

HOUSE No. 3563

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the charter of the city of Newton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>

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By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 3563) of Ruth B. Balsler and others (with the approval of the mayor and board of aldermen) that the city of Newton be authorized to change the name of the legislative body from "board of alderman" to "city council". Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the charter of the city of Newton.

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

1 SECTION 1. The charter of the city of Newton, which is on file in the office of the
2 archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is
3 hereby amended by striking out articles 1 to 12, inclusive, and inserting in place thereof the
4 following 12 articles:

5

6 ARTICLE 1.

7 INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY

8 Sec. 1 1. Incorporation.

9 The inhabitants of the City of Newton, within the corporate limits as now established or
10 as hereafter may be established in the manner provided by law, shall continue to be a body
11 corporate and politic with perpetual succession under the name "City of Newton."

12 Sec. 1 2. Form of Government.

13 The administration of the fiscal, prudential, and municipal affairs of the City, with the
14 government thereof, shall be vested in an executive branch, to consist of the Mayor, and a
15 legislative branch, to consist of the City Council. The executive branch shall never exercise any
16 legislative power, and the legislative branch shall never exercise any executive power.

17 Sec. 1 3. Powers of the City.

18 Subject only to express limitations on the exercise of any power or function by a city in
19 the constitution or statutes of the Commonwealth, it is the intent and the purpose of the charter to
20 confer upon the City all powers it is possible to confer under the constitution and statutes of the
21 Commonwealth, as fully and as completely as though each such power were specifically and
22 individually enumerated herein.

23 Sec. 1 4. Construction.

24 The powers of the City under the charter shall be construed liberally in favor of the City,
25 and the specific mention of particular powers is not intended to limit in any way the general
26 powers of the City as stated in Section 1 3.

27 Sec. 1 5. Intergovernmental Relations.

28 Subject to express requirements of the constitution and statutes of the Commonwealth,
29 the City may exercise any of its powers and perform any of its functions, and may participate in

30 the financing thereof, jointly or in cooperation, by contract or otherwise, with the
31 Commonwealth or any civil division or agency thereof or the United States government or any
32 agency thereof.

33 ARTICLE 2.

34 LEGISLATIVE BRANCH

35 Sec. 2 1. Composition; Eligibility; Election and Term.

36 (a) Composition—There shall be a City Council of twenty four members which shall
37 exercise the legislative powers of the City. Sixteen of these members, to be known as councilors
38 at large, shall be nominated and elected by the voters at large, two such councilors at large to be
39 elected from each of the eight wards of the City. The other eight members, to be known as ward
40 councilors, shall be nominated and elected by and from the voters of each ward, one ward
41 councilor to be elected from each of the eight wards of the City. The City Council shall be the
42 judge of the election and qualification of its members.

43 (b) Eligibility—Only voters shall be eligible to hold the office of councilor. A candidate
44 for the office of councilor shall be a resident of the ward from which the candidate seeks election
45 as of the date that the election commission makes available blank forms for the nomination of
46 candidates for office. In order to hold the office of councilor, a candidate shall have continuously
47 been a resident of the ward from which the candidate is elected from the date that the election
48 commission made the blank forms available until and including the first day of the term for
49 which the candidate is elected. A member of the City Council shall, notwithstanding the
50 member's removal from one ward of the City to another, continue to serve and to perform the

51 member's official duties during the member's term of office. The removal from residency within
52 the City shall create a vacancy in such office.

53 (c) Election and Term—The terms of councilors shall be two years beginning the first
54 secular day of January after their election, and until their successors are qualified. (Referendum
55 of 11 4 75; Acts of 2002, chap. 368)

56 Sec. 2 2. President and Vice President of the City Council.

57 After the Mayor elect and a majority of the councilors elect have been sworn, the City
58 Council shall be called together by the Mayor who shall preside. The City Council shall then
59 elect, from among its members, a president and vice president to serve at the pleasure of the City
60 Council. The president shall preside at meetings of the City Council and perform such other
61 functions as may be assigned by the charter, by ordinance or by vote of the City Council. The
62 vice president shall act as president during the absence or disability of the president.

63 Sec. 2 3. General Powers and Duties.

64 Except as otherwise provided by law or the charter, all powers of the City shall be vested
65 in the City Council which shall provide for the exercise thereof and for the performance of all
66 duties and obligations imposed on the City by law.

67 Sec. 2 4. Prohibitions.

68 (a) Appointment After Expiration of Term—No former councilor shall hold any
69 compensated appointive City office or City employment until one year after the expiration of the
70 former councilor's service on the City Council. This provision shall not prohibit a former City

71 employee or City officer from resuming the duties of such City officer or City employee at the
72 conclusion of such service as councilor.

73 (b) Interference in Administration—No member or committee of the City Council shall
74 directly or indirectly take part in the conduct of the executive or administrative business of the
75 City.

76 Sec. 2 5. Filling of Vacancies.

77 (a) Special Election—If there be a vacancy, by failure to elect or otherwise, on the City
78 Council within the first fifteen calendar months of the term for which councilors are elected, the
79 City Council shall forthwith call a special election to fill such vacancy. Such election shall be by
80 the voters of the whole City in the case of councilors at large, or by the voters entitled to such
81 representation in the case of ward councilors.

82 (b) After Regular City Election—If such vacancy shall occur after fifteen calendar
83 months of the term for which councilors are elected, no special election shall be held. In the case
84 of a vacancy in the office of ward councilor, the person elected at the next regular City election
85 to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the
86 term for which that person was elected, serve for the balance of the then unexpired term. In the
87 case of a vacancy in the office of councilor at large, the person elected at the next regular City
88 election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition
89 to the term for which that person was elected, serve for the balance of the then unexpired term. If
90 no incumbent councilor at large from the ward in which the vacancy exists is elected at such
91 election for such office, the candidate who receives the highest number of votes shall be deemed
92 to be elected to the seat in which the vacancy exists and shall serve as aforesaid.

93 Sec. 2 6. Exercise of Powers; Quorum; Rules of Procedure.

94 (a) Exercise of Powers—Except as otherwise provided by law or the charter, the
95 legislative powers of the City Council may be exercised in a manner determined by it.

