfield

The mayor shall appoint, subject to review by the city council under section 2-10, all department heads and the members of multiple- member bodies for whom no other method of appointment or selection is provided by the charter; provided, however, that this shall not include persons serving under the school committee and persons serving under the city council. All appointments to multiple- member bodies shall be for terms established under article 6. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under article

Melrose

The mayor shall appoint, subject to the review of such appointments by the city council under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by this charter.

All appointments to multiple-member bodies shall be in accordance with section 5-2. Upon the expiration of the term of a member of a multiple-member body, a successor shall be appointed in like manner. The mayor shall fill a vacancy for the remainder of the unexpired term of a member of a multiple-member body

Gloucester

The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only officers serving under the school committee, officers appointed by state officials and persons serving under the city council. All such appointments made by the mayor shall be subject to review by the city council as provided in section 2-10.

Fall River

The mayor shall appoint, subject to review by the city council under Article 2, section 2-10, all department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; provided, however, that this shall not include persons serving under the school committee and persons serving under the city council.

Newburyport

(Ord. of 11-8-11) Sec. 3-3. Appointments by the mayor. The mayor shall appoint, subject to the review of such appointments by the city council under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by law or this

charter, excepting only persons serving under the school committee, and persons serving under the city council.

Braintree

The mayor shall appoint, subject to the review of the appointments by the town council under section **2-10**, all town officers, department directors and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, the Thayer Public Library Trustees, the Municipal Lighting Board, and persons serving under the town council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms.

Methuen

All appointments of Department Heads, Assistant Department Heads, Division Heads, Police Superior Officers of the rank of Sergeant and above, Fire Department Superior Officers of the rank of Lieutenant and above, the Conservation Commission Agent, and all Boards and Commissions shall be subject to confirmation by a majority vote of the full City Council.

Lawrence

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

shall be subject to review and confirmation by the city council as provided in Section 3.7.

New Bedford

60. - Appointments by mayor subject to confirmation; exceptions Upon the adoption of Plan B, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by the people, as their terms of office expire, shall be appointed by the mayor, subject to confirmation by the city council; but the city solicitor shall be appointed, and may be removed, by the mayor, without confirmation by the city council

Salem

Upon the adoption of Plan B, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by the people, as their terms of office expire, shall be appointed by the mayor, subject to confirmation by the city council; but the city solicitor shall be appointed, and may be removed, by the mayor, without confirmation by the city council. This section shall apply to the city solicitor in office when Plan B becomes operative

Marlborough

Upon the adoption of Plan B, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by the people, as their terms of office expire, shall be appointed by the mayor, subject to confirmation of the city council; but the city solicitor shall be appointed, and may be removed, by the mayor, without confirmation by the city council. This

section shall apply to the city solicitor in office when Plan B becomes operative. (1915, 267, III, 5; 1916, 99, 2.) Sec. 61. Removals, etc

Fitchburg

Upon the adoption of Plan B, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by the people, as their terms of office expire, shall be appointed by the mayor, subject to confirmation by the city council; but the city solicitor shall be appointed, and may be removed, by the mayor, without confirmation by the city council. This section shall apply to the city solicitor in office when Plan B becomes operative. (1915, 267, III, 5; 1916, 99, Sec. 2.) Sec. 61. Removals, etc

Waltham

The mayor shall appoint, subject to confirmation by a majority vote of all the member of the city council, all department heads and members of municipal boards except those for whom some other method of appointment is provided by the charter or by law, members of the school committee and officials appointed by the governor. Such persons shall hold office for the term for which they were appointed and until their successors are appointed, confirmed and qualified

Westfield

All heads of departments and members of municipal boards, except officials appointed by the governor, shall be appointed by the mayor subject to confirmation by the city council except as otherwise provided in this Charter or otherwise specified by law

Leominster

(a) Appointments Subject to Council Confirmation. The mayor shall appoint all city officers, department heads and members of multiple member bodies for whom no other method of appointment or selection is provided by the charter or a general law, excepting only persons serving under the school committee, persons appointed by state officers and person serving under the city council. All such appointments made by the mayor shall be subject to confirmation by the city council as provided in section 3.8 of this charter

Gardner

SECTION 6. All heads of departments and members of municipal boards, except the school committee, the city clerk, city treasurer, city auditor and city collector of taxes, officers whose election is provided for by this act and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council; but the city solicitor shall be appointed by the mayor, without confirmation by the city council

Amesbury

The mayor shall appoint all city officers, department heads and members of boards, commissions and committees for whom no other method of appointment or selection is provided by the charter, excepting only officials serving under the city council and school committee and persons appointed by state officials. The mayor shall appoint the library director, but only from the candidates recommended by the board of library trustees. Unless otherwise provided by this charter, appointments of all city officers, department heads and members of boards, commissions and committees

shall become effective 21 days after submission of a written notice of any appointment to the city clerk, unless the city council, during such period, by a two-thirds vote of the full city council, rejects any such appointment, or has sooner voted to affirm it.

Taunton

Section 2-3 APPOINTMENTS BY THE MAYOR AND DEPARTMENT DIRECTORS. The mayor shall appoint, subject only to the confirmation of such appointments by the municipal council under section 3-8, all city officers and department directors and the members of multiple-member bodies for whom no other method of appointment or selection is provided by this charter.

Somerville

The mayor may appoint, subject to confirmation by the city council, the following officers and boards; provided, however, that under [section 46D](#) of this charter, administrative orders may replace or modify the titles or assign the functions to any other city agency, unless otherwise provided, for 1 year and until the appointment and qualification of a successor

Peabody

All heads of departments and members of municipal boards, but excluding the school committee, officials appointed by the governor, the trustees of the Peabody Institute, and the trustees of the Josiah B. Thomas Hospital shall be appointed by the mayor, subject to confirmation by the city council;

Lowell

Subject to confirmation of the city council



Malden

In all cases in which appointments are directed to be made by the mayor and city council, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the council; and no person shall be eligible by appointment or election by the mayor and city council, to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the council.

Newton

The mayor shall appoint all city officers, department heads and all volunteer members of city boards, commissions, committees and agencies for whom no other method of appointment is provided by this charter or by law. Appointments by the mayor of city officers and department heads shall become effective 30 days from the date of the first regularly scheduled city council meeting after notice of the proposed appointment is filed with the city clerk, unless the city council within said 30 days shall reject such appointment. Appointments by the mayor of volunteer members of city boards, commissions, committees and agencies shall take effect 60 days from the date of the first regularly scheduled city council meeting after the notice of the proposed appointment is filed with the city clerk, unless the city council within said 60 days shall reject such appointment. Rejection by the city council shall require a 2/3 vote.

Greenfield

The Mayor shall appoint, subject to the review of such appointments by the City Council as provided in Section 2-10, all

City officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the Charter, excepting only persons serving under the School Committee, and persons serving under the City Council. Except as may otherwise be required by the Civil Service Law, and in this Charter, appointments made by the Mayor shall be for indefinite terms. All persons categorized as department heads shall, subject to the consent of the Mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible.

Framingham

Municipal Positions: The mayor shall appoint, subject to the review of the appointments by the council under Article II, all municipal officers, division heads, department directors, employees and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the council.

Brockton

Upon the adoption of Plan B, all heads of departments and members of municipal boards, except the school committee, officials appointed by their governor, and assessors if elected by the people, as their terms of office expire, shall be appointed by the mayor, subject to confirmation of the city council; but the city solicitor shall be appointed, and may be removed, by the mayor, without confirmation by the city council. This section shall apply to the city solicitor in office when Plan B becomes operative.

Revere

Upon the adoption of Plan B, all heads of departments and members of municipal boards, except the school committee, officials appointed by their governor, and assessors if elected by the people, as their terms of office expire, shall be appointed by the mayor, subject to confirmation of the city council; but the city solicitor shall be appointed, and may be removed, by the mayor, without confirmation by the city council. This section shall apply to the city solicitor in office when Plan B becomes operative.

Mayor's Power to Remove/Suspend Municipal Officials with Notice to Clerk/Council

Medford

The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people.

North Adams

1915, 267, II, 9] The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefore a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people

Springfield

54. Removal of officials; exceptions The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect

the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people

Haverhill

The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people.

Boston

Removal from Office of Heads of Departments. The mayor may remove any head of a department or member of a board (other than the election commissioners, who shall remain subject to the provisions of existing laws) by filing a written statement with the city clerk setting forth in detail the specific reasons for such removal, a copy of which shall be delivered or mailed to the person thus removed, who may make a reply in writing, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines.

Amesbury

The mayor may remove any person appointed by the mayor by filing a written statement with the city clerk setting forth in detail the specific reason therefor. A copy of the written statement shall be delivered or mailed to the

person thus removed, who may make a written reply, which, if the person thus removed desires, may be filed with the city clerk. Such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, persons appointed by state officials or offices subject to chapter 31 of the General Laws.

Gloucester

The mayor may remove any person appointed under section 3-3 by filing a written statement with the city clerk setting forth in detail the specific reason or reasons therefor, a copy of which shall be delivered in hand, or mailed to the last known address of the person whose removal is sought, who may make a written reply, which if (s)he desires, may be filed with the city clerk and be a public record; but no such reply shall affect the action taken by the mayor unless the mayor so determines

Quincy

SECTION 54. The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply

Newton

The mayor may remove any person appointed by the mayor by filing written notice thereof with the city clerk.

