



EVERETT CHARTER COMMISSION

FINAL REPORT

MAY 2011

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Robert E. Sansone, Vice Chair
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EVERETT CHARTER COMMISSION MAJORITY REPORT

TO THE CITIZENS OF EVERETT:

The Everett Charter Commission takes great pride in presenting and recommending the Everett Home Rule Charter to the citizens of Everett for your consideration at the November 2011 municipal election.

Key recommendations include replacing the current 25-person bicameral city council consisting of a 7-member board of aldermen and an 18 member common council, with a unicameral single-branch 11-member city council. The Commission recommends adopting a 4-year term for the office of mayor in order to maximize efficiency and effectiveness for the entire city administration. The proposed charter includes a provision to recall any elected official.

INTRODUCTION AND PROCESS:

In November of 2009, the voters of Everett overwhelmingly approved the formation of a 9-member independent Charter Commission. The city's voters elected this independent commission, separately and apart from the ongoing electoral politics of the City, in order to focus specifically on the issues of the structure and operation of the city government.

Over an 18-month period, the Commission performed a thorough, comprehensive review of the entire current city charter, a process that had not formally taken place for 118 years. The Commission attempted to identify those specific provisions of the current charter that worked, those that did not, those that could be improved and those that needed to be added in order to have a more modern, efficient and responsive city government. To aid in that process, we also reviewed many other charters, with a special emphasis on those municipalities that have recently conducted a charter development process. Members interviewed city department heads, elected and appointed committees, boards and mayors.

The Commission held 27 open public meetings, 3 public hearings and met with various public officials, both local and statewide. During the public comment period at its regular meetings, at public hearings and through written communications, the Commission heard a myriad of varied ideas from the voters of the City as to the form and shape of city government that they felt would best serve the citizens of Everett going forward. This testimony only reinforced the perception that most voters want a restructuring of Everett's current form of city government.

Besides listening to the will of the voters, each Commissioner also brought his or her own ideas to the table. The debates were lively, with strongly defended opinions. At the same time, Commission members listened to, learned from and were often persuaded by one another. In all instances, the Commission was a model of civil discourse and participatory democracy.

To guide the Commission through this process and to write the charter, the Commission retained an experienced municipal charter consultant from the Edward J. Collins, Jr. Center for

Public Management, McCormack Graduate School of Policy and Global Studies, at the University of Massachusetts Boston. Stephen McGoldrick was the lead consultant.

Although the current city charter has served the interests of the city and its citizens well for many years, it has not kept up with the times. Therefore, the city's charter needed to be entirely rewritten to bring it up to the modern standards required by the laws of the Commonwealth of Massachusetts. While that part of the process was important, even more important was for the new charter to define a structure of Everett's city government going forward that was based upon the will of the voters, as we understood it.

We believe that we have proposed a charter that we can all be proud of. We stand firmly behind and endorse the charter that we have produced.

PROPOSED CHARTER HIGHLIGHTS

City Council

The existing 2-branch city council would be replaced with a one-branch city council. The new city council would be composed of 11 members, all elected citywide. The City Council would consist of 6 ward councilors and 5 at-large councilors. There would be 1 ward councilor per ward and they would be required to be domiciled in the ward they represent. Councilors would serve 2-year terms. The city council would have all the powers and duties of municipal legislative bodies in Massachusetts, as defined within the General Laws of the Commonwealth. The city council would also have additional powers and duties as contained in the charter or by ordinance.

Mayor

The mayor would continue to carry out the functions of the office of mayor, much as it currently exists. All of the executive powers of cities would continue to be vested solely in the mayor. The mayor would continue to have additional powers and duties as contained in the charter or by ordinance. The mayor would have a number of new responsibilities, most notably in the area of city finances. The term of the office of mayor would increase from 2 to 4 years.

School Committee

The school committee would remain a 9 member body, with all members elected citywide, just as they are presently. The school committee would continue to consist of 6 ward members and 3 at-large members. There would be 1 ward member per ward and they would be required to be domiciled in the ward they represent. Members would continue to serve 2-year terms. The

school committee would continue to have all the powers conferred on school committees by Massachusetts General Laws, as well as additional duties and powers as contained in the charter or by ordinance. Except in the case of an emergency, the school committee would not meet on the same day as a regular city council meeting. The mayor would continue to have a right to attend school committee meetings to participate in discussions, to make motions and to exercise every other right of a regular member but not including the right to vote.

Prohibitions

Members of the city council and the school committee would not be allowed to hold any other city office or city employment. Members of the city council and school committee would no longer be eligible to participate in the city's group health and life insurance programs. No elected official would be able to hold a compensated city position for one year following the conclusion of his or her elected service. Any elected official finally convicted of a felony would immediately be removed from office and would be disqualified from serving in any other elective or appointed office or position under the city.

Organization of City Operations

The mayor would be authorized to submit reorganization plans of City departments, boards and commissions to the city council. The city council could approve or reject the mayor's proposals but would not have the authority to amend them. There would be merit principles, which would require the mayor to hire individuals that are especially fitted by training and experience for city positions.