96 (b) Quorum—A majority of the City Council then in office shall constitute a quorum but
97 a smaller number may meet and adjourn from time to time. The affirmative vote of a majority of
98 the full Board shall be necessary to adopt any appropriation order. While a quorum is present,
99 any other motion or measure may be adopted by a majority vote, except as otherwise provided
100 by law or the charter.

101 (c) Rules of Procedure—The City Council shall from time to time establish rules for its
102 proceedings. Regular meetings of the City Council shall be held at a time and place fixed by
103 ordinance. Special meetings of the City Council may be held on the call of the Mayor, as
104 provided in Section 3 7(b), on the call of the president of the City Council, or on the call of any
105 seven or more members, by written notice delivered to the place of residence or business of each
106 member at least twenty four hours in advance of the time set.

107 Except as otherwise authorized by General Laws Chapter 39, Section 23A ("open
108 meeting law"), all sessions of the City Council shall be open to the public and press. Every
109 matter coming before the City Council for action shall be put to a vote, the result of which shall
110 be duly recorded. A full, accurate, and up to date record of the proceedings of the City Council
111 shall be kept and shall be open to inspection by the public. It shall include a record of each roll
112 call vote.

113 Sec. 2 7. City Clerk; Comptroller of Accounts.

114 As soon as practicable after the City Council has been organized, it shall elect, by ballot
115 or otherwise, a city clerk and a comptroller of accounts as officers of the city to hold office for
116 the term of two years and until their successors are qualified, unless they are removed by vote of
117 a majority of the full council, taken by ballot. Vacancies in the said offices shall be filled for the
118 balance of any unexpired term by the City Council.

119 (a) City Clerk—The City Clerk shall have such powers and perform such duties as the
120 City Council may prescribe in addition to such duties as may be prescribed by law.

121 (b) Comptroller of Accounts—The Comptroller of Accounts shall keep and have charge
122 of the accounts of the City. The Comptroller shall regularly audit the books and accounts of all
123 City agencies, and shall have such powers and perform such other duties as the City Council may
124 prescribe in addition to such duties as may be prescribed by law. (Acts of 1991, chapter 50)

125 Sec. 2 8. Clerk of the Council; Other Staff.

126 (a) Clerk of the Council—The City Council shall elect, by ballot or otherwise, a Clerk of
127 the Council, to hold office at its pleasure. The Clerk of the Council shall give notice of all
128 meetings of the City Council to its members and to the public, keep a record of its proceedings,
129 and perform such duties as may be assigned by the charter, by ordinance, or by other vote of the
130 City Council.

131 (b) Other Staff—The City Council may by ordinance establish other staff positions,
132 regular or special, as it shall from time to time deem necessary or desirable to assist the
133 councilors in the performance of their duties.

134 (c) Salaries of Staff to the Council—The City Council shall by ordinance establish, and
135 may from time to time modify, a salary schedule and a job description for the Clerk of the
136 Council and such other positions as it may create to serve as staff to the council.

137 Sec. 2 9. Measures; Emergency Measures; Charter Objection.

138 (a) In General—No measure shall be passed finally on the date on which it is introduced,
139 except in cases of special emergency involving the health or safety of the people or their
140 property. Except as otherwise provided by the charter, every adopted measure shall become
141 effective at the expiration of twenty days after adoption or at any later date specified therein.
142 Measures not subject to referendum shall become effective upon adoption. No ordinance shall be
143 amended or repealed except by another ordinance adopted in accordance with the charter, or as
144 provided in the initiative and referendum procedures.

145 (b) Emergency Measures—An emergency measure shall be introduced in the form and
146 manner prescribed for measures generally, except that it shall be plainly designated as an
147 emergency measure and shall contain statements after the enacting clause declaring that an
148 emergency exists and describing its scope and nature in clear and specific terms. The emergency
149 as declared and defined in a preamble thereto shall be separately voted on and shall require the
150 affirmative vote of two thirds of the full Board. An emergency measure may be passed with or
151 without amendment or rejected at the meeting at which it is introduced. No measure making a
152 grant, renewal or extension, whatever its kind or nature, or any franchise or special privilege
153 shall be passed as an emergency measure, and except as provided in General Laws Chapter 166,
154 Sections 70 and 71 (relating to utility lines), no such grant, renewal or extension shall be made
155 other than by ordinance. After its adoption, an emergency measure shall be published as

156 prescribed for other adopted measures. It shall become effective upon adoption or at such later
157 time as it may specify.

158 (c) Charter Objection—On the first occasion that the question on adoption of a measure is
159 put to the City Council, if a single member objects to the taking of the vote, the vote shall be
160 postponed until the next meeting of the City Council whether regular or special. If three or more
161 other members shall join the member in such objection, such postponement shall be until the
162 next regular meeting; but for an emergency measure at least five members in all must object.
163 This procedure shall not be used more than once for any matter bearing a single docket number
164 notwithstanding any amendments to the original matter.

165 Sec. 2 10. Delegation of Powers.

166 Except to the extent otherwise prohibited by law, the City Council may delegate, to one
167 or more City agencies, the powers vested in the City Council by the laws of the Commonwealth
168 to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and
169 permits by any such City agency, and may in its discretion, rescind any such delegation without
170 prejudice to any prior action which has been taken.

171 Sec. 2 11. Inquiries and Investigations.

172 The City Council may require any City officer or member of a City agency to appear
173 before it and give such information as it may require in relation to the office held, its function,
174 and performance. The City Council shall give at least forty eight hours written notice of the
175 general scope of the inquiry which is to be made to any person it shall require to appear before it
176 under this section.

177 The City Council may make investigations into the affairs of the City and into the
178 conduct of any City agency, and for this purpose may subpoena witnesses, administer oaths and
179 require the production of evidence.

180 ARTICLE 3.

181 EXECUTIVE BRANCH

182 Sec. 3 1. Mayor; Election; Term; Compensation.

183 There shall be a Mayor, elected by and from the voters. The Mayor shall be the chief
184 executive officer of the City. The Mayor shall devote full time to the office and shall not hold
185 any other elective public office, nor actively engage in any other business, occupation, or
186 profession during the term of office as Mayor. The Mayor shall hold office for the term of four
187 years from the first secular day of January following his/her election, and until the Mayor's
188 successor is qualified.