Chicopee\*

[The Mayor] may, except as herein otherwise provided, remove from office any officer so appointed hereunder for sufficient cause, after hearing.

\*The charter does not specify who conducts the hearing or when.

Woburn

[The Mayor] may remove from office by written order any officer so appointed hereunder, for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal.

Holyoke

Mayor may remove from office by written order any officer so appointed hereunder for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal. Such office shall become and be vacant upon the filing with the city clerk of such order of removal and the serving of a copy thereof upon the officer so removed, either personally or by leaving the same at his last or usual place of residence.

Agawam

Removal -- The appointing authority when removing any such officer or employee shall act in accordance with the following procedure: A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered by registered mail to the last known address of the person sought to be removed.

Attleboro

The mayor may, in writing, suspend any officer who receives appointment from the mayor, and in such case the mayor shall at once report the mayor's action and the mayor's reasons therefor to the municipal council. The suspension of any officer shall, in fifteen days after such report is made, be a removal, unless within that time the officer whose removal is sought asks for a hearing

before the mayor and the municipal council. Such hearing shall forthwith be granted and shall be public. After the conclusion of the hearing, the mayor shall determine whether the suspension is justified, and the officer shall at once be reinstated or removed.

Beverly

In general - The Mayor may, in writing, remove or suspend any City officer, member of a multiple-member body, or the head of any City department appointed by the Mayor by filing a written statement, with the City Clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said City officer, member of a multiple-member body, or head of a department. The said City officer, member of a multiple-member body, or head of a department may make a written reply by filing such a reply statement, with the City Clerk, within 10 days following the date the statement of the Mayor has been filed; but such reply shall have no effect upon the removal or suspension unless the Mayor shall so determine. The said City officer, member of a multiple-member body, or head of a department may request permission to appear at a public meeting of the City Council to read the written reply concerning removal or suspension. If permission for said City officer, member of a multiple-member body, or head of a department to attend a meeting of the City Council is granted for such purpose, the Mayor may attend the same meeting to read the statement of removal or suspension filed by the Mayor in the first



instance. The City Council shall have no authority to vote or otherwise express its views concerning such removal or suspension.

Melrose

City Officers and Department Heads. The mayor may, in writing, remove or suspend any city officer or the head of any city department appointed by the mayor. In addition, the mayor may file a written statement with the city clerk setting forth in precise detail the specific reasons for the removal or suspension. A copy of the written statement shall be delivered in hand or mailed by certified mail, postage prepaid, to the last known address of the city officer or department head. The city officer or department head may make a written reply by filing such a reply statement with the city clerk not more than 10 days after the date the statement of the mayor has been filed; provided, however, that this reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a city officer or a department head shall be final and all authority and responsibility for such suspension or removal shall be vested solely in the mayor.

Fall River

Unless some other procedure is specified in a collective bargaining agreement or by civil service law, the mayor may, in writing, remove or suspend any city officer, or the head of any city agency or department appointed by the mayor by filing a written statement, with the city clerk, setting forth the reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage

prepaid, to the last known address of the city officer or agency or department head. The decision of the mayor in suspending or removing a city officer or an agency or department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely with the mayor.

#### Newburyport

City officers and department heads. Unless some other procedure is specified in a collective bargaining agreement or by civil service law, the mayor may, in writing, remove or suspend any city officer, or the head of any city department appointed by the mayor by filing a written statement, with the city clerk, setting forth in precise detail the specific reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or department head. The city officer or department head may make a written reply by filing such a reply statement, with the city clerk, within ten days after the date the statement of the mayor has been filed; but, this reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a city officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely with the mayor.

#### Taunton

The mayor may remove or suspend any city officer or department director

appointed by the mayor, subject to any existing employment contract, as provided in this section. The mayor shall deliver a written statement to the city officer or department director as further specified in this section and shall forthwith report such action and the reasons therefor to the municipal council. The written statement shall set forth in precise detail the specific reasons for the removal or suspension. The written statement shall be delivered in hand or by certified mail, postage prepaid, to the last known address of the city officer or department director or by electronic mail to such city officer or department director. The city officer or department director may make a written reply by filing a reply statement with the city clerk not more than 10 business days after the date the statement of the mayor has been delivered; provided, however, that the reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a city officer or a department director shall be final and all authority and responsibility for such suspension or removal shall be vested solely in the mayor. Nothing in this subsection shall be construed to prevent any other review as may be provided by law.

Easthampton

**SECTION 3-4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS** The mayor may, in writing, remove or suspend any city officer, member of a multiple member body, or the head of any city department appointed by the mayor by filing a written statement, with the city clerk, setting forth in precise detail the specific reasons for such removal or suspension.

A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said city officer, member of a multiple member body, or head of a department. The said city officer, member of a multiple member body, or head of a department may make a written reply by filing such a reply statement, with the city clerk, within ten days following the date the statement of the mayor has been filed; but, such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The said city officer, member of a multiple member body, or head of a department may request permission to appear at a public meeting of the city council to read the written reply concerning removal or suspension. If permission for said city officer, member of a multiple member body, or head of a department to attend a meeting of the city council is granted for such purpose, the mayor shall attend the same meeting to read the statement of removal or suspension filed by the mayor in the first instance. The city council shall have the authority to vote to disapprove of the action of the mayor, but, it shall have no other power to otherwise express its views concerning such removal or suspension. The removal shall take effect on the thirtieth day following the date of filing in the office of the city clerk the notice of removal by the mayor, unless at least five members of the city council shall within such time period vote to disapprove the action of the mayor. The mayor shall simultaneously file a duplicate copy of the notice of removal with the contributory retirement board established pursuant to subsection (4) of

section twenty of chapter thirty-two of the General Laws whenever a notice of removal is filed with the city clerk.

Braintree

Town officers and department directors — The mayor may, in writing, remove or suspend any town officer appointed by the mayor by filing a written statement with the town clerk, setting forth in detail the specific reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the town officer. The town officer may make a written reply by filing a reply statement with the town clerk, within 10 days after the date the statement of the mayor has been filed, but this reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a town officer shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. The removal shall take effect 30 days after the date of filing in the office of the town clerk the notice of removal by the mayor.

Weymouth

Town Officers and Department Heads - The mayor may, in writing, remove or suspend any town officer, or the head of any town department appointed by the mayor by filing a written statement, with the town clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the

section twenty of chapter thirty-two of the General Laws whenever a notice of removal is filed with the city clerk.

Braintree

Town officers and department directors — The mayor may, in writing, remove or suspend any town officer appointed by the mayor by filing a written statement with the town clerk, setting forth in detail the specific reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the town officer. The town officer may make a written reply by filing a reply statement with the town clerk, within 10 days after the date the statement of the mayor has been filed, but this reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a town officer shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. The removal shall take effect 30 days after the date of filing in the office of the town clerk the notice of removal by the mayor.

Weymouth

Town Officers and Department Heads - The mayor may, in writing, remove or suspend any town officer, or the head of any town department appointed by the mayor by filing a written statement, with the town clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the

said town officer, or head of a department. The said town officer, or head of a department may make a written reply by filing such a reply statement, with the town clerk, within ten days following the date the statement of the mayor has been filed; but, such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a town officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. The removal shall take effect on the thirtieth day following the date of filing in the office of the town clerk the notice of removal by the mayor.

#### West Springfield

Town officers and department heads -  
The Mayor may, in writing, remove or suspend any Town officer, or the head of any Town department appointed by the Mayor by filing a written statement, with the Department of Human Resources, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said Town officer, or head of a department. The said Town officer or head of a department may make a written reply by filing such a reply statement, with the Department of Human Resources, within 10 days following the date the statement of the Mayor has been filed; but such reply shall have no effect upon the removal or suspension unless the Mayor shall so

determine. The decision of the Mayor in suspending or removing a Town officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Mayor. The removal shall take effect on the 30th day following the date of filing by the Mayor of the notice of removal in the office of the Department of Human Resources.

Newton

The mayor may remove any person appointed by the mayor by filing written notice thereof with the city clerk.

Greenfield

City officers and department heads. The Mayor may, in writing, remove or suspend any City officer, or the head of any City department appointed by the Mayor, by filing a written statement, with the City Clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said City officer, or head of a department. The said City officer, or head of a department, may make a written reply by filing such a reply statement, with the City Clerk, within 10 days following the date the statement of the Mayor has been filed; but, such reply shall have no effect upon the removal or suspension unless the Mayor shall so determine. The decision of the Mayor in suspending or removing a City officer or a department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Mayor. The removal shall take effect on



the 30th day following the date of filing by the Mayor of the notice of removal in the office of the City Clerk.

Framingham

Municipal Officers, Department Directors and Division Heads: The mayor may, in writing, remove or suspend any municipal officer or department director appointed by the mayor by filing a written statement with the city clerk, setting forth the reason(s) for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the municipal officer or department director. The decision of the mayor in suspending or removing a municipal officer or department director shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. The removal shall take effect thirty (30) days after the date of filing in the office of the city clerk the notice of removal by the mayor.

Everett\*

The Mayor shall have the power to appoint and remove, subject to applicable civil service provision, and except as otherwise provided in this charter or by state law, all appointive officers and all employees of the City under his or her jurisdiction, or may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office.