City Finances

The mayor would be required, at least quarterly and in writing, to keep the city council fully informed of the financial condition of the city. The mayor would be required to call a joint meeting of the city council and the school committee to review the fiscal condition of the city before the start of each year's budget process. The budget process would become more open and transparent. The annual proposed operating budget would include a complete fiscal plan of all city funds, activities and agencies, including revenues and expenditures. A capital improvement plan would be updated annually by the mayor and submitted to the city council for approval, prior to the operating budget. The capital improvement plan would be required to contain 5-year projections, including projected costs. The city council, not the mayor, would have control over the city's annual independent, outside audit.

Elections and Filling of Vacant Seats

As is currently the case, a preliminary election will be held for all elected positions, if so needed. The process of filling vacancies on the city council and the school committee would be modified. Preference would be given to candidates who ran in the prior election but did not win a seat, as long as they received a vote for the seat on 20% of the ballots cast in that prior election. The filling of a vacancy in the office of mayor would be modified to reflect the change to a 4-year term.

Voter Participation Provisions

There would be more provisions for voters to directly participate in the decisions of city government. All regular meetings of the city council would need to provide for a period of public comment. Public hearings would be required before the city council could act on the city's annual capital improvement plan and annual operating budget. There would be provisions to allow voters to petition the city council or the school committee to put an item on their agendas; to initiate a referendum to allow voters to reverse certain measures adopted by the city council or the school committee; to initiate petitions to compel the city council or the school committee to adopt measures; and to recall any elected official. However, there would also be safeguards against frivolous petitions.

Charter and Ordinance Review

The new charter would call for periodic reviews of the charter and a re-codification of the city's ordinances.

Time of Taking Effect

The proposed charter will be on the ballot on the November 2011 municipal election. If the voters approve the new charter with a YES vote, part of it will begin to take effect at the preliminary election of September 2013. There will be transitional provisions allowing for a smooth transition to the new government

CONCLUSION:

The members of the Charter Commission are honored to have served over the past 18 months and wish to thank the voters for the confidence they showed by electing the members of the Commission to serve. The Commission carried out its duties to the best of its abilities, based on the members' commitment to an open and transparent process.

The Charter Commission would also like to thank all the leaders of the city, elected and appointed, for the ongoing cooperation that they -- and all city employees -- have afforded the Commission since it was elected in 2009.

We especially extend our sincere appreciation to all those citizens of Everett who participated in the process. We particularly thank those citizens who have taken the time and made the effort to present their views directly to the Everett Charter Commission. The thoughts of many are interwoven throughout this new charter.

We are grateful to our consultant, Stephen McGoldrick, for the knowledge, hard work and dedication that he brought to this process.

This new charter will result in a significant reorganization and improvement in the way that Everett city government supports and informs its residents, as Everett meets the challenges facing Massachusetts' communities in the twenty-first century.

We fully recognize that the changes that we are recommending are significant. These changes were arrived at after considerable research, thought and discussion. Decisions were arrived at by consensus, often after heated debate. We feel that it is very significant that this charter proposal received the unanimous approval of all of the members of the Charter Commission and no member will be writing a minority report, as was their right if they felt so compelled.

We are confident that this charter does contain all of the tools necessary to correct, change or improve the charter as the city moves forward.

The summaries of both the ballot question and the comparison of our present form of government to the proposed charter are, by necessity, very brief and only touch on the high points of our charter proposal. The Commission urges voters to read the full text of the proposed charter and become familiar with it as they deliberate on how they will vote on it. Although certain technical sections of the charter are required to be written in legalese, we feel that the majority of the document is written in clear, concise language that is meant to be accessible to all citizens of Everett.

Please remember that if there are any questions about this charter proposal, the real answers to them will be found in this document. If any voter cannot find the answer to any of their questions, please feel free to contact any member of the Charter Commission.

As citizens, the members of the Charter Commission have been honored to serve the community in this endeavor. As Everett Charter Commissioners, we hope that you will agree that now is the time for change and we urge you to vote YES to adopt the Everett Home Rule Charter.

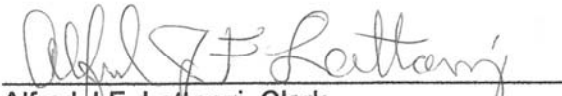
Respectfully submitted, voted on and signed on this date, April 27, 2011 by the
Everett Charter Commission:

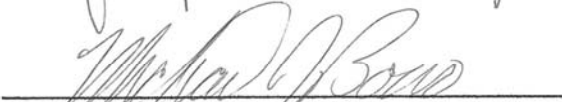
IN FAVOR:

OPPOSED:



Paul Schlosberg, Chairman

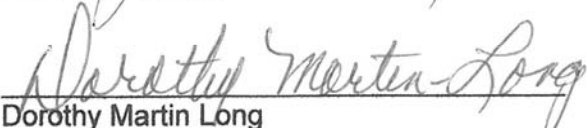

Robert E. Sansone, Vice-Chairman

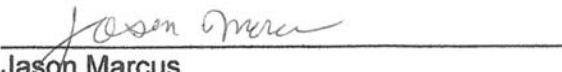

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ARTICLE 1
INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

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

SECTION 1-2: SHORT TITLE

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

SECTION 1-3: DIVISION OF POWERS

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

SECTION 1-4: POWERS OF THE CITY

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

SECTION 1-5: CONSTRUCTION

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

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

SECTION 1-7: DEFINITIONS

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

- (1) "Charter", this charter and any adopted amendments to it.
- (2) "City", the city of Everett.
- (3) "City agency", any multiple member body, any department, division, or office of the city of Everett.