189 The Mayor shall receive such salary as the City Council shall by ordinance from time to
190 time determine, but no change in such salary shall take effect during the current term of the
191 Mayor in office at the time of the adoption of the ordinance making such change.

192 Sec. 3 2. Executive Powers; Enforcement of Ordinances; Assistants.

193 (a) In General—The executive and administrative powers of the City shall be vested
194 solely in the Mayor, and may be exercised by the Mayor either personally or through the several
195 City agencies under the Mayor's general supervision and control. The Mayor shall cause the
196 laws, ordinances, and orders for the government of the City to be enforced, and shall cause a

197 record of all official acts as Mayor to be kept. To aid the Mayor with official Mayoral duties, the
198 Mayor may appoint one or more assistants, fix their salaries, and define their duties.

199 (b) Citizen Assistance Officer—The Mayor shall appoint a Citizen Assistance Officer in
200 accordance with the provisions of Section 3 3 and fix the Officer’s salary. The Citizen Assistance
201 Officer shall be responsible for processing citizen complaints and inquiries that are directed or
202 referred to the Officer. The Officer shall establish and maintain procedures for the examination
203 and appropriate referral of requests for information or assistance on any municipal matter. The
204 Citizen Assistance Officer shall maintain a central file, open to the public, of all inquiries and
205 complaints together with their resolution. The Citizen Assistance Officer shall analyze data on
206 citizen complaints and inquiries and shall regularly submit reports as directed by the Mayor.

207 Sec. 3 3. Appointments by Mayor.

208 (a) The mayor shall appoint all city officers, department heads, and all volunteer
209 members of city boards, commissions, committees and agencies for whom no other method of
210 appointment is provided by the charter or law. Appointments by the mayor of city officers and
211 department heads shall become effective thirty days from the date of the first regularly scheduled
212 City Council meeting after notice of the proposed appointment is filed with the city clerk, unless
213 the City Council within said thirty days shall reject such appointment. Appointments by the
214 mayor of volunteer members of city boards, commissions, committees, and agencies shall take
215 effect sixty days from the date of the first regularly scheduled City Council meeting after the
216 notice of the proposed appointment is filed with the city clerk, unless the City Council within
217 said sixty days shall reject such appointment. Rejection by the City Council shall require a two-
218 thirds vote.

219 (b) The mayor shall appoint a collector-treasurer for a term coterminous with the mayor's
220 term and until a successor for the position of collector-treasurer is qualified unless removed by
221 the mayor prior to the expiration of such term. The mayor shall submit the proposed appointment
222 to the City Council as soon as possible after the mayor's term commences or as soon as possible
223 after a vacancy occurs in the collector-treasurer's office. The City Council must approve this
224 appointment by majority vote of the full council within ninety days from the date on which
225 notice of the proposed appointment is filed with the city clerk as provided in section 3-4, or the
226 proposed appointment shall not take effect. Removal of the collector-treasurer by the mayor
227 prior to expiration of the collector-treasurer's term in office shall not take effect until approved
228 by majority vote of the full City Council. The collector-treasurer shall receive and pay out all
229 money belonging to the city according to the order of its authorized officers. No other person
230 shall have authority to pay any bill of any municipal department. The collector-treasurer shall
231 have such other powers and perform such other duties as the mayor may prescribe in addition to
232 such duties as may be prescribed by law.

233 (c) The question on rejection of any appointment made by the mayor shall not be subject
234 to charter objection as provided in section 2-9(c). (Acts of 1991, chap. 50; Acts of 1992, chap.
235 173)

236 Sec. 3 4. Notice of Appointment.

237 In making appointments the Mayor shall sign and file with the City Clerk a notice of
238 appointment, a copy of which shall be filed on the same day with the Clerk of the Council.

239 Sec. 3 5. Removal of Officials.

240 The Mayor may remove any person appointed by the Mayor by filing written notice
241 thereof with the City Clerk.

242 Sec. 3 6. Temporary Appointments.

243 Whenever a vacancy in an office appointed by the Mayor occurs, whether by reason of
244 disability, death, resignation or removal from office for any reason, the Mayor may appoint the
245 head of another City office or agency, or a City officer or employee, or some other person to
246 perform the duties of the office for a period not to exceed three months. Whenever a vacancy
247 continues beyond three months, the Mayor may make a second three month appointment, but no
248 temporary appointment shall be continued beyond six months without the approval of the City
249 Council.

250 Sec. 3 7. Communications to the City Council; Calling of Special Meetings of the City
251 Council.

252 (a) Communications—Within six weeks following the start of each fiscal year, the Mayor
253 shall submit to the City Council, and make available to the public, a complete report on the
254 financial and administrative activities of the City for the preceding fiscal year. The Mayor shall
255 from time to time throughout the year, by written communications to the City Council, keep it
256 fully informed as to the financial condition and future needs of the City and shall recommend
257 such measures to it as the Mayor judges the needs of the City require.

258 (b) Calling Special Meetings—The Mayor may, at any time, call a special meeting of the
259 City Council by causing a notice of such meeting, specifying the matters which the Mayor
260 desires to be considered, to be left at the usual place of residence of each councilor or given to in
261 hand, and public notice of said meeting to be posted, at least twenty four hours in advance of the

262 time set for such meeting; or such lesser period as the Mayor may determine in case of an
263 emergency, of which the Mayor shall be the judge.

264 Sec. 3 8 Adoption of Measures; Mayor's Veto.

265 Not sooner than twenty four, nor more than ninety six hours after the adjournment of any
266 meeting of the City Council, the Clerk of the Council shall present to the Mayor the record of the
267 proceedings of such meeting and copies of all measures passed at the meeting. If during the
268 twenty four hours immediately following such adjournment, a motion to reconsider is filed with
269 the Clerk of the Council by any member of the City Council who is entitled to make such a
270 motion, the measure shall not be presented to the Mayor but shall be presented to the City
271 Council for reconsideration at its next meeting.

272 Every measure relative to the affairs of the City passed by the City Council shall be
273 presented to the Mayor for the Mayor's approval except: (1) any relating to the internal affairs of
274 the City Council, (2) any relating to the election of officers whose election by the City Council is
275 authorized by law or the charter, and (3) the budget.