\*Mayor has authority to remove officer without notice to the clerk

Mayor's Power to Remove/Suspend Municipal Officials with Approval of City Council

Salem

The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee, officials appointed by the governor, and assessors if elected by the people. The person so removed shall receive a copy of the reasons for his removal, and he may, if he desires, contest the same before the city council

Waltham

The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee and officials appointed by the governor. The person shall receive a copy of the reasons for his removal, and he may, if he desires, request a hearing on the matter before the city council. He may be represented by counsel at the hearing. The city council shall request the mayor to appear at said hearing

Marlborough

The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee, officials appointed by the governor, and assessors if elected by the people. The person so removed, shall receive a copy of the reasons for his

removal, and he may, if he desires, contest the same before the city council.

New Bedford

61. - Removals The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee, officials appointed by the governor, and assessors if elected by the people. The person so removed shall receive a copy of the reasons for his removal, and he may, if he desires, contest the same before the city council. He may be represented by counsel at the hearing

Westfield

Subject to the approval of a majority of the members of the city council, the mayor may remove any head of a department or member of a board before the expiration of such person's term of office except: members of the school committee; officers whose election is otherwise provided for by this Charter; and officials appointed by the governor. The person so removed shall be provided with a copy of the reasons for the removal and may contest such removal before the city council. Such person shall have the right to be represented by counsel at that hearing

Fitchburg

The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee, officials appointed by the governor, and assessors if elected by the people

Gardner

SECTION 8. The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board before the expiration of his term of office, except members of the school committee, officers elected by the city council, officers whose election is provided for by this act, and official appointed by the governor

Lawrence

Removal from Office. The mayor may remove any person appointed under Section 3.7 by filing a written statement with the city council, setting forth the reason or reasons therefor a copy of which shall be delivered to the person whose removal is sought who may make a written reply, which if (s)he desires may be filed with the city council and be a public record. The city council shall forthwith consider said removal. The removal of said person shall be sustained by a 2/3 majority vote of the council. The provision of Section 3.8(e) shall not apply.

Leominster

Within fourteen days following the close of the public hearing the city council shall, by majority vote of the full council, either confirm the action of the mayor, whereupon the officer shall be deemed to be removed, or reject the action of the mayor whereupon the officer shall be deemed to be restored to his official status. Failure of the city council to take any action within such period shall be deemed to be confirmation of the action of the mayor and the officer shall thereupon be deemed to be removed at the expiration of such time.

Somerville

The mayor may, in writing, suspend any executive officer and shall immediately report that action and the reason for the suspension to the city council. The suspension of any such officer shall, unless previously revoked by the mayor, be a removal at the expiration of fifteen days after said report is made, unless within that time such officer asks for a hearing before the council, which hearing shall forthwith be granted. If within one week after the conclusion of such hearing the council, by two-thirds vote, shall set aside the suspension, the officer shall thereby be reinstated; otherwise the suspension shall constitute a final dismissal from office.

Peabody

The mayor, with the approval of a majority of the members of the city council, may remove any head of a department or member of a board before the expiration of his term of office, except members of the school committee, the trustees of the Peabody Institute and officials appointed by the governor. The person so removed shall receive the reasons for his removal in writing, and he may contest the same at a hearing to be given by the city council, at which he shall have the right to be represented by counsel.

Lowell

Part 1. The mayor shall have the power to suspend or remove from office any administrative head of a department or any member or members of boards or commissions for cause which in his judgment he may deem sufficient, and shall file with the city council, through the city clerk, his reasons therefor. The administrative head of a department or any member or members of boards or

commissions suspended or removed by the mayor, may, within forty-eight (48) hours after said notice of suspension or removal has been received, file with the city clerk a demand for a public hearing before the city council, and shall be privileged to be represented by counsel and present witnesses at said hearing.

Part 2. If, after a hearing, the city council shall by a two-thirds vote of all its members vote to reinstate the officer so suspended or removed, the order of suspension or removal shall be invalid. The city council may by a two-thirds vote of all its members, but only after granting a public hearing, suspend or remove from office, without the consent of the mayor, each and every administrative head of a department, or any member or members of boards or commissions for such cause as the city council voting, by yeas and nays, may in its judgment deem sufficient. Section five of chapter one hundred and thirty-eight of the General Laws, insofar as conflicting with this section, shall not apply to the city of Lowell. This section shall not apply to members of the school committee or its administrative offices. Suspension or removal from office of the sealer of weights and measures, the moth superintendent or the inspector of milk and vinegar shall be made in accordance with the civil service laws and rules.

Lynn

The mayor may, in writing, suspend any head of a department or member of a board or other officer or employee, and in such case he shall at once report his action and his reasons therefore to the city council. The suspension of any such person shall, fifteen days following the date such report is made, be a removal,

unless within the said fifteen days the person whose removal is sought has filed a request for a hearing on such removal before the city council. Such hearing shall be held in accordance with the procedure established in Section 6-6.

Methuen

may remove subject to the provisions of the civil service laws, the provisions of this Charter, or other pertinent statutes where applicable, all officers and employees of the City, except employees of the School Department.

3. Between one and ten days after the public or closed hearing is adjourned, the City Council shall direct the appointing authority to take final action by either removing the officer or employee or notifying him that the notice has been rescinded.

Malden

The mayor may remove, with the consent of the appointing power, any officer over whose appointment the mayor has, in accordance with this charter, exercised the power of nomination.

Brockton

The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee, officials appointed by the governor, and assessors if elected by the people. The person so removed, shall receive a copy of the reasons for his removal, and he may, if he desires, contest the same before the city council. He may be represented by counsel at the hearing.

Revere

The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee, officials appointed by the governor, and assessors if elected by the people. The person so removed, shall receive a copy of the reasons for his removal, and he may, if he desires, contest the same before the city council. He may be represented by counsel at the hearing.





## Memorandum

**TO: Medford Charter Study Committee**  
**FROM: The Edward J. Collins, Jr. Center for Public Management**  
**DATE: December 5, 2023**  
**RE: Multi Member Boards**

In general, multi-member boards at the municipal level fall into one of three categories:

1. Boards/commissions established by state law -- identify those with regulatory powers by statute
2. State-authorized boards and commissions in enabling or optional statutes
3. Locally-created boards - ordinances would dictate composition, term of office, etc. (e.g., 4th of July parade committee)

A municipal charter would only impact the appointing process for category 1 and 2 boards to the extent permitted by the state law creating that board. Some cities and towns have advisory committees coordinating/consulting with category 1 and 2 boards -- e.g., a trails advisory committee would consult with Parks and Rec and the Conservation Commission re; new trails, upgrade of existing trails, signage, etc.

Category three boards would be solely controlled by the ordinances of the municipality and may be referenced in the charter. There may be instances when certain committees or task forces created for a particular purpose (e.g., charter review, ordinance review) may include a designee or appointee of the City Council or its President, However, for standing (continuous) boards and commissions, the mayor generally appoints all members. If the City Council is to confirm mayoral appointments, then they only get to consider the person presented by the mayor for appointment.

Members of boards and commissions generally serve a multi-year term (2 or 3 years) then continue to serve until a successor is appointed and confirmed.

Advisory committees, boards and commissions of the mayor (as relates to a strictly executive matter) are not subject to City Council confirmation and are not subject to the open meeting law.

Boards and commissions must comply with the open meeting law. Boards and commissions are also subject to the public records law, which means all materials received by the

board/commission no matter the form, i.e. paper, electronic, email, texts, etc. are subject to being produced as a public record after consultation with the City Solicitor.

Boards and commission members are considered employees subject to the state ethics law and under state law for Human Resources purposes.

The following are selected provisions from Somerville and Fall River affecting the appointment of multi- member boards:


1. Multiple Member Bodies - The mayor shall refer to the city council and simultaneously file with the city clerk the name of each person the mayor desires to appoint as a member of a multiple member body. The city council shall have 45 days after the date on which notice of the proposed appointment was filed with the city clerk to vote to approve or reject the appointment, with approval not to be unreasonably withheld. If the city council does not approve or reject the appointment within 45 days, it may file a 15-day extension with the city clerk. If the time-period elapses and no extension has been filed, the appointment shall be deemed approved.  
*Somerville Draft Charter Section 2-8(b) (Pending approval of Mayor)*
2. The mayor shall annually post on the city's web site in February a list of all vacancies on multiple-member bodies. Such listing shall include guidance on applying to serve on a multiple-member body. The mayor may also notify any civic, business, neighborhood, or service organizations in the city of multiple-member body vacancies. Members of multiple-member bodies and appointments made by the mayor to other committees as established by the charter and ordinances must be city residents. If a member resigns from a multiple-member body, removes from the city, or is otherwise unable to complete the term to which appointed, the mayor shall fill such resulting vacancy for the remainder of the unexpired term.  
*Fall River Charter Section 3-3*

**Presentation to the  
Medford Charter Study Committee on  
Charters and Charter Processes**

January 5, 2023

**Michael Ward, Director  
Stephen McGoldrick, Senior Associate  
Marilyn Contreas, Senior Associate  
Anthony Ivan Wilson, Associate**

EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT  
JOHN W. MCCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES  
UNIVERSITY OF MASSACHUSETTS BOSTON



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**About the Collins Center**

- Created in 2008 by the Commonwealth
- Provide technical assistance to municipalities, school districts, state agencies, etc.
- Management consulting with a public service mission
- >800 projects; mostly municipalities; mostly MA
- Worked in over 2/3 of MA's 351 municipalities, including Cambridge
- Primary areas of focus: finance, HR, operations, analytics, recruitment, IT, charter/organizational structure, etc.