(4) "City officer", when used without further qualification or description, shall mean a person having charge of an office or department of the city who in the exercise of the powers or duties of that position exercises some independent statutory authority.

(5) "Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

(6) "Full city council", "full school committee" "full multiple member body", the entire authorized membership of the city council, school committee or other multiple member body notwithstanding any vacancy which might exist.

(7) "general laws", laws enacted which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities, or to a class of cities and towns of which Everett is a member.

(8) "General Laws", the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(9) "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.

(10) "Local newspaper", a newspaper of general circulation within Everett, with either a weekly or daily circulation.

(11) "Majority vote", when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance or by its own rules, provided however that General Law provisions related to any vote to meet in "executive session" shall always require a majority of members of the body.

(12) "Measure", an ordinance, resolution, order or vote passed by the city council, or a resolution, order or vote passed by the school committee, as the case may be.

(13) "Multiple member body", any council, commission, committee, sub-committee 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.

(14) "Organization or reorganization plan", a plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization, or a change in the way in which a municipal service or services are delivered.

(15) "Quorum", a majority of all members of a multiple member body unless some other number is required by law or by ordinance.

(16) "Referendum measure", a measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.

(17) "Remove from the city", when a person ceases to be domiciled within the territorial limits of the city.

(18) "Voters", registered voters of the city of Everett.

ARTICLE 2
LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION, TERM OF OFFICE

(a) Composition - There shall be a city council of 11 members which shall exercise the legislative powers of the city. 5 of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. 6 of these members, to be known as ward councilors, shall be domiciled in the ward from which elected but shall be nominated and elected by and from the voters at large; 1 such ward councilor to be elected from each of the 6 wards into which the city is divided under section 7-7.

(b) Term of Office - The term of office for all councilors shall be for 2 years each, beginning on the first Monday in the January succeeding their election, except when said first Monday falls on a legal holiday, in which event on the following day, no later than eight o'clock in the evening, and until their successors have been qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor must be a voter domiciled in the ward from which election is sought. If a ward councilor or a councilor-at-large removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-11. A ward councilor who removes from the ward from which elected who remains a resident of the city may continue to serve during the term for which elected.

SECTION 2-2: PRESIDENT

(a) 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 elect from among its members a president who shall serve for 1 year. The method of election of the president shall be prescribed within the rules of the city council.

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

SECTION 2-3: PROHIBITIONS

(a) Holding Other City Office or Position - No member of the city council shall hold any other city office or city employment. No former member of the city council shall hold any compensated appointed city office or appointed city employment until 1 year following the date on which the former member's service on the city council has terminated. This provision shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the city council from returning to the same office or

other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as a member of the city council.

(b) Interference with Administration - No city council or any member of the city council shall give orders or directions to any officer or employee of the city appointed by the mayor, either publicly or privately.

(c) Felony Conviction – Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for, or serve in, any elective or appointive office or position under the city. Any councilor who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.

SECTION 2-4: COMPENSATION; EXPENSES

(a) Compensation - 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 councilors shall be effective unless it shall have been adopted by a 2/3 vote of the full city council during the first 18 months of the term for which the city council is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election. No member of the city council shall be eligible to participate in the city's group health or life insurance programs. Subject to appropriation, council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties. Actual and necessary expenses shall be defined within the council's rules and regulations.

SECTION 2-5: GENERAL POWERS

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

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

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

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

(c) Rules of Procedure - The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

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

(ii) Special meetings of the city council shall be held at the call of the president or at the call of any 5 or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the president shall be judge, this notice shall be delivered at least 48 weekday hours in advance of the time set for such meeting. A copy of the notice to members shall immediately be posted in accordance with law.

(iii) All sessions of the city council and of every committee or subcommittee of the council shall at all times be open to the public unless another provision is made by law.

(iv) A full, accurate, up-to-date account of the proceedings of the city council shall be kept by the city clerk, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. Unless otherwise provided by law, the minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purposes of the executive session.