276 Within ten days of receipt of a measure, the Mayor shall return it to the Clerk of the
277 Council with or without approval, or with a veto. Upon the Mayor's approval of a measure it
278 shall be considered adopted. If a measure is vetoed, the Mayor shall attach a written statement
279 explaining the reasons for the veto. Measures vetoed by the Mayor shall be considered again by
280 the City Council at a meeting no sooner than seven days after receipt of the Mayor's veto. If the
281 City Council, notwithstanding such veto by the Mayor, shall again pass such measure by a two
282 thirds vote of the full Board, it shall then be considered adopted. Every measure not approved or

283 vetoed by the Mayor shall be considered adopted ten days after it has been presented to the
284 Mayor.

285 Sec. 3 9. Temporary Absence from Office of Mayor.

286 Whenever by reason of sickness, absence from the City or other cause, the Mayor shall
287 be unable to attend to the duties of Mayor office, the president of the City Council, or in the
288 event of the president's disability through sickness or absence, then the vice president of the City
289 Council shall, as Acting Mayor, possess the powers of the Mayor only in those matters not
290 admitting of delay, but shall have no power to make permanent appointments. During any period
291 in which the president or the vice president of the City Council is serving as Acting Mayor, the
292 Acting Mayor shall not serve as the presiding officer of the City Council.

293 Sec. 3 10. Vacancy in Office of Mayor.

294 If a vacancy occurs in the office of Mayor, by death, resignation, removal from office,
295 failure to elect or otherwise, at any time preceeding the last nine calendar months of the term for
296 which the Mayor was elected, the City Council shall forthwith call a special election to fill such
297 vacancy for the remainder of the unexpired term. If a vacancy occurs in the office of Mayor
298 during the last nine calendar months of the term for which the Mayor was elected, the Clerk of
299 the Council shall forthwith call a special meeting of the City Council, and the City Council shall
300 by majority vote of the full Board elect one of its members as Acting Mayor for the remainder of
301 the unexpired term. If the City Council fails to elect an Acting Mayor as aforesaid within thirty
302 days of the date of the meeting called by the Clerk of the Council, the president of the City
303 Council shall become Acting Mayor, shall exercise all the rights and powers of the Mayor, and
304 shall be sworn to the faithful performance of the duties of the office. Upon the election and

305 qualification of any member of the City Council as Acting Mayor under the provisions of this
306 section, a vacancy shall exist in such member's council seat.

307 The restriction contained in Section 3 1 relative to holding other office or actively
308 engaging in a business, occupation or profession shall not apply to an Acting Mayor holding
309 office under this section. The removal from residency within the City shall create a vacancy in
310 such office. (Referendum of 11 4 75)

311 ARTICLE 4.

312 SCHOOL COMMITTEE

313 Sec. 4 1. Composition; Eligibility; Election and Term.

314 (a) Composition—There shall be a School Committee of nine members, which shall
315 exercise control and management of the public schools of the City. Eight of these members, who
316 shall be known as school committee members, shall be nominated and elected by the voters at
317 large, one school committee member to be elected from each of the eight wards of the City. The
318 Mayor shall serve, ex officio, as a member of the School Committee, with full power to vote.
319 The School Committee shall be the judge of the election and qualification of its members.

320 (b) Eligibility—Only voters shall be eligible to hold the office of school committee
321 member. A candidate for the office of school committee member shall be a resident of the ward
322 from which the candidate seeks election as of the date that the election commission makes
323 available blank forms for the nomination of candidates for office. In order to hold the office of
324 school committee member, a candidate shall have continuously been a resident of the ward from
325 which the candidate is elected from the date that the election commission made such blank forms

326 available until and including the first day of the term for which the candidate is elected. A
327 member of the School Committee shall, notwithstanding the member's removal from one ward
328 of the City to another, continue to serve and to perform the member's official duties during the
329 member's term of office. The removal from residency within the City shall create a vacancy in
330 such office.

331 (c) Election and Term—The terms of school committee members shall be two years
332 beginning the first secular day of January after their election and until their successors are
333 qualified. No person shall be eligible for election to the School Committee for a fifth consecutive
334 full term. (Referendum of 11 4 75; Acts of 2002, chap. 368)

335 Sec. 4 2. Organization; Quorum; Rules of Procedure.

336 (a) Organization—After the Mayor elect and a majority of the school committee
337 members elect have been sworn, the School Committee shall be called together by the Mayor
338 who shall preside. The School Committee shall then elect from among its members a chair and a
339 vice chair, who shall act as chair during the absence or disability of the chair. The School
340 Committee shall also elect a secretary who shall not be one of its members. The chair, vice chair,
341 and secretary shall serve at the pleasure of the School Committee.

342 (b) Quorum—A majority of the School Committee then in office shall constitute a
343 quorum but a smaller number may meet and adjourn from time to time.

344 (c) Rules of Procedure—The School Committee shall from time to time establish rules
345 for its proceedings.

346 Except as otherwise authorized by General Laws Chapter 39, Section 23A ("open
347 meeting law"), all sessions of the School Committee shall be open to the public and press. A full,
348 accurate, and up to date record of the proceedings of the School Committee shall be kept and
349 shall be open to inspection by the public. It shall include a record of each roll call vote.

350 Sec. 4 3. General Powers and Duties.

351 The School Committee shall have all the powers and duties which school committees
352 may have under the General Laws and may have such additional powers and duties as the City
353 Council may by ordinance from time to time assign. The powers of the School Committee shall
354 include but not be limited to the power to (1) appoint a superintendent, (2) appoint all other
355 officers and employees connected with the schools, fix their compensation and define their
356 duties, make rules concerning their tenure of office and discharge them at its pleasure, (3) furnish
357 all school buildings with proper fixtures, furnishings and equipment, and (4) provide ordinary
358 maintenance and repairs on all school buildings up to a maximum expenditure equal to two per
359 cent of the School Department's operating budget adopted for the preceding fiscal year, but sums
360 in excess of said maximum for the provision of ordinary maintenance and repairs may be
361 appropriated by the Mayor and the City Council, and no sums appropriated to accounts for such
362 ordinary maintenance and repairs shall be transferred without a two thirds vote of the City
363 Council. (Referendum of 11 4 75)

364 Sec. 4 4. New School Buildings.

365 Whenever in the opinion of the School Committee a new schoolhouse is required or
366 material alterations are needed, it shall send a written communication to the City Council stating
367 the locality and the nature of the further provisions for schools which are needed; and no

368 schoolhouse shall be located, built or materially altered until the School Committee shall have
369 been consulted as to the proposed location and plans and had full opportunity to set forth its
370 requirements.