2

**Collins Center Charter and Charter-Related Projects**

Municipality	Form	Pop.	Project Type	Project Year	Project Status
Amesbury	City	18,000	Existing charter review	2020	Charter changes on November ballot
Andover	Town to City	38,000	Full charter drafting	2017	New charter enacted
Andover	Town	17,000	Existing charter review	2016	Review completed
Beverly	City	42,000	Existing charter review	2021	Project ongoing
Cambridge	City	117,000	Charter review readiness assessment	2021	Charter changes on November ballot
East	Town	31,000	Existing charter review	2011	Review completed
East	Town to City	26,000	Full charter drafting	2015	Charter complete, awaiting Selectboard action
East Longmeadow	Town to City	18,000	Full charter drafting	2016	New charter enacted
Essex	City	42,000	Full charter drafting	2011	New charter enacted
Fall River	City	89,000	Full charter drafting	2017	New charter enacted
Frammingham	Town to City	88,000	Full charter drafting	2016	New charter enacted
Raynham	City	20,000	Full charter drafting	2013	Charter complete, awaiting City Council action
Haverst' J.W. class	Town	7,000	External review of charter draft	2017	New charter enacted
Holyoke	City	40,000	Full charter drafting	2011	New charter rejected by voters
Hubbardston	Town	4,000	Full charter drafting	2012	New charter enacted
Lyons	City	94,000	Existing charter review	2019	Project complete, awaiting City action
Medford	City	50,000	Existing charter review	2019	Project complete, awaiting City action
Northampton	City	31,000	Full charter drafting	2011	New charter enacted
Northampton	City	86,000	Full charter drafting	2017	New charter rejected by voters
Northampton	City	28,000	Full charter drafting	2012	New charter enacted
Northampton	City	53,000	Full charter drafting	2019	Project complete, awaiting City action
Northampton	City	44,000	Full charter drafting	2013	New charter enacted
Rockland	Town	17,000	Existing charter review	2021	Project ongoing
Rockland	City	81,000	Full charter drafting	2021	Project ongoing
Southborough	Town	10,000	Partial special act drafting	2011	Special Act rejected by Town Meeting
South Hadley	Town	18,000	Partial special act drafting	2012	Special Act enacted
Wareham	City	35,000	Existing charter review	2021	Charter changes on November ballot
Wareham	Town	14,000	Partial special act drafting	2018	Special Act enacted
Wareham	City	18,000	Existing charter review	2021	Project ongoing

3

**Background and History of Charters in MA – 1 of 3**

- In 1821, MA constitution was amended to allow towns over 12,000 population to adopt a city form
- In 1915, the legislature codified law relating to the establishment of city governments by offering "plans of city government" (Ch. 43 of MGL)
- Chapter 43 had 3 aims:
  - Provide a citizen petition process to adopt a city form
  - Define the state's aims for city government
  - Provide several model plans for city government
- The statute initially provided 4 plans (A, B, C, and D), but eventually added 2 more (E and F)
- These are still in use (in modified form) in 12 cities

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**Background and History of Charters in MA – 2 of 3**

- No city adopted Plans C, D, or F (the Lawrence commission government was established by special act)
- The text of each Plan is modest, as it was anticipated that cities would adopt ordinances to fill in the details
- Plans did not enjoy significant popularity – most cities continued to petition for a special act
- Probably no city is operating today under a Plan as exactly defined in Chapter 43
- A few cities have adopted special acts changing form of government after operating under a Plan

5

5

**Background and History of Charters in MA – 2 of 3**

- The process for adopting a Plan form was repealed following the adoption of the Home Rule Amendment
- The Home Rule Amendment to the state's constitution was adopted in 1966
- The Massachusetts amendment provides what is referred to as "limited home rule"

6

6

**The Purposes of Charter Review - Overview**

*"A charter is the foundation of a local government and functions as the municipal equivalent of a state or federal constitution, setting forth guiding principles for governance. Composed by citizens, a charter specifies the most fundamental relationships between a government and its community. It establishes the framework for how a local government operates in terms of its structure, responsibilities, functions, and processes. The way public officials are elected, the form of government, and the role citizens play in local government are just a few examples of the important choices articulated in a charter."*

*-Guide for Charter Commissions, National Civic League, p. 5*

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**The Purposes of Charter Review - Overview**

Five types of reasons for charter review:

1. Ensure that the government is keeping up with a modern understanding of best practices
2. Ensure that the government is responsive to the needs and preferences of the current population
3. Ensure that the charter is kept consistent with changes in state or federal law
4. Ensure that the charter is kept consistent with changes in values or cultural changes
5. Clarify any text that has caused confusion or dispute over interpretation

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**The Purposes of Charter Review - Changes in best practices**

Modern MA charters now frequently or always include:

- An automatic review process at a predetermined interval (usually 10 years)
- A mechanism to reorganize departments without amending the charter or a home rule petition
- A capital improvement plan process
- References to electronic/online access to information

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**The Purposes of Charter Review - Changes in population, etc.**

Ensure that the government is responsive to the needs and preferences of the current population, demographics, and business base:

- Does the size and composition of the council allow it to be responsive to and representative of the current population?
- For cities with mayors, does the term for mayor allow for planning and implementation of initiatives?

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**The Purposes of Charter Review – Changes in law**

Ensure that the charter is kept consistent with changes in state or federal law:

- HR laws (both state and federal)
- Procurement law (state)
- Open meeting law (state)

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**The Purposes of Charter Review – Changes in values**

Ensure that the charter is keeping up with changes in values or cultural changes:

- Many modern charters no longer include pronouns entirely (or at least add "or she" to "he", etc.)
- Many municipalities are changing the names of boards and committees to remove gendered reference (e.g., Aldermen to Council, Board of Selectmen to Selectboard)

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**The Purposes of Charter Review – Clarify confusing text**

Clarify any text that has caused confusion or dispute over interpretation:

- Are the recall and referendum provisions clear and complete?
- Have all the key terms been defined?

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**Some Examples of Recent Charter Changes**

Cambridge	City	117,000	Existing charter review	2022
Plymouth	Town	61,000	Existing charter review	2022
Beverly	City	42,000	Existing charter review	2021
Cambridge	City	117,000	Charter review readiness assessment	2021
Rockland	Town	17,000	Existing charter review	2021
Somerville	City	81,000	Full charter drafting	2021
Watertown	City	35,000	Existing charter review	2021
Amesbury	City	16,000	Existing charter review	2020
Lynn	City	94,000	Existing charter review	2019
Methuen	City	50,000	Existing charter review	2019
Peabody	City	53,000	Full charter drafting	2019

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**Pathways to Charter Revisions or a New Charter**

- Home Rule Charter Route to a New Charter
  - Spelled out in detail MGL Chapter 43B
  - Creates elected charter commission
- Special Act Charter Route to a New Charter
  - Same pathway as a home rule petition
  - Flexible process
- Charter Revisions Process
  - Same pathway as a home rule petition

15

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Thank you for your time.

Questions?

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## Memorandum

**TO:** Medford Charter Study Committee  
**FROM:** The Edward J. Collins, Jr. Center for Public Management  
**DATE:** February 1, 2024  
**RE:** Term Limits, Three-year terms and Staggered terms

### Term Limits in Massachusetts Municipalities

Below is a comprehensive overview of municipalities in Massachusetts that have implemented term limits for elected officials. While not exhaustive, this list encompasses a diverse range of governmental structures, from Select boards to Mayor – Council forms:

#### Barnstable

**Government Structure:** Council-Manager

**Council Term Limits:** Members are restricted to 3 consecutive terms of office or 12 consecutive years, whichever is greater. In cases where serving the full term would exceed 12 consecutive years, the seat becomes vacant at the next biennial town election.

#### Methuen

**Government Structure:** Mayor-Council

**Council Term Limits:** Councilors and the Mayor are limited to 3 consecutive terms.

**School Committee Term Limits:** Members are restricted to 3 consecutive terms.

#### Newton

**Government Structure:** Mayor-Council

**School Committee Term Limits:** Members cannot be elected for a fifth consecutive full term.

#### Framingham

**Government Structure:** Mayor-Council

**Council Term Limits:** Councilors-at-large are limited to three consecutive 4-year terms, while district councilors are restricted to six consecutive 2-year terms.

**Mayor Term Limits:** Mayors are limited to three consecutive 4-year terms.

#### Bridgewater

**Government Structure:** Council-Manager

**Council Term Limits:** Eligibility for town council election is limited to 12 consecutive years of service.

**Southbridge**

**Government Structure:** Council-Manager

**Council Term Limits:** Councilors are limited to three consecutive terms.

**Three-Year Terms**

The adoption of 3-year terms poses practical challenges, notably the scheduling of elections on both even and odd years. This complicates matters as state elections typically occur on even-numbered years, which the Secretary of State may not favor. Separate ballots and tabulators are required for local elections held simultaneously with state elections, adding significant workload for election staff. The insights of elections officers in Medford should be sought if the Committee pursues this policy area.

Several communities have embraced 3-year terms, primarily towns with a select board and town meeting format. Notably, Greenfield's previous charter allowed for 3-year terms, but subsequent amendments shifted to 4-year terms with elections held in odd-numbered years. Green has a mayor-council form of government.

A subset of towns with 3-year terms and their election dates includes:

East Longmeadow:	June
Bridgewater:	April
Wakefield:	April
Harvard:	February - June
Palmer:	June

**Staggered Terms**

Staggered terms, exemplified by Melrose's school committee with half of its members elected at each municipal election, offer continuity in government. This system is commonly employed in town select board elections.