SECTION 2-7: ACCESS TO INFORMATION

(a) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

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

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

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

SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

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

(b) Clerk of Committees - The city council shall biennially in January of the year following a municipal election vote, by a majority vote of the full city council, elect a clerk of committees, who shall hold office for 2 years, from no later than the first day of March in the year of his election, and until a successor is qualified, unless sooner removed. The clerk of committees shall receive such compensation as the city council may from time to time determine. The clerk of committees shall keep full and accurate records of the doings of the several committees of the city council, and shall perform such other duties as may be required of the clerk of committees by the city council. Subject to appropriation, the city council may employ such other staff as it deems necessary.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

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

(b) *Emergency Measures*- An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of 2/3 of the full city council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the laws of the

Commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.

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

SECTION 2-10: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

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

SECTION 2-11: FILLING OF VACANCIES

If a vacancy occurs in the office of city councilor, whether by failure to elect or otherwise, the remaining councilors shall, within 30 days following the date of such vacancy, act to fill said vacancy. The city council shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate receiving the most votes for said seat from the last regular city election; provided, however, that said defeated candidate shall have received at least 20 percent of the total ballots cast for the particular seat being vacated. For the purpose of this section, the 20 percent minimum threshold shall be calculated as a ratio of ballots cast for the particular office being vacated to votes obtained by said defeated candidate. If there was no other candidate for said office or said defeated candidate shall not have received at least 20 percent of the total ballots cast, the city council shall at its discretion choose an individual, who may be the defeated candidate, from among the voters entitled to vote for such office to serve for the remainder

of the unexpired term. In such an instance, the city clerk shall post notice of the vacancy at least 14 days prior to the meeting at which the council shall act to fill the vacancy. Any person so chosen shall take the oath of office and commence to serve forthwith. Persons serving as councilor under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within 90 days following the date the vacancy is declared to exist.

ARTICLE 3

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 Everett voter domiciled in the city shall be eligible to hold the office of mayor.

(b) Term of Office - The term of office of the mayor shall be 4 years beginning on the first Monday in the January succeeding his election, except when said first Monday falls on a legal holiday, in which event on the following day, no later than eight o'clock in the evening, and until his successor has been qualified.

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

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

(e) Felony Conviction - Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for or serve in any elective

or appointive office or position under the city. Any mayor who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.

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 general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, immediately upon request, any information, materials or otherwise as the mayor may request and as the needs of the office of mayor and the interest of the city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and for this purpose shall have authority, consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise. The mayor shall be, by virtue of the office, a member of every appointed multiple member body of the city. The mayor shall have a right, as an ex officio member, to attend any meeting of any appointed multiple member body of the city, at any time, including executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.

SECTION 3-3: APPOINTMENTS BY THE MAYOR

The mayor shall appoint, subject to the confirmation of such appointments by the city council under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by law or this charter, excepting only persons serving under the school committee, and persons serving under the city council. All appointments to multiple-member bodies shall be for terms established under section 5-1. Upon the expiration of the term of any member of a multiple member body, a successor shall be appointed in like manner. The mayor shall fill any vacancy for the remainder of the unexpired term of any member of a multiple member body.

All persons classified as department heads shall, subject to the consent of the mayor, appoint, promote and discipline all assistants, subordinates and other employees of the agency for which that person is responsible. All

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

SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that the vacancy be filled, the mayor may designate the head of another city agency or a city officer or city employee or some other person to perform the duties of the office on a temporary basis until the position can be filled as otherwise provided by law or by this charter. No city officer or city employee shall receive dual compensation for holding a temporary appointment. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

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

(signed)

Mayor

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

SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

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

(b) *Special Meetings of the City Council* - The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the city council. This notice shall, except in an

emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall be posted in accordance with law.

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

Every order, ordinance or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, the selection of city officers or employees by the city council 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 the measure, the mayor shall sign it within 10 days; if the mayor disapproves of the measure, the mayor shall return the measure within 10 days, with the specific reason or reasons for such disapproval attached to it, in writing, to the city council. The city council shall enter the objections of the mayor on its records, and not sooner than 10 days, nor later than 30 days from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding the disapproval by the mayor, shall again pass the order, ordinance or vote by a 2/3 vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-7: TEMPORARY ABSENCE OF THE MAYOR

(a) Acting Mayor - Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of the office, the president of the city council shall be the acting mayor. Should the president of the city council be unable or unwilling to serve, the city council shall forthwith elect 1 of its members to serve as acting mayor.

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

SECTION 3-8: DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize any subordinate officer or employee of the city to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor, and the mayor may rescind or

revoke any such authorizations previously made, but all acts performed under any such delegation of authority during a period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate his power of appointment to any city office or employment or to sign or return measures approved by the city council.