371 Sec. 4 5. Prohibitions.

372 No former school committee member shall hold any compensated appointive City office
373 or City employment until one year after the expiration of the member's service on the School
374 Committee. This provision shall not prohibit a former City employee or City officer from
375 resuming the duties of such City officer or City employee at the conclusion of service on the
376 School Committee.

377 Sec. 4 6. Filling of Vacancies.

378 If there be a vacancy, by failure to elect or otherwise, on the School Committee within
379 the first fifteen calendar months of the term for which school committee members are elected,
380 the City Council shall forthwith call a special election to fill such vacancy. Such election shall be
381 by the voters of the whole city.

382 If such vacancy shall occur after fifteen calendar months of the term for which school
383 committee members are elected, no special election shall be held, and the person elected at the
384 next regular City election to the seat in which the vacancy exists shall immediately be sworn and
385 shall, in addition to the term for which the member was elected, serve for the balance of the then
386 unexpired term.

387 ARTICLE 5.

388 FINANCIAL PROCEDURES

389 Sec. 5 1. Submission of Budget; Budget Message.

390 Within the period prescribed by state statute, the Mayor shall submit to the City Council a
391 proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all
392 City funds and activities for the ensuing fiscal year, an accompanying budget message, and
393 supporting documents.

394 The Mayor's message shall explain the budget for all City agencies both in fiscal terms
395 and in terms of work programs. It shall outline the proposed financial policies of the City for the
396 ensuing fiscal year, describe the important features of the budget, indicate any major changes
397 from the current fiscal year in financial policies, expenditures, and revenues, together with the
398 reasons for such changes, summarize the City's debt position and include such other material as
399 the Mayor deems desirable or the City Council may reasonably require.

400 Sec. 5 2. Action on the Budget.

401 The City Council shall adopt the budget, with or without amendments, within forty five
402 days following the day the budget is received by it. In amending the budget, it may delete or
403 decrease any programs or amounts, except expenditures required by law or for debt service, but
404 it may not increase any programs or amounts.

405 If the City Council fails to take action with respect to any item in the budget within forty
406 five days after receipt of the budget, such amount shall, without any action by the City Council,
407 become a part of the appropriations for the year, and be available for the purposes specified.

408 Sec. 5 3. Capital Improvement Program.

409 (a) Submission—The Mayor shall prepare and submit to the City Council a five year
410 Capital Improvement Program at least six months prior to receipt of the next fiscal year's
411 operating budget.

412 (b) Contents—The Capital Improvement Program shall include: (1) a clear summary of
413 its contents; (2) a list of all capital improvements proposed to be undertaken during the next five
414 fiscal years with supporting data; (3) cost estimates, method of financing, and recommended
415 time schedules and (4) the estimated annual cost of operating and maintaining the facilities
416 included. The above information shall be revised and extended each year.

417 (c) Public Hearing—The City Council shall publish in one or more newspapers of general
418 circulation in the City the general summary of the Capital Improvement Program and a notice
419 stating: (1) the times and places where copies of the Capital Improvement Program are available
420 for inspection by the public, and (2) the date, time, and place, not less than two weeks after such
421 publication, when a public hearing on said program will be held by the City Council.

422 (d) Adoption—After the public hearing, concurrently with the passage of the next fiscal
423 year's budget, the City Council shall by resolution adopt the Capital Improvement Program with
424 or without amendment. (Referendum of 11 4 75)

425 Sec. 5 4. Contracts.

426 All contracts entered into for or in behalf of the City by any officer or City agency shall
427 be subject to the approval of the Mayor.

428 ARTICLE 6.

429 ADMINISTRATIVE DEPARTMENTS

430 Sec. 6 1. Reorganization Plans by City Council.

431 Except as otherwise provided by law or the charter, the City Council may by ordinance
432 reorganize, consolidate, or abolish any existing City agency in whole or in part; establish new
433 City agencies; and prescribe the functions of any City agencies. All City agencies under the
434 direction and supervision of the Mayor shall be headed and administered by officers appointed
435 by the Mayor.

436 Sec. 6 2. Reorganization Plans by Mayor.

437 (a) The Mayor may from time to time prepare and submit to the City Council
438 reorganization plans which may, subject to applicable law and the charter, reorganize,
439 consolidate or abolish any City agency, in whole or in part, or establish new City agencies, as the
440 Mayor deems necessary or expedient. Such reorganization plan shall be accompanied by an
441 explanatory memo which shall include: (1) reference to any ordinances to be repealed or
442 modified; and (2) summary of proposed ordinance language changes to be put into effect by such
443 plan.

444 (b) Every such reorganization plan shall upon receipt by the Clerk of the Council be
445 referred to an appropriate committee of the City Council which shall, not more than thirty days
446 later, hold a public hearing on the matter and shall, no later than the second regular meeting of
447 the City Council following such hearing, report either that it approves or that it disapproves of
448 the plan. A reorganization plan shall become effective ninety days after the date it is received by
449 the City Council unless the City Council has prior to that date voted to disapprove the
450 reorganization plan, or unless a later effective date is specified in the plan. A reorganization plan
451 presented by the Mayor to the City Council under this section may not be amended by it, but

452 shall either be approved or rejected as submitted and shall not be subject to charter objection as
453 provided in Section 2 9(c). (Referendum of 11 4 75; Acts of 1992, chap. 174)

454 Sec. 6 3. Publication of Reorganization Plan.

455 An up to date record of any reorganization plan adopted under this article shall be kept on
456 file in the office of the City Clerk and copies of all such plans shall be included as an appendix in
457 any publication of the ordinances of the City.

458 ARTICLE 7.

459 PLANNING

460 Sec. 7 1. Department of Planning and Development.

461 There shall be a Department of Planning and Development.

462 Sec. 7 2. Comprehensive Plan.

463 (a) Content—There shall be a Comprehensive Plan setting forth in graphic and textual
464 form policies to govern the future physical development of the entire City. Such plan shall cover
465 the entire City and all of its functions and services, or shall consist of a combination of plans
466 governing specific functions and services or specific geographic areas.