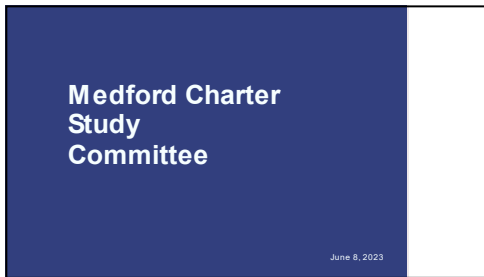


## Appendix C: Comparison of Medford to Other Cities/Towns

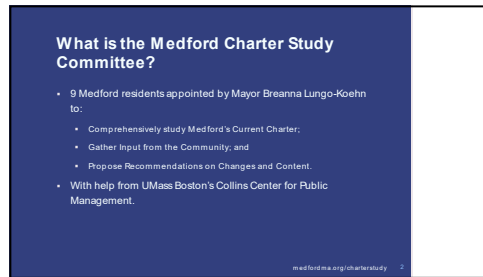
Municipality	Population	CEO	Mayoral Term	Membership	At-Large	ward/district	Term	Committee	At-Large	ward/district	Term	member	Mayor is Chair	Notes
<a href="#">EASTAMUNTON</a>	12,488	Mayor	n/a	7	3	4	3, suggested	5	5	0	3, suggested	n/a	Yes	
<a href="#">NORTH ADAMS</a>	12,757	Mayor	2	9	9	0	2	7	6	0	2	n/a	Yes	
<a href="#">EASTHAMPTON</a>	16,211	Mayor	4	9	4	5	2	7	6	0	2	Yes	No	
<a href="#">EAST LONGMEADOW</a>	16,430	Manager	n/a	7	7	0	2	5	5	0	3	n/a	No	
<a href="#">SOUTHBRIDGE</a>	17,740	Manager	n/a	9	9	0	3, suggested	7	7	0	3, suggested	n/a	n/a	
<a href="#">GREENFIELD</a>	17,766	Mayor	4	13	4	9	4	7	6	0	4, suggested	Yes	no	
<a href="#">AMESBURY</a>	17,966	Mayor	4	9	3	6	2	7	6	0	4, suggested	Yes	no	
<a href="#">MERRIMAC</a>	18,313	Mayor	4	11	5	6	2	7	6	0	4, suggested	Yes	Yes	
<a href="#">MIDDLEBURY</a>	19,316	Manager	n/a	9	3	5	2	7	7	0	4	Panel president	n/a	Council president elected by people, 2 year term, serves on school c
<a href="#">GARDNER</a>	21,252	Mayor	2	11	6	3	2	7	6	0	4	Yes	Yes	
<a href="#">BROOKFIELD</a>	47,270	Manager	n/a	9	6	3	3, suggested	Regional	n/a	n/a	n/a	n/a	No	
<a href="#">MELROSE</a>	29,756	Mayor	4	11	4	7	2	7	6	0	4	Yes	No	
<a href="#">NORTHAMPTON</a>	29,571	Mayor	4	9	2	7	2	10	2	7	2	Yes	Yes	
<a href="#">WEST SPRINGFIELD</a>	28,535	Mayor	2	9	5	4	2	7	6	0	2	Yes	Yes	
<a href="#">AGAWAM</a>	28,692	Mayor	2	11	11	0	2	7	6	0	2	Yes	Yes	
<a href="#">NORTH ATTLEBOROUGH</a>	30,834	Manager	n/a	9	9	0	2	7	7	0	3, suggested	n/a	n/a	
<a href="#">GLOUCESTER</a>	29,729	Mayor	2	9	4	5	2	7	6	0	2	Yes	No	
<a href="#">FRANKLIN</a>	33,600	Manager	n/a	9	9	0	2	7	7	0	2	n/a	n/a	
<a href="#">BANDON</a>	34,984	Manager	n/a	9	5	4	2	7	6	0	2	n/a	n/a	Council president re-designs & chair
<a href="#">WATERBURY</a>	35,229	Manager	n/a	9	4	4	2	7	6	0	4, suggested	n/a	n/a	Council president elected by people, serves on school committee
<a href="#">BRAINTREE</a>	39,143	Mayor	4	9	3	6	2	7	6	0	4	Yes	No	
<a href="#">AMHERST</a>	39,263	Manager	n/a	13	3	10	2	5	5	0	2	n/a	n/a	
<a href="#">FAIRBOROUGH</a>	41,793	Mayor	2	11	4	7	2	7	6	0	2	Yes	Yes	
<a href="#">CHELSEA</a>	40,428	Manager	n/a	11	3	8	2	9	1	8	2	n/a	n/a	
<a href="#">HOLYOKE</a>	38,247	Mayor	2	15	8	7	2	9	2	7	3	No	No	
<a href="#">MORRIS</a>	40,876	Mayor	2	9	2	7	2	7	7	0	2	No	No	Mayor may be present and preside but not vote
<a href="#">FITCHBURGH</a>	41,872	Mayor	2	11	5	6	2	7	6	0	2	Yes	Yes	
<a href="#">WESTFIELD</a>	40,380	Mayor	2	13	7	6	2	7	6	0	4	Yes	Yes	
<a href="#">LEOMINSTER</a>	43,344	Mayor	2	9	4	5	2	9	3	5	2	Yes	No	
<a href="#">BERGLEY</a>	42,970	Mayor	2	9	3	6	2	7	6	0	2	Yes	No	
<a href="#">BUTTSFIELD</a>	44,927	Mayor	4	11	4	7	2	7	6	0	2	Yes	No	
<a href="#">SALEM</a>	44,480	Mayor	4	11	4	7	2	7	6	0	2	Yes	Yes	
<a href="#">BARSTADLE</a>	48,916	Manager	n/a	13	0	13	4	5	5	0	4	n/a	n/a	
<a href="#">ATTLEBORO</a>	44,800	Mayor	2	11	5	6	2	9	3	6	2	No	No	
<a href="#">EVERETT</a>	49,075	Mayor	4	11	5	6	2	10	3	6	2	Yes	Yes	
<a href="#">METHUEN</a>	51,059	Mayor	2	9	3	6	2	7	6	0	2	Yes	Yes	
<a href="#">PEARBODY</a>	54,481	Mayor	2	11	5	6	2	7	6	0	2	Yes	Yes	
<a href="#">BEVERLY</a>	61,565	Mayor	4	11	5	6	2	7	6	0	2	Yes	Yes	
<a href="#">CARBORNE</a>	55,560	Mayor	2	13	4	9	1-2	11	2	9	2-4	No	No	
<a href="#">TAUNTON</a>	57,296	Mayor	4	9	9	0	2	9	8	0	2	Yes	No	
<a href="#">WETUMOUTH</a>	57,719	Mayor	4	11	3	6	2	7	6	0	4	Yes	No	
<a href="#">DEERFIELD</a>	58,300	Mayor	2	7	7	0	2	7	6	0	2	Yes	Yes	
<a href="#">MALDEN</a>	66,114	Mayor	4	11	3	8	2	9	1	8	2	Yes	Yes	
<a href="#">WALTHAM</a>	64,817	Mayor	4	15	6	9	2	7	6	0	2-4	Yes	Yes	
<a href="#">HAVERHILL</a>	68	Mayor	2	9	9	0	2	7	6	0	4	Yes	Yes	
<a href="#">BARNINGHAM</a>	72,362	Mayor	4	11	2	9	2	9	0	9	2	Yes	Yes	Mayor only votes on school committee to break a tie
<a href="#">LAWRENCE</a>	89,143	Mayor	4	9	3	6	2	7	0	6	2	Yes	No	Mayor only votes on school committee to break a tie
<a href="#">SUNDERLAND</a>	81,045	Mayor	2	11	4	7	2	9	0	7	2	Yes	No	
<a href="#">MONTICELLO</a>	83,923	Mayor	4	24	16	8	2	9	8	0	2	Yes	No	Mayor and council president are members
<a href="#">FAIRHAVEN</a>	84,800	Mayor	2	9	9	0	2	7	6	0	2	Yes	Yes	
<a href="#">DUNELM</a>	101,606	Mayor	4	9	3	6	2	7	6	0	2	Yes	Yes	
<a href="#">NEW BEDFORD</a>	101,253	Mayor	4	11	4	7	2	7	6	0	2	Yes	Yes	
<a href="#">BROCKTON</a>	95,347	Mayor	4	11	5	6	2	8	6	0	4	Yes	Yes	
<a href="#">LOWELL</a>	115,264	Manager	n/a	11	3	8	2	7	6	0	2	Yes	Yes	Mayor is head of the city council
<a href="#">CAMBRIDGE</a>	118,000	Manager	n/a	9	9	0	2	7	6	0	0	n/a	n/a	Mayor is head of the city council
<a href="#">SPRINGFIELD</a>	155,029	Mayor	4	13	5	8	2	7	6	0	2	Yes	Yes	
<a href="#">WORCESTER</a>	206,518	Manager	n/a	11	6	5	2	7	6	0	2	Yes	Yes	Mayor is head of the city council

# Appendix D: Public Presentations of Charter Study Committee

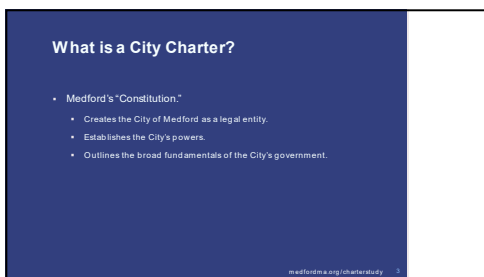
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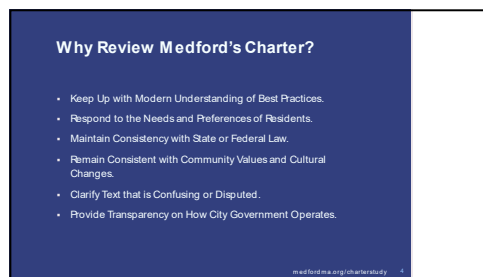
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**What Is The Committee's Process to Change the Charter?**

1. The Charter Study Committee researches and reviews the current charter and gathers public input.
2. The Charter Study Committee submits a Final Report to the Mayor and the City Council.
  - Includes any Proposed Changes to the Charter.
3. If both the Mayor and City Council approve, any Proposed Changes will be Submitted to the State Legislature.
4. If the Proposed Changes are approved by the State Legislature, they will be Voted On by the Medford Residents.