SECTION 3-9: VACANCY IN OFFICE OF MAYOR

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

(b) President of City Council To Serve As Acting Mayor - If a vacancy in the office of mayor occurs in the third or fourth year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall become the acting mayor. Upon the qualification of the president of the city council as the acting mayor, under this section, a vacancy shall exist in that seat on the city council which shall be filled in the manner provided in section 2-11. A president serving as acting mayor under this subsection, who subsequently stands for office as mayor shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

(c) Powers, Term of Office - The mayor elected under Section 3-9(a) or the acting mayor designated under Section 3-9 (b) shall have all the powers of the mayor. A person elected under subsection (a), shall serve for the balance of the term unexpired at the time of election to the office. A person chosen under subsection (b), shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

ARTICLE 4

SCHOOL COMMITTEE

SECTION 4-1: SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a school committee which shall consist of 9 members. Three of these members, to be known as school committee members-at-large, shall be nominated and elected by and from the voters at large. Six of these members, to be known as ward school committee members, shall be domiciled in the ward from which elected but shall be nominated and elected by and from the voters at large; 1 such ward

school committee member to be elected from each of the 6 wards into which the city is divided under section 7-7. The mayor shall serve as an ex-officio non-voting member of the school committee.

(b) Term of Office - The term of office for school committee members shall be for 2 years each beginning on the first Monday in the January succeeding their election, except when said first Monday falls on a legal holiday, in which event on the following day, no later than eight o'clock in the evening, and until their successors have been qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of school committee member-at-large. A ward school committee member must be a voter domiciled in the ward from which election is sought. If a ward school committee member or a school committee member-at-large removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 4-6. A ward school committee member who removes from the ward from which elected who remains a resident of the city may continue to serve during the term for which elected.

SECTION 4-2: SCHOOL COMMITTEE CHAIR

(a) Election and Term - As soon as practicable after the school committee members-elect have been qualified following each biennial city election, as provided in section 9-11, the school committee shall organize by electing 1 of the persons elected to the office of school committee member to serve as school committee chair.

(b) Powers and Duties - The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and decide all questions of order. The school committee chair shall appoint all members of all sub-committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by this charter or by vote of the school committee.

(c) School Committee meetings - Except in the case of an emergency or in the event of a joint meeting, the school committee shall not meet on the same date as a regular city council meeting.

SECTION 4-3: PROHIBITIONS

(a) Holding Other City Office or Employment - 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 1 year following the date on which the member's service on the school committee has terminated. This provision shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the school committee from

returning to the same office or other position of city employment held at the time the position was vacated, but no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as a member of the school committee.

(b) Felony Conviction – Any person who has been finally convicted of a state or federal felony shall not be eligible to petition for or serve in any elective or appointive office or position under the city. Any school committee member who has been finally convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving in any other elective or appointive office or position under the city.

SECTION 4-4: COMPENSATION; EXPENSES

The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted by a 2/3 vote of the full city council during the first 18 months of the term for which the school committee is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next municipal election. No member of the school committee shall be eligible to participate in the city's group health or life insurance programs. Subject to appropriation, school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties. Actual and necessary expense shall be defined in the school committee's rules and regulations.

SECTION 4-5: POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, and/or otherwise and not inconsistent with the grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

- (1) To elect a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in by law.
- (2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable.
- (3) To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the city council. 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. The school committee shall provide ordinary maintenance of all school buildings and

grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established in accordance with law. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the school committee, or a designee of the school committee, shall serve on the agency, council or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 4-6: FILLING OF VACANCIES

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

(b) Filling of Vacancies By City Council and School Committee - Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill the vacancy in the manner provided in section 4-6 (a), the president of the city council shall, within 30 days following the date of the vacancy, call a joint meeting of the city council and the school committee to act to fill the vacancy. Persons elected to fill a vacancy by the city council and school committee shall serve only 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 elected. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed against their names on the election ballot.

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council. The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides. The mayor may from time to time prepare and submit to the city council administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the city council if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, 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 said 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 such 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 must 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 chosen.

ARTICLE 6
FINANCE AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

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

SECTION 6-2: ANNUAL BUDGET POLICY

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

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

At least 45 days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. 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 include 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 at least 30 days 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 proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools 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 1 newspaper of general circulation in the city a notice of the proposed operating budget as submitted by the mayor. The notice shall state (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and (2) 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 proposed operating budget, with or without amendments, within 45 days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease any

amounts except expenditures required by law, but except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the general laws. If the city council fails to take action on any item in the proposed operating budget within 45 days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year, and be available for the purposes specified.

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 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 clerk of committees shall coordinate the work of the individual or firm selected. The

report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award.

SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

**ARTICLE 7
ELECTIONS**

SECTION 7-1: PRELIMINARY ELECTION FOR MAYOR

A preliminary election for the purpose of nominating candidates for mayor shall be held on the third Tuesday in September in each odd-numbered year in which a mayor is to be elected, but the city clerk may, with the approval of the city council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, 28 days before the date established for the special election.

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

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

SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

(a) 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 500 such certified signatures, provided, however, that at least 25 signatures must be certified from each ward; for the office of councilor-at-large, ward councilor, school committee member at large or ward school committee member, not less than 250 such certified signatures. Signatures of voters shall be made on a form prescribed by the registrars of voters and shall be made available no earlier than April 2 in each preliminary election year. Said forms must be submitted to the city clerk on or before 4 o'clock in the

afternoon on the forty-fifth day prior to the declared date of such preliminary election. An individual may appear on the ballot for only one office at any preliminary, regular or special 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. Such drawing shall be open to the public.