467 (b) Adoption—Upon receipt from the Mayor of a proposed Comprehensive Plan or a
468 proposed modification of the existing plan, the City Council shall refer such proposal to the
469 Planning and Development Board, which shall within a time specified by the City Council report
470 its recommendations thereon. After receipt of the recommendations of the Planning and
471 Development Board, the City Council shall hold a public hearing on the proposed

472 Comprehensive Plan or the proposed modification thereof and shall by resolution adopt the same
473 with or without amendment. The City Council may thereafter from time to time modify the
474 Comprehensive Plan.

475 (c) Effect—The Comprehensive Plan shall serve as a guide to all future action by the City
476 Council concerning land use and development regulations, urban renewal programs, and
477 expenditures for capital improvements.

478 Sec. 7 3. Implementation of the Comprehensive Plan.

479 (a) Land Use and Development Regulations—In accordance with applicable provisions
480 of the General Laws, the City Council may by ordinance adopt land use and development
481 regulations, including but not limited to an official map and zoning regulations.

482 (b) Urban Renewal—In accordance with applicable provisions of the General Laws, the
483 City Council may by ordinance provide for redevelopment, rehabilitation, conservation, and
484 renewal programs for the alleviation or prevention of slums, obsolescence, blight, or other
485 conditions or deterioration.

486 (c) Action by the City Council—Before acting on any proposed ordinance concerning
487 land use and development regulations, urban renewal, or expenditures for capital improvements,
488 where such ordinance involves a matter covered by the Comprehensive Plan, the City Council
489 shall refer the proposal to the Planning and Development Board, which shall within a time
490 specified by the City Council and prior to the public hearing on the proposed ordinance, report in
491 writing its recommendations thereon. Upon adopting any such ordinance, the City Council shall
492 make findings and report on the relationship between the ordinance and the Comprehensive Plan,

493 and the Comprehensive Plan shall be deemed to be amended in accordance with such findings
494 and report.

495 ARTICLE 8.

496 NOMINATIONS AND ELECTIONS

497 Sec. 8 1. Nonpartisan Elections.

498 All elections of City officers shall be nonpartisan, and election ballots or ballot labels for
499 such officers shall be printed without any party mark, emblem, or designation whatsoever.

500 Sec. 8 2. Regular City Elections.

501 (a) Date—The regular City election shall be held on the first Tuesday following the first
502 Monday in November in each odd numbered year.

503 (b) Ballot Position—The order in which names of candidates appear on the ballot for
504 each office in a regular City election shall be determined by a drawing by lot conducted by the
505 Election Commission.

506 (c) Information to Voters—If the candidate in a regular City election is an incumbent of
507 the office to which the candidate seeks election, against the candidate's name shall appear the
508 phrase "Candidate for Re election."

509 Sec. 8 3. Preliminary Elections: Special Elections.

510 (a) Date—For each regular city election and any special election called to fill a vacancy
511 in the office of mayor, there shall be held a preliminary election for the purpose of nominating

512 candidates. The City Council shall set the date for each preliminary election. (Acts of 2008,
513 chapter 152, as amended by Acts of 2015, chapter 26)

514 (b) Signature Requirements—The number of signatures of voters required to place the
515 name of a candidate on the official ballot to be used at a preliminary election, or any special
516 election for an office other than Mayor, shall be as follows: for the office of Mayor, four hundred
517 signatures; for councilor at large, one hundred fifty signatures; for ward councilor, fifty
518 signatures from the ward in which the election is to be held; for school committee member, one
519 hundred fifty signatures.

520 (c) Ballot Position—The order in which names of candidates appear on the ballot for each
521 office shall be determined by a drawing by lot conducted by the Election Commission.

522 (d) Information to Voters—Every petition requesting the placement of the name of a
523 candidate for nomination on the official ballot for use at a preliminary election, or for use at any
524 special election for an office other than Mayor, may state in not more than eight words the
525 elected public offices which the candidate for nomination holds or has held. Against the name of
526 any such candidate there shall be printed on the official ballot for a preliminary election, or any
527 special election for an office other than Mayor, the statement contained in the petition.

528 (e) Proviso—If at the expiration of the time for filing petitions for nomination of
529 candidates to be voted for any preliminary election, not more than twice as many such petitions
530 have been filed for an office as are to be elected to such office, the candidates whose petitions
531 have thus been filed shall be deemed to have been nominated to said office, and their names shall
532 be voted on for such office at the succeeding regular or special election, as the case may be, and
533 the Election Commission shall not print said names upon the ballot to be used at said preliminary

534 election and no other nomination to said office shall be made. If in consequence it shall appear
535 that no names are to be printed upon the official ballot to be used at any preliminary election in
536 any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

537 Sec. 8 4. Special Elections.

538 Special elections to fill the office of councilor, Mayor or school committee member, as
539 provided in Sections 2 5, 3 10 and 4 5, shall be held within one hundred and twenty days
540 following the date on which the election is called. Persons elected at such elections shall
541 immediately be sworn and assume their office.

542 Sec. 8 5. Wards.

543 The territory of the City shall be divided into eight wards.

544 Sec. 8 6. Application of State Laws.

545 Except as expressly provided in the charter and authorized by state law, all City elections
546 shall be governed by the laws of the Commonwealth relating to the composition, powers, and
547 duties of the Election Commission, the right to vote, the registration of voters, the nomination of
548 candidates, the conduct of preliminary, regular, and special elections, the submission of charter
549 amendments and other propositions, the counting of votes and the declaration of results.

550 ARTICLE 9.

551 NEIGHBORHOOD AREA COUNCILS

552 Sec. 9 1. Purpose.

553 It is the purpose of this article to encourage citizen involvement in government at the
554 neighborhood level by permitting limited self government through the establishment of
555 neighborhood area councils as legal entities of the City government.

556 Sec. 9 2. Establishment of Neighborhood Service Areas.

557 The City Council may establish one or more neighborhood service areas to provide
558 services or functions that the neighborhood area council is authorized to undertake.