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**Medford's Current Charter**

- Modified "Plan A" Form of Government.
- Adopted in 1986.
- Formerly a "Plan E" Form of Government.
  - City Manager as the Chief Executive Officer.
- Only a Few Communities retain a "Plan" Form of Government.
- Does Not Exist in One Single Document.
- Has Not Been Comprehensively Reviewed in Decades.

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**Forms of Government**

- Mayor – Council
- Council – Manager

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7

**Mayor / Council (Current Form)**

- Mayor is the City's Chief Executive Officer:
  - Elected by the Voters
  - Oversight of day-to-day operations
  - Appoints Department Heads and Committee and Commission Members
  - Chairperson or member of School Committee
  - Submits the City's Budget to the City Council
  - May or may not have Veto Power

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### Council-Manager

- City Manager is the City's Chief Executive Officer:
  - Appointed by the City Council.
    - Not Elected –Appointed Based on Qualifications.
    - Directly Accountable to City Council –Regular Performance Reviews.
  - Does Not Have Veto Power.
- City Council is the Chief Governing Body:
  - Appoints all Department Heads and Committee and Commission Members.
  - Submits and Approves the Budget.
  - Can Elect A Member as "Mayor."

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### Form of Government

- Form of Government is a Major Component of Charter Review.
- Remaining Choices Follow From The Form of Government.
- The Charter Committee Will Rely on the Input of Medford Residents to Guide The Review Process.

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### Medford's Elected Officials - Currently

- Current Elected Officials:
  - Mayor.
  - 7 At-Large City Councilors.
  - 7 At-Large School Committee Members.
- Municipal Elections are Non-Partisan.

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11

### Medford's Elected Officials – What A Charter Establishes

- Term Length.
- Term Limits, if any.
- Powers and Duties.
- How Vacancies are Filled.
- Compensation.
- Composition of the City Council and School Committee, including the Mayor's role.

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12

**Other Considerations**

- Election Procedures.
  - Ballot position.
  - Recall process.
- Organization of City Agencies.
- Citizen Participation Mechanisms.
- Budget Policies and Procedures.
- Financial Procedures.
- General Provisions.

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**Charter Review Starts With You!**

- What Brought You To This Meeting?
- What Are the Most Important Parts of the Charter?
- What Surprised You about Medford's Charter?
- What Would You Change about Medford's Charter?

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1

**About the SUB-COMMITTEE...**

- The sub-committee was formed to investigate and research the options for city council composition. Specifically, to gather research and data on the current At-Large Councilors versus a Ward Representative Hybrid Option and report back to the Committee of the Whole.
- The sub-committee did their due diligence in their research utilizing city demographics, election results, citizens surveys and interviews, state-wide comparisons, and other sources

2

**The Current City Council...**

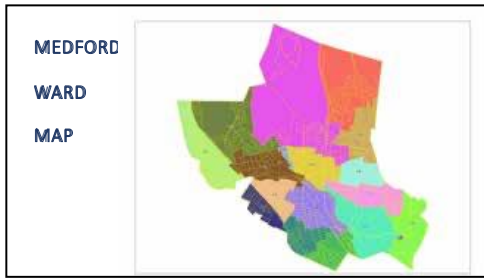
- Seven (7) members of the City Council
- All councilors are elected on an At-Large Basis
- Their term in office is Two(2) Years

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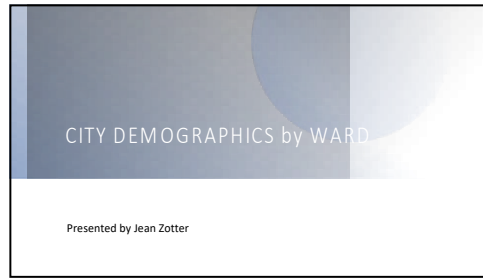
**The Three Options...**

- Continue with an At-Large 7-member City Council
- Transition into a Hybrid Ward Representative Council  
*(8 Ward Reps/3-5 At-Large Reps)*
- Increase Current Number of At-Large City Councilors

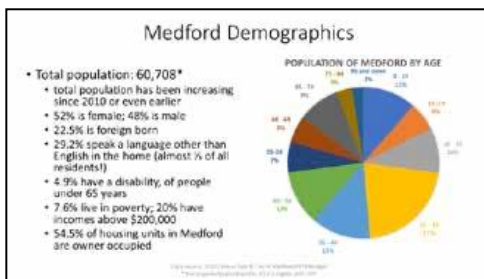
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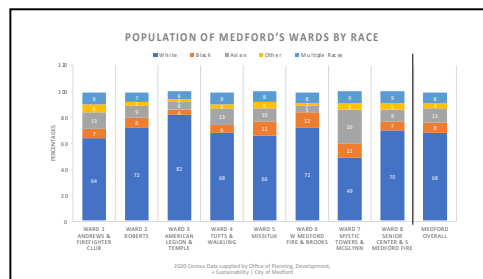
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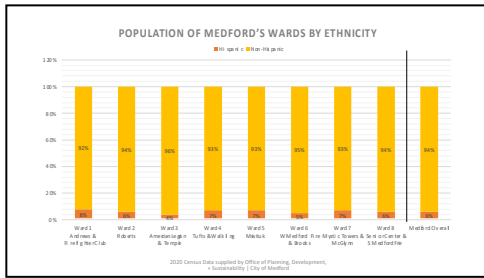
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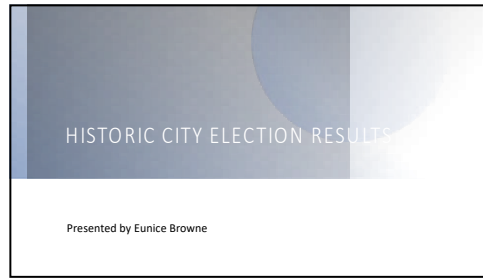
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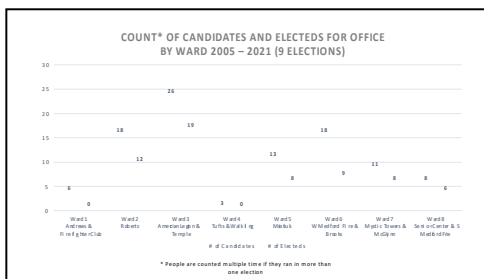
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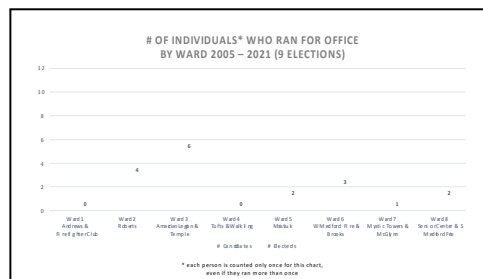
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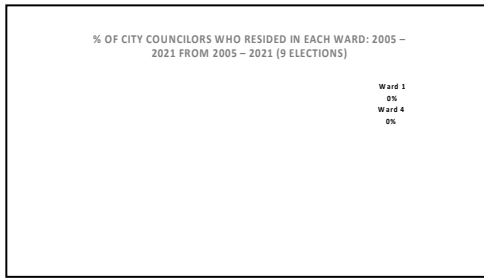


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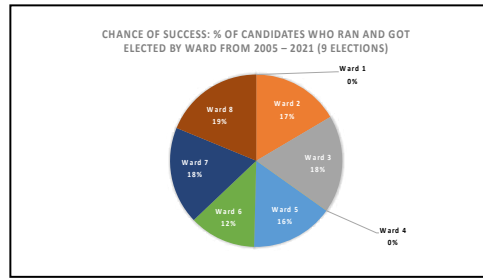


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ADDITIONAL RESEARCH

Presented by Milva McDonald

15

**Lowell's path to ward representation**

- A 2017 lawsuit alleged Lowell's at-large system violated the Voting Rights Act of 1965 by denying Asian American and Hispanic/Latino voters an equal opportunity to elect candidates of their choice
- In 2019, without conceding a violation of the Voting Rights Act, the city settled
- Lowell currently has hybrid ward representation for the City Council and School Committee
- Medford has one majority minority ward and a population that is continually becoming more diverse

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**STRENGTHS AND CHALLENGES**

**DISCLAIMER**  
THE FOLLOWING LIST OF STRENGTHS AND CHALLENGES WAS COMPILED BY THE CHARTER STUDY COMMITTEE BASED ON INPUT FROM MANY SOURCES AND DOES NOT REPRESENT THE OPINIONS OF ANY SUB-COMMITTEE OR CHARTER STUDY COMMITTEE MEMBER.