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

(d) Condition Making Preliminary Unnecessary - 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 said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

SECTION 7-4 REGULAR ELECTION

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

SECTION 7-5: BALLOT POSITION, REGULAR ELECTION

The order in which names of candidates for each office appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the

city clerk no later than 7 days after the certification of the preliminary election results. Such drawing shall be open to the public.

SECTION 7-6: NON-PARTISAN ELECTIONS

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

SECTION 7-7: WARDS

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

SECTION 7-8: APPLICATION OF STATE GENERAL LAWS

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

ARTICLE 8

CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1 FREE PETITION

The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by 100 or more voters, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee and the action by the city council or the school committee shall be taken not later than 6 weeks after the petition is filed with the city clerk or the secretary of 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 secretary of the school committee shall mail notice of the hearing to the 10 persons whose names appear first on the petition at least 7 days before the hearing. 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 of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 250 voters. At least 25 signatures must be certified from each ward.

The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor - The city clerk or the secretary 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, within 15 days following receipt of a copy of the petition, in writing, advise the city council or the school committee whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee. 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 also be mailed to the person designated as clerk 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. Within 30 days following the date the blank forms are issued by the city clerk, the petitions shall be returned and filed with the city clerk signed by at least 10 percent of the total number of voters as of the date of the most recent city election. Signatures to an initiative petition need not all be on 1 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 residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition, the 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 regular city election. The 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 the secretary of the school committee, depending on how the petition is addressed. A copy of the registrars of voters' certificate shall also be mailed to the person designated as clerk of the petitioners committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the city clerk or the secretary of the school committee, and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in

lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.

(e) Supplementary Petitions - Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to at least 5 per cent of the total number of voters as of the date of the most recent city election, and the signatures on the initial petition filed under subsection (c), and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15 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 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, but if any other city election is to be held within 120 days following the date of the certificate, the city council may omit the calling of such special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication - The full text of any initiative measure which is submitted to the voters shall be published in at least 1 newspaper of general circulation in the city not less than 7 nor more than 14 days preceding 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.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form: Shall the following measure which was proposed by an initiative petition take effect?

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

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 deemed to 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, within 21 days following the date on which the city council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to at least 12 per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of such measure shall be temporarily suspended. 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 either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and the applicable provisions of section 8-2 as they relate to the filing and certification of signatures shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative". 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

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

- (1) proceedings relating to the internal organization or operation of the city council or of the school committee;
- (2) an emergency measure adopted under the charter;
- (3) the city budget or the school committee budget as a whole;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;
- (6) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- (7) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
- (8) any proceedings providing for the submission or referral to the voters at an election; and

(9) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

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 6 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 and a statement of the grounds for recall, provided that the affidavit is signed by at least 250 voters for any officer. The city clerk shall thereupon deliver to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available. Such blanks shall be issued by the city clerk, with signature and official seal attached thereto. They shall be dated, shall be addressed to the city council and shall contain the names of all the persons to whom they 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 28 days after the filing of the affidavit, and shall have been signed by at least 20 percent of the voters of the city. The city clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall, within 5 working 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 5 working days, and the city council shall forthwith 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 5 days thereafter, order an election to be held on a date fixed by them 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 150 days after the date of the certificate the city council shall postpone the holding of the recall election to the date of such other election. 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 in

accordance with the provisions of Articles 2, 3 and 4 of this charter for filling vacancies in such office. A person chosen to fill the vacancy caused by such recall shall hold office until the next regular city election. Should the person be a candidate in the subsequent election, he or she will not be allowed to have "candidate for re-election" appear on the ballot at such election.

(e) Ballot Proposition - The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" 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 or position of employment within 2 years after such recall or such resignation.

SECTION 8-6: REQUIRED VOTER PARTICPATION

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

SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

The city council may of its own motion, and shall, at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular 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 one receiving the greatest number of affirmative votes shall take effect.

ARTICLE 9
GENERAL PROVISIONS

SECTION 9-1: CHARTER CHANGES

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

SECTION 9-2: SEVERABILITY

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

SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

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

SECTION 9-4: RULES AND REGULATIONS

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

SECTION 9-5: PERIODIC REVIEW OF ORDINANCES

Not later than the first day of July, at 10 year intervals, in each year ending in a 5, the mayor and city council shall provide for a review to be made of the ordinances of the city for the purpose of preparing a proposed revision or recodification of them, without substantive change. This review shall be made by a special committee to consist of 9 members, 6 of whom shall be appointed by the city council president and 3 of whom shall be appointed by the mayor. At least 2 of the persons appointed by the city council president shall be members of the city council and all of the remaining members shall be voters of the city. The special committee shall file its report with the city clerk not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the city council for action at its next meeting held following the fifteenth day of June, and no other business shall be in order until the report has been acted upon, by roll call vote. The city solicitor shall serve as an advisor to the special committee. A revision, recodification or republication of the ordinances shall be made at 10 year intervals. Copies of the revision, recodification or republication shall be made available to the public at a cost not to exceed the actual cost of the reproduction. In each year between these reenactments, an annual supplement shall be printed

which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

SECTION 9-6: PERIODIC REVIEW OF CHARTER

Not later than the first day of July, at 10 year intervals, in each year ending in a 4, 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 consist of 9 members. Four members shall be appointed by the city council president, 2 of whom shall be members of the city council and 2 of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city. Five members shall be appointed by the mayor, all of whom shall be voters of the city but shall not be elected or appointed officers or employees of the city. The special committee shall file its report with the city clerk, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the city council for action at its next meeting held following the fifteenth day of June, and no other business shall be in order until such report has been acted upon, by roll call vote.