559 Sec. 9 3. Creation by Petition.

560 (a) A petition may be submitted to the City Council requesting the establishment of a
561 neighborhood service area to provide any service or services which the City is otherwise
562 authorized by law to provide. Such petition must be signed by twenty per cent of the voters
563 residing in such area. The petition shall describe the territorial boundaries of the proposed
564 service area, shall specify the services to be provided, and shall indicate the size of the
565 neighborhood area council.

566 (b) Upon receipt of the petition, the Board shall submit the petition for verification of
567 signatures thereon, and within thirty days following verification, the City Council shall hold a
568 public hearing on the question of whether or not the requested neighborhood service area shall be
569 established. The hearing may be adjourned from time to time but shall be completed within sixty
570 days of its commencement.

571 (c) Within thirty days following the public hearing, the City Council shall by resolution
572 approve or disapprove the establishment of the requested neighborhood service area.

573 (d) A resolution approving the creation of the neighborhood service area may contain
574 amendments or modifications of the area's boundaries, functions, or the size of the neighborhood
575 area council as set forth in the petition. (Referendum of 11 4 75)

576 Sec. 9 4. Boundary Changes of a Neighborhood Service Area.

577 The City Council may, pursuant to a request from a neighborhood area council
578 accompanied by a petition signed by at least twenty per cent of the voters residing in the area to
579 be added or deleted, enlarge, diminish, or otherwise alter the boundaries of any existing
580 neighborhood service area following the procedures set forth in Section 9 3 (b), (c), and (d).

581 Sec. 9 5. Considerations in Setting Boundaries.

582 In establishing neighborhood service area boundaries and determining those services to
583 be undertaken by a neighborhood area council, the City Council shall study and take into
584 consideration, but not be limited to, the following:

585 (1) The extent to which the area constitutes a neighborhood with common concerns and a
586 capacity for local neighborhood initiative, leadership, and decision making with respect to City
587 government.

588 (2) City agency authority and resources which may appropriately be either transferred or
589 shared with the neighborhood council.

590 (3) Population density, distribution, and growth within a neighborhood service area to
591 assure that its boundaries reflect the most effective territory for local participation and control.

592 (4) Citizen access to, control of, and participation in neighborhood service area activities
593 and functions.

594 Sec. 9 6. Dissolution of a Neighborhood Service Area.

595 (a) The City Council may, after a public hearing, dissolve a neighborhood service area on
596 the initiative of the City Council or pursuant to a petition signed by at least twenty per cent of the
597 voters living within the neighborhood service area.

598 (b) The City Council shall give notice, in a newspaper of general circulation in the
599 neighborhood service area, of its intention to hold a public hearing on a proposed dissolution.
600 Such notice shall be given not less than fourteen days before the date of the public hearing.

601 Sec. 9 7. Election of Council; Vacancies.

602 (a) A neighborhood area council shall consist of five to nine members. The term of office
603 of each member shall be two years, and until a successor is qualified.

604 (b) The neighborhood area council members shall be elected at large by and from voters
605 residing in the neighborhood service area at the time of the election. The City Council shall
606 determine the time and manner of holding such elections. The ward city councilor or ward city
607 councilors who represent any portion of the area included in a neighborhood service area shall
608 serve, ex officio with no power to vote, as members of the neighborhood area council.

609 (c) A vacancy shall be filled by the neighborhood area council, by appointment. Members
610 so appointed shall serve for the remainder of the unexpired term and until their successors are
611 qualified.

612 Sec. 9 8. Neighborhood Area Council Powers and Functions.

613 A neighborhood area council may exercise any powers and perform any functions within
614 the neighborhood service area expressly authorized by the City Council, which may include but
615 not be limited to:

616 (1) Advisory or delegated substantive authority, or both, with respect to such programs as
617 a community action program, urban renewal, relocation, public housing, planning and zoning
618 actions, and other physical development programs, crime prevention and juvenile delinquency
619 programs, health services, code inspection, recreation, education, and workforce training.

620 Nothing contained herein shall be construed to authorize the City Council to delegate to any
621 neighborhood area council any substantive authority with regard to zoning.

622 (2) Self help projects, such as supplemental refuse collection, beautification, minor street
623 and sidewalk repair, establishment and maintenance of neighborhood community centers, street
624 fairs and festivals, cultural activities, recreation, and housing rehabilitation and sale.

625 (3) Acceptance of funds from public, but not including the City of Newton, and private
626 sources, including public subscriptions; and expenditure of monies to meet overhead cost of
627 council administration and support for neighborhood service area projects.

628 Sec. 9 9. Compensation; Meetings; By Laws; Quorum.

629 (a) Members of a neighborhood area council shall receive no compensation but may
630 receive reimbursement of actual and necessary travel and other expenses incurred in performance
631 of official duties.

632 (b) A neighborhood area council shall adopt by laws providing for the conduct of its
633 business and the selection of a presiding officer and other officers. Copies of all by laws adopted
634 by neighborhood area councils shall be made available to the public upon request.

635 (c) A majority of the voting members of a neighborhood area council shall constitute a
636 quorum for the transaction of business. Each member entitled to vote shall have one vote.

637 Sec. 9 10. Annual Report.

638 Each neighborhood area council shall make an annual report of its activities to the City
639 Council which annual report shall be open to the public.

640 Sec. 9 11. Financial Records.

641 Each neighborhood area council shall keep complete financial records which shall be
642 subject to city audit.

643 ARTICLE 10.

644 FREE PETITION; INITIATIVE; REFERENDUM

645 Sec. 10 1. Individual, Discretionary Petitions.

646 The City Council and the School Committee shall receive all petitions addressed to either
647 of them and may, in their discretion, take such action in regard to such petitions as they deem
648 necessary and advisable.

649 Sec. 10 2. Group Petitions; Action Required.

650 The City Council or the School Committee shall hold a public hearing and act with
651 respect to every petition which is addressed to it, which is signed by at least fifty voters, and
652 which seeks the passage of a measure. The hearing shall be held by the City Council or the
653 School Committee, or in either case, by a committee or subcommittee thereof, and the action by
654 the City Council or School Committee shall be taken not later than three months after the petition
655 is filed with the City Clerk. Hearings on two or more petitions filed under this section may be
656 held at the same time and place, and the City Clerk shall mail notice of the hearing to the first
657 fifty certified signers petitioners whose names appear on each petition at least forty eight hours
658 before the hearing. Notice, by publication, of all such hearings shall be at public expense.
659 (Referendum of 11 4 75)

660 Sec. 10 3. Initiative: Repeat Matters.

661 Except as otherwise provided by law or the charter, a measure may be proposed to the
662 City Council or the School Committee in accordance with the provisions of this article, but no
663 measure which is substantially the same as any other measure submitted or referred to the voters
664 and disapproved by them within two years, or which would have the effect of repealing any
665 measure so submitted or referred and approved by the voters within two years, may be proposed
666 by initiative procedures.