Presented by Ron Giovino

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**STRENGTH...**

**GUARANTEES AT LEAST ONE COUNCILOR FROM EACH WARD**

18

**STRENGTH...**

**FEWER CANDIDATES ON THE BALLOT MAY MAKE THE VOTING PROCESS EASIER TO USE**

19

**STRENGTH...**

**MAKES RUNNING FOR WARD OFFICE MORE ACCESSIBLE  
(COST OF RUNNING CAMPAIGN AND CAMPAIGN/GROUND GAME REDUCED DUE TO SMALLER VOTER POOL)**

20

**STRENGTH...**

**A SMALLER CONSTITUENCY GIVES WARD COUNCILORS THE ABILITY TO FOSTER MORE DIRECT RELATIONSHIPS WITH RESIDENTS AND GIVES RESIDENTS THE OPPORTUNITY FOR IMPROVED COMMUNICATION WITH THEIR WARD REP**

21

**STRENGTH...**

**ELIMINATES DUPLICATION OF WORK**

22

**STRENGTH...**

**WARD REPRESENTATION INCREASES DIVERSITY OF REPRESENTATION**

"At-Large Elections and Minority Representation in Local Government"  
(American Journal of Political Science, July 2020)

23

**STRENGTH...**

**INCREASED NUMBER OF COUNCILORS MEANS MORE INDIVIDUALS TO FULFILL THE WORK OF THE COUNCIL**

24

**STRENGTH...**

AT-LARGE REPRESENTATION  
WILL STILL EXIST WITH A HYBRID COUNCIL

25

**STRENGTH...**

EASIER TO ADDRESS NEEDS OF EACH NEIGHBORHOOD

26

**STRENGTH...**

THE HYBRID WARD SYSTEM IS THE PREDOMINANT  
METHOD THROUGHOUT THE COMMONWEALTH

(APPROXIMATELY 80 PERCENT OF MASSACHUSETTS CITIES)

27

**CHALLENGE...**

WARD REPRESENTATIVE MAY FOCUS MORE ON THEIR  
WARD NEEDS AND NOT THOSE OF THE WHOLE CITY

28

**CHALLENGE...**

VOTERS CANNOT VOTE FOR OR AGAINST  
THE ENTIRE COUNCIL

29

**CHALLENGE...**

WARD BOUNDARIES MAY NOT REFLECT  
HOW COMMUNITIES SEE THEMSELVES

30

**CHALLENGE...**

WARD REPRESENTATION MAY RESULT  
IN UNEQUAL WORKLOADS FOR COUNCILORS

31

**CHALLENGE...**

IF YOU DON'T SUPPORT THE WARD CANDIDATE  
WHO GETS ELECTED, WILL THEY SERVE YOUR NEEDS?

32

**CHALLENGE...**

WARD REPRESENTATION MAY LIMIT  
VOTER/CANDIDATE OPTIONS

33

**CHALLENGE...**

SOME PEOPLE BELIEVE THAT ALL CITY COUNCILORS  
SHOULD REPRESENT THE WHOLE CITY

34

**CHALLENGE...**

WARD REPRESENTATION MAY DIVIDE THE CITY

35

**CHALLENGE...**

ADDING ADDITIONAL COUNCILORS  
WOULD INCREASE THE CITY'S BUDGET (SALARIES)

36

**QUESTIONS OR COMMENTS ?**

37

**Appendix E: Survey Questions**

**MEDFORD CHARTER STUDY COMMITTEE SURVEY**

The Medford Charter Study committee wants to hear from you as a Medford resident. Take this survey to share your opinion about the Medford Charter.

What form of government would be best for Medford moving forward?

- Mayor
- City manager
- Not sure
- No opinion

The term length for Medford's Mayor is two years. Should the Mayor's term:

- Increase to four years
- Stay the same
- Not sure
- No opinion
- Other \_\_\_\_\_

Should Medford's City Council change so that some councilors represent the entire city (at large) and others represent particular neighborhoods or wards?

- Stay as is
- Change to all ward representation
- Combination of ward and at large
- Not sure



- No opinion

Should Medford's School Committee change so that some members represent the entire city (at large) and others represent particular neighborhoods or wards?

- Stay as is
- Change to all ward representation
- Combination of ward and at large
- Not sure
- No opinion

Should the term length for City Councilors be longer than two years?

- Yes
- No
- Not sure
- No opinion

Should the term length for School Committee members be longer than two years?

- Yes
- No
- Not sure
- No opinion

Should the Mayor be the chairperson of the School Committee?

- Yes
- No
- Not sure
- No opinion

Should the Mayor be a member of the School Committee?

- Yes
- No
- Not sure
- No opinion

Should there be a limit on how many terms the Mayor can serve?

- Yes
- No
- Not sure
- No opinion

Should there be a limit on how many terms a City Councilor can serve?

- Yes
- No
- Not sure
- No opinion

Should there be a limit on how many terms a School Committee member can serve?

- Yes
- No
- Not sure
- No opinion

Please select your order of importance (1 being the most important and 12 being the least important)

- Executive Branch (mayor vs. city manager)
- City Council (ward representation and number of city councilors)
- School Committee (ward representation, who leads the committee)
- Term lengths
- Term limits
- Balance of power in city government
- Ways for residents to participate in government
- City budget procedures
- Independent audits of city's finances
- Regular charter review
- Regular ordinance review
- Recall provisions for elected officials
- Other \_\_\_\_\_

Please share any other thoughts you have about the charter

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## DEMOGRAPHICS

What is your age group?

- Under 18
- 18-24 years old
- 25-34 years old
- 35-44 years old

- 45-54 years old
- 55-64 years old
- 65 and up
- Prefer not to answer \_\_\_\_\_

How long have you lived in Medford?

\_\_\_\_\_

Residential status, please check all that apply:

Homeowner

Renter

Full time Resident

Part time Resident

Student

Prefer not to answer \_\_\_\_\_

Please indicate which gender you identify with

- Male
- Female
- A gender other than male or female (non-binary, genderfluid, agender, culturally specific gender)
- Transgender
- Other \_\_\_\_\_
- Prefer not to answer

Please indicate which race/s you identify with

- Black or African American
- Asian
- American Indian or Alaska Native
- White
- Native Hawaiian or other Pacific Islander
- Two or more races
- Other \_\_\_\_\_
- Prefer not to answer

Please indicate which ethnicity you identify with

- Non-Hispanic/Latin(o)(a)(x)
- Hispanic/Latin(o)(a)(x)
- Other \_\_\_\_\_
- Prefer not to answer
- 

Please provide your email address if you'd like to be kept informed of future Charter Study Committee meetings and events.

If you'd like to be a member of a focus group to discuss the charter, contact [medfordcharterstudy@gmail.com](mailto:medfordcharterstudy@gmail.com)

We invite you to attend one of our upcoming meetings, visit our web page at [www.medfordma.org/charterstudy](http://www.medfordma.org/charterstudy), submit comments using [this form](#), or contact us at [medfordcharterstudy@gmail.com](mailto:medfordcharterstudy@gmail.com).

## **Appendix F: Survey Results**

What form of government would be best for Medford moving forward?

663 responses

- Mayor 69.8%
- City Manager 15.5%
- Not Sure %13
- No Opinion 1.7%

The term length for Medford's Mayor is two years. Should the Mayor's term:

661 responses

- Increase to 4 years: 63.8%
- Stay the same: 27.8%
- Not sure: 2.6%
- No opinion: 1.1%
- Increase to 3 years: 1.1%
- Other: 3.6%

Should Medford's City Council change so that some councilors represent the entire city (at large) and others represent particular neighborhoods or wards?

658 responses

- Combination of ward and at large: 60%
- Stay as is: 18.2%
- Change to all ward: 17%
- Not sure: 3.8%
- No opinion: .9%

Should Medford's School Committee change so that some members represent the entire city (at large) and others represent particular neighborhoods or wards?

658 responses

- Combination of ward and at large: 44.5%
- Stay as is: 30.4%
- Change to all ward: 16.1%
- Not sure: 5.8%
- No opinion: 3.2%

Should the term length for City Councilors be longer than two years?

661 responses

- No: 54.9%
- Yes: 31.8%
- Not sure: 10.4%
- No opinion: 2.9%

Should the term length for School Committee members be longer than two years?

660 responses

- No: 57.1%
- Yes: 27.1%
- Not sure: 11.7%
- No opinion: 4.1%

Should the Mayor be the chairperson of the School Committee?

659 responses

- No: 56.4%
- Yes: 20%
- Not sure: 18.1%
- No opinion: 5.5%

Should the Mayor be a member of the School Committee?

660 responses

- No: 43.2%
- Yes: 35.5%
- Not sure: 15.3%
- No opinion: 6.1%

Should there be a limit on how many terms the Mayor can serve?

656 responses

- Yes: 69.7%
- No: 22.9%
- Not sure: 6.4%
- No opinion: 1.1%

Should there be a limit on how many terms a City Councilor can serve?

660 responses

- Yes: 61.7%
- No: 30%
- Not sure: 7.1%
- No opinion: 1.2%

Should there be a limit on how many terms a School Committee member can serve?