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

(a) Meetings - All appointed multiple member bodies of the city shall meet regularly at the times and places that they by their own rules prescribe. Special meetings of any multiple member body shall be held on the call of the chairman or by one-third of the members of the body by written notice delivered in hand or to the place of residence of each member at least 48 hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the notice shall also be posted in accordance with law. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public.

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

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

(d) Quorum - 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, and that General Law provisions related to any vote to meet in "executive session" shall always require a majority of members of the body.

SECTION 9-8: NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

SECTION 9-9: REFERENCES TO GENERAL LAWS

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

SECTION 9-10: COMPUTATION OF TIME

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

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

A mayor-elect (as applicable), the city council-elect, and the school committee members-elect shall, on the first Monday in the January of each even-numbered year, except when said first Monday falls on a legal holiday, in which event on the following day, no later than eight o'clock in the evening, meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk, the assistant city clerk, or by any person qualified to take oaths or affirmations. A certificate that the oath or oaths have been taken shall be entered in the journal of the city council. In case of the absence of the mayor-elect or any members-elect of the city council or school committee on the day the oath of office is administered, the oath may at any time thereafter be administered to those persons by the city clerk, the assistant city clerk or by any person qualified to take oaths or affirmations. A certificate of each oath subsequently taken shall be entered in the journal of the city council. After the oath has been administered to the city council members present, they shall organize by electing from among their number a person to serve as the president as provided in section 2-2. The member senior in years of continuous service on the city council shall preside during this election. If 2 or more members are equally senior in

continuous years of service on the city council, the member senior both in continuous years of service and age shall preside. After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the chair, as provided in section 4-2. The member senior in years of continuous service on the school committee shall preside during the election. If 2 or more members are equally senior in continuous years of service on the school committee the member senior both in continuous years of service and age shall preside.

SECTION 9-12: CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the city council, or appointed to an office of the city, shall receive a certificate of such election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected, including those elected by the city council, or appointed to an office of the city before performing any act under this appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties. 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 full-time city office or position of employment. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position.

SECTION 9-14: 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 any city agency or city employee is failing to follow any provision of this charter the mayor shall, in writing, cause notice to be given to that agency or employee directing compliance with the charter. If it shall appear to the city council that the mayor personally is not following the provisions of the charter the city council shall, by resolution, direct the attention of the mayor to those areas in which the city council believes there is a failure to comply with charter provisions. 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.

ARTICLE 10

TRANSITIONAL PROVISIONS

SECTION 10-1: CONTINUATION OF EXISTING LAWS

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

SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

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

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

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

SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL LAWS

(a) Certain Special Laws Recognized and Retained – The following special acts are hereby retained: Chapter 417 of the Acts of 1991 relative to the police chief; Chapter 86 of the Acts of 1933 relative to the fire chief, Chapter 33 of the Acts of 1989 relative to the auditor, Chapter 73 of the Acts of 1982 relative to the development and financial corporation and Chapter 133 of the Acts of 1990 relative to the economic development and industrial corporation, Chapter 308 of the Acts of 1988 relative to licensing of establishments with pool tables; Chapter 318 of the Acts of 1988 relative to a general liability insurance fund; Chapter 423 of the Acts of 2002 relative to retiree health insurance; Chapter 60 of the Acts of 1939 relative to the

laying out of public ways; and Chapter 24 of the Acts of 2008 relative to special police officers.

(b) Certain Special Laws Recognized and Retained, in part - The following special acts relating to the organization of the city's government are recognized and retained in part as follows: so much of Chapter 432 of the Acts of 1962 creating a purchasing department; Chapter 453 of the Acts of 1990 relative to the board of park commissioners, Chapter 115 of the Acts of 2001 providing for an Executive Director of City Services, and Chapter 332 of the Acts of 2010 creating an inspectional services department. These acts shall remain in effect only until such time as the mayor may act to modify provisions contained in these acts pursuant to Article 5 of this charter.

(c) Certain special laws recognized and retained with respect to incumbents in office at the time of charter adoption - Incumbents now serving in the offices of building inspector pursuant to Chapter 518 of the Acts of 1920, the city engineer pursuant to Chapter 136 of the Acts of 1927, the Director of Veterans' Services (Commissioner of Soldier's Relief and State and Military Aid) pursuant to Chapter 92 of the Acts of 1932, the city clerk and assistant city clerk pursuant to Chapter 8 of the Acts of 1926, and the treasurer pursuant to Chapter 166 of the Acts of 1947 shall have all the rights afforded by these acts, but upon the vacating of office by the incumbents by resignation, retirement, or other cause, such offices will be subject to the city's charter provisions relating to appointment, and the city's personnel policies and procedures.

(d) Certain Borrowing Authorizations, Retained - The following special acts which authorized the city to borrow certain sums of money, for certain purposes, are hereby recognized and retained: Chapter 455 of the Acts of 1998; and Chapter 309 of the Acts of 2002.

(e) Certain Other Obsolete Special Laws Repealed – The following acts hereby stand repealed: Chapter 355 of the Acts of 1892, Chapter 366 of the Acts of 1896, and Chapter 152 of the Acts of 1902 of or relating to the city's charter; Chapter 260 of the Acts of 1917, Chapter 57 of the Acts of 1933, and Chapter 161 of the Acts of 1934 relating to preliminary elections; Chapter 183 of the Acts of 1918 relating to vacancies; Chapter 349 of the Acts of 1928 and Chapter 288 of the Acts of 2002 relating to the mayor's term; Chapter 361 of the Acts of 1930 relating to biennial municipal elections; Chapter 135 of the Acts of 1933 and Chapter 64 of the Acts of 1935 relating to the municipal inaugural; Chapter 525 of the Acts of 1943 and Chapter 146 of the Acts of 1990 relating to the school committee; Chapter 259 of the Acts of 1949 relating to office-holding; and Chapter 308 of the Acts of 1977 relating to initiative petition.

SECTION 10-6: TIME OF TAKING EFFECT

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

(1) All city officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter.

(2) The first election of officers under this charter shall be held on the first Tuesday following the first Monday in November 2013 for the purpose of electing a mayor, a city council and members of the school committee. A preliminary election for the purpose of nominating candidates to be elected shall be held on the third Tuesday of September 2013, if necessary, as provided in Article 7 of this charter.

(3) On the first Monday in January 2014 the persons elected as mayor, city council members, and school committee members shall be sworn to the faithful performance of their duties.

(4) Not later than 30 days following the date of the ratification of this charter by the voters, the city clerk shall give to each member of the General Court who represent any part of Everett a copy of the vote ratifying this charter.

(5) Immediately after the election at which this charter is adopted, the board of aldermen shall appoint 4 persons to a committee, at least one of which shall be a member of the charter commission elected in November 2009, to begin a review of the city ordinances for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. The city clerk shall be the fifth member and chair of this committee. The committee shall submit a report, with recommendations, within 1 year following its creation and may submit interim reports with recommendations at any time. The city solicitor, or special counsel appointed for this express purpose, shall serve as an advisor to the committee.

(6) No later than September 2014, the mayor shall promulgate a series of administrative orders providing for the organization of city government into operating agencies in accordance with section 5-1.

(7) Forthwith following the 2013 municipal election, the persons elected as members of the city council shall meet for the sole purpose of reviewing and revising policies and procedures, rules, or interim rules that will govern the conduct of the business of the city council until such time following the taking of the oath of office when the city council adopts permanent rules. Such meetings shall be called by the council member-elect most senior in age and shall be open to the public, although the business of any such meetings shall be confined to the topics identified here. The city clerk shall serve as an advisor to the city council-elect in this endeavor.

(8) As soon as practical following the election at which this charter is adopted, the city clerk and the registrars of voters shall, using existing

precinct boundary lines and voting places, divide the city into 6 equal voting districts, or, as nearly equal as may be, using such existing precinct lines. At the first municipal election held in the odd numbered year following adoption of this charter, until the city has been reapportioned, as provided in Massachusetts General Laws, chapter 54, 1 ward councilor shall be elected from each such ward, based on the city's most recent reapportionment pursuant to Massachusetts General Laws, chapter 54, and 5 councilors shall be elected from the city at large.

(9) Until such time as another salary is established in accordance with the provisions of this charter, the initial salaries for the mayor and for a school committee member shall be the same amount established for those offices at the time of the municipal election next following the election at which this charter is adopted. Until such time as another salary is established in accordance with the provisions of this charter, the initial salary for a city councilor shall be the same amount established for the board of aldermen at the time of the municipal election next following the election at which this charter is adopted.

(10) No later than May 1, 2014, the city council shall promulgate an ordinance providing for a code of conduct and a code of ethics applicable to all appointed and elected officials and employees of the city.

(11) The mayor and the board of aldermen and common council, in office at time this charter is adopted, and the mayor and successor city council elected pursuant to this charter, shall have the authority to adopt measures that clarify, confirm, or extend any of the transitional provisions in order that such transition may be made in the most expeditious manner possible.

(12) So much of this charter as is possible shall take effect following its adoption by the voters. Provisions relating to the election of the city council shall take effect for the municipal election next following the adoption of this charter. Upon taking of office, such council shall operate pursuant to the provisions of Article 2 of this charter.