661 responses

- Yes: 61.7%
- No: 28%
- Not sure: 8.2%
- No opinion: 2.1%

## ***Appendix G: List of Interviewees***

### **LIST OF INTERVIEWEES**

#### **Mayors:**

- Mayor Breanna Lungo-Koehn
- Mayor Michael McGlynn
- Mayor Stephanie Burke

#### **City Council:**

- Zac Bears
- Nicole Morell
- Kit Collins
- Justin Tseng
- Anna Callahan
- Emily Lazarro
- Matt Leming
- Rick Caraviello
- Patricia Brady Doherty

#### **School Committee:**

- Sharon Hays
- Kathy Kreatz
- Paul Ruseau
- Mea Mustone
- Sharon Guzik
- Nicole Branley
- Jenny Graham
- Erika Reinfeld
- Aaron Olapade
- Erin DeBenedetto
- Cheryl Rodriguez

#### **Other Elected Officials:**

- Paul Donato

#### **City Officials:**

- Alicia Hunt
- Marice Edouard-Vincent
- Roy Belson
- Nina Nazarian
- Bob Dickinson
- Melissa Ripley



- Adam Hurtubise

**Appendix H: Interviewee Questions**

**MEDFORD CHARTER STUDY COMMITTEE INTERVIEW QUESTIONNAIRE**

On behalf of the Medford Charter Study Committee, we want to thank you for agreeing to provide your feedback as part of the committee’s process. Your thoughts and input are essential to our work. We ask that you fill out this very brief pre-interview questionnaire and return it promptly. We will contact you to schedule an interview during which you can elaborate on the information you have shared in this questionnaire and discuss any additional thoughts and issues that are relevant to the charter review process.

1. NAME \_\_\_\_\_

2. CITY RESIDENT? \_\_\_\_\_ HOW LONG? \_\_\_\_\_

3. DATE: \_\_\_\_\_

4. CURRENT ROLE / RELATIONSHIP TO CITY GOVERNMENT

\_\_\_\_\_  
\_\_\_\_\_

5. PLEASE LIST ANY POSITIONS AND DATES HELD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. WHAT ASPECTS OF THE STRUCTURE AND PROCESSES OF MEDFORD GOVERNMENT ALLOWS, OR ALLOWED, YOU/YOUR OFFICE TO WORK WELL?

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7. DO YOU HAVE ANY CONCERNS OR ISSUES REGARDING GOVERNMENT STRUCTURE THAT YOU WOULD LIKE TO SEE ADDRESSED DURING THE CHARTER REVIEW PROCESS?

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8. ARE THERE ASPECTS OF GOVERNMENT OPERATION THAT YOU THINK FUNCTION WELL? NEED IMPROVEMENT? PLEASE ELABORATE.

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9. DO YOU HAVE QUESTIONS REGARDING THE PROCESS?

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10. IS THERE ANYTHING ELSE YOU WOULD LIKE TO SHARE THAT IS RELEVANT TO THE CHARTER REVIEW PROCESS?

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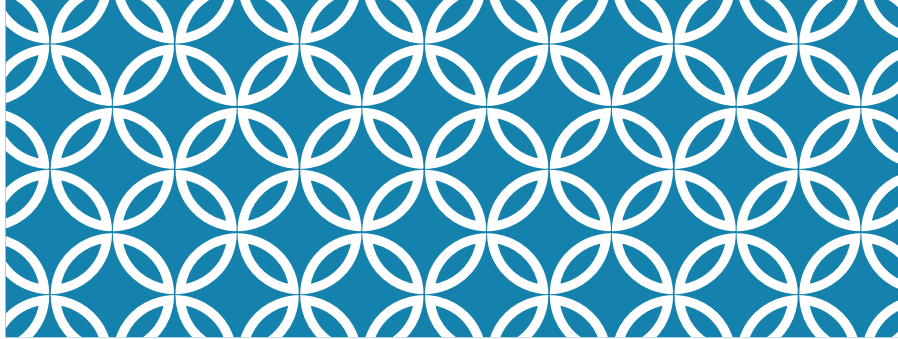
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## Appendix I: Listening Session Results Presentation



### LISTENING SESSION PRELIMINARY SUMMARY

Jean Zotter, Charter Study  
Committee  
February 1, 2024

#### OVERVIEW

Held 15 Listening Sessions

11 in-person, 4 virtual

Approximately 91 people participated

We reached Medford residents from these groups: youth, older adults, parents, people with disabilities, people living in public housing, business owners, church members, members of community organizations, homeowners, renters, immigrants, people of different races/ethnicities, non-English speakers

We educated people about the charter and received valuable feedback

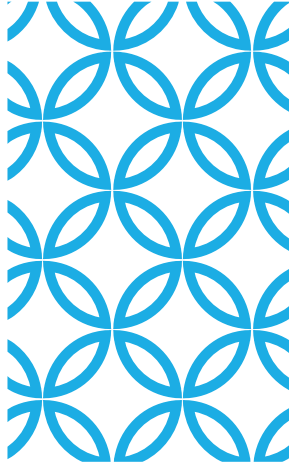
## LOCATIONS AND PARTNERS

Location	Partner	Ward	In-Person or Virtual
Medford Public Library	None	6	In-Person
Tempone Housing Development	Medford Housing Authority	5	In-Person
Fire Fighters Assn	None	1	In-Person
Medford Senior Center	Same	8	In-Person
Willis Family Development	Medford Housing Authority	5	In-Person
Medford Chamber of Commerce	Same	Citywide	In-Person
West Medford Community Center	WMCC, W. Medford Baptist and NAACP	6	In-Person
Session with ASL	Frances	Citywide	Virtual
Grace Episcopal Church and ICCM	Same	6	In-Person
Session with Parents of Young Children	Medford Family Network and Medford Rec	Citywide	Virtual
Session with Parents of Children in MPS	MPS	Citywide	Virtual
NAACP Mystic Valley	Same	Citywide	Virtual
Medford High School Students	MPS	Citywide	In-person

## NEXT STEPS

Ensure we have notes from all the sessions

Compile information so they can be used for deliberations and share with committee



## THANK YOU!

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This was a group effort – thanks to everyone who lead or facilitated a group: Anthony, Aubree, Maury, Milva, Paulette, Phyllis, Ron. Thanks to Frances Nwajei for helping to set many of them up.

**Appendix J: Listening Session Notetaking Form**

**2023 Charter Study Committee**

**LISTENING SESSION NOTES**

**Date and Time:**

**Location:**

**Facilitator:**

**Note Taker:**

**I. NOTES:** (Use this space during the listening session to put as much word-for-word information as you can. After the listening session ends, you can synthesize responses below in the table.)

**II. KEY THEMES** (fill in this section after the listening session is done, during a debrief with the facilitator):

<b>Question</b>	<b>Synthesis of Responses</b>
<b>1. What is your favorite thing about the City of Medford?</b>	
<b>2. <u>PREAMBLE</u>. What values do you think the Medford government should uphold/adhere to/promote in the charter?</b>	
<b>3. If you were to describe Medford's government in one word, what would it be?</b>	



<p><b>4. <u>CITY COUNCIL.</u> Do you favor keeping the current at-large council, increasing the number of at-large councilors, or moving to a hybrid model with ward and at-large councilors?</b></p>	
<p><b>5. <u>SCHOOL COMMITTEE.</u> Do you favor keeping with the current 7-member school committee with 6 at-large members and the mayor as Chair or would you prefer a different make-up such as ward and at-large hybrid?</b></p>	
<p><b>6. <u>TERM LENGTH.</u> Do you favor keeping the current 2-year term for all or extending any terms of office?</b></p>	
<p><b>7. <u>TERM LIMITS.</u> Would you like the Charter Review Committee to consider establishing term limits?</b></p>	
<p><b>8. <u>OTHER.</u> [use this space to list other key themes]</b></p>	

### ***Appendix K: Spreadsheet of Feedback Received***

The Charter Study Committee tracked all the feedback it received via email, events, and the survey in an excel spreadsheet that can be access at this link: [https://docs.google.com/spreadsheets/d/1sSrwD6fclqNT2uyc\\_Nk6L1Vu4Vyi5dN4/edit?usp=sharing&ouid=114786309849961414177&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/1sSrwD6fclqNT2uyc_Nk6L1Vu4Vyi5dN4/edit?usp=sharing&ouid=114786309849961414177&rtpof=true&sd=true).

The comments are organized by the sections of the model charter and were used by the Charter Study Committee as it deliberated each charter section. The survey comments are the ones that were written in the survey in text.

## ***Appendix L: Charter Study Committee Subcommittees***

### **Preamble:**

David Zabner  
Jean Zotter  
Maury Carroll

### **City Council Ward Representation:**

Milva McDonald  
Ron Giovino  
Eunice Browne  
Jean Zotter  
Maury Carroll

### **School Committee:**

Paulette van der Kloot  
Ron Giovino  
Eunice Browne  
Aubree Webb  
Phyllis Morrison

### **Articles 2&3:**

Milva McDonald  
John Moreschi  
Maury Carroll  
David Zabner

### **Article 6:**

Milva McDonald  
Eunice Browne  
Maury Carroll  
Jean Zotter

### **Article 7:**

Milva McDonald  
Anthony Andreottola  
Maury Carroll

### **Article 8:**

Milva McDonald  
Ron Giovino  
Eunice Browne  
Maury Carroll

Jean Zotter

**Ethics Reporting:**

Milva McDonald

Maury Carroll

Eunice Browne

David Zabner

**Final Report:**

Milva McDonald

Maury Carroll

Phyllis Morrison

Jean Zotter

David Zabner