667 Sec. 10 4. Initiative: Commencement of Proceedings; Referral to City Solicitor.

668 Initiative procedures shall be started by the filing of an initiative petition with the City
669 Clerk. The petition shall be addressed to the City Council or the School Committee, shall contain
670 a request for passage of a particular measure set forth in the petition and shall be signed by at

671 least fifty voters. If the City Clerk determines that at least fifty of the filers are voters, the City
672 Clerk shall transmit a copy of the petition to the City Solicitor.

673 Sec. 10 5. Initiative: Opinion of Solicitor.

674 Within fifteen days after receipt of the petition the Solicitor shall advise the City Clerk in
675 writing whether the measure may be proposed by initiative procedures and whether it may
676 lawfully be passed by the City Council or the School Committee. If the opinion of the Solicitor is
677 that the measure may not lawfully be passed, the Solicitor shall state the reason or reasons
678 therefor in the reply. The City Clerk shall furnish a copy of the Solicitor's opinion to the person
679 whose name first appears on the initiative petition.

680 Sec. 10 6. Initiative: Additional Signatures.

681 The signatures of additional voters who support the petition in addition to those in
682 Section 10 4, may be gathered on forms prepared in accordance with Section 10 13. The separate
683 pages bearing additional signatures shall be filed at one time with the City Clerk not more than
684 six months after the filing of the original petition with the City Clerk and shall be deemed to be
685 part of the initiative petition. Such additional signatures together with those of the first fifty filers
686 of the petition shall be at least equal in number to ten per cent of the total number of voters
687 registered to vote at the most recent preceding regular City election.

688 Sec. 10 7. Initiative; Validation of Signatures; Action on Petition.

689 The sufficiency of the number of signatures to an initiative petition shall be determined in
690 accordance with Section 10 14. Within thirty days after an initiative petition is presented to the
691 City Council or the School Committee, the City Council or the School Committee shall act with

692 respect to the initiative measure by passing it without change, or by rejecting it, or by passing
693 some other measure stated to be in lieu thereof. The passage of a measure in lieu of an initiative
694 measure shall be deemed a rejection of the initiative measure. If the City Council or the School
695 Committee fails to act with respect to the initiative measure as required by this section within
696 thirty days after presentation, the measure shall be deemed to have been rejected on the thirtieth
697 day after presentation. If an initiative measure is rejected, the City Clerk shall promptly give
698 written notice of that fact to the first ten petitioners. Initiative measures shall not be subject to
699 charter objection as provided in Section 2 9(c).

700 Sec. 10 8. Initiative: Supplemental Petitions; Submission to Voters.

701 Within forty five days after notice of the rejection of an initiative measure has been given
702 by the City Clerk, a supplemental initiative petition addressed to the City Council or the School
703 Committee on forms prepared in accordance with Section 10 13 may be filed with the City
704 Clerk. The supplemental initiative petition shall be signed by a number of additional voters
705 which is at least equal to five per cent of the total number of voters registered to vote at the most
706 recent preceding regular City election. The sufficiency of the number of signatures to a
707 supplemental initiative petition shall be determined in accordance with Section 10 14. If the
708 number of signatures to a supplemental initiative petition is sufficient, the City Council shall
709 provide for submission of the initiative measure to the voters in accordance with Section 10 15.

710 Sec. 10 9. Referendum: Right to Refer to Registered Voters.

711 Except as otherwise provided by law or the charter, any measure passed by the City
712 Council or the School Committee, including a measure proposed by initiative procedures and

713 passed by the City Council or the School Committee, may be protested and referred to the voters
714 in accordance with the provisions of this article.

715 Sec. 10 10. Referendum: Commencement of Proceedings.

716 Referendum procedures shall be started by the filing of a referendum petition with the
717 City Clerk within twenty days after the final passage by the City Council or the School
718 Committee of the measure to which the petition relates. The petition shall be addressed to the
719 City Council or the School Committee on forms prepared in accordance with Section 10 13 and
720 shall be signed by a number of voters which is at least equal to five per cent of the total number
721 of voters registered to vote at the most recent preceding regular City election. Whenever
722 referendum procedures are started in accordance with this section, the referendum measure shall
723 thereupon be suspended from taking effect, and such suspension shall remain in force until (1) it
724 is determined that there is an insufficient number of signatures to the petition, or (2) the
725 referendum measure has been repealed or rescinded by the City Council or the School
726 Committee, or (3) the question whether the measure should take effect has been determined by
727 the voters. (Referendum of 11 4 75)

728 Sec. 10 11. Referendum: Validation of Signatures; Action on Petition.

729 The sufficiency of the number of signatures to a referendum petition shall be determined
730 in accordance with Section 10 14. Within thirty days after a referendum petition is presented to
731 the City Council it shall reconsider the referendum measure and shall repeal or rescind it, or the
732 City Council shall provide for referring the matter to the voters in accordance with Section 10
733 15. Within thirty days after a referendum petition is presented to the School Committee it shall
734 likewise reconsider and repeal or rescind the referendum measure or shall notify the City Council

735 that it has failed to take such action with respect to the measure. Upon receipt of such notice the
736 City Council shall thereupon provide for referring the matter to the voters in accordance with
737 Section 10 15.

738 Sec. 10 12. Initiative and Referendum: Ineligible Measures.

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

740 (1) proceedings relating to the organization or operation of the City Council or School
741 Committee, (2) an emergency measure passed in conformity with the charter, (3) the City budget
742 or the School Committee budget, (4) revenue loan orders, (5) any appropriations for the payment
743 of the City's debts or obligations, (6) appropriations of funds necessary to implement a written
744 agreement executed under General Laws Chapter 149, Section 178I (relating to collective
745 bargaining), (7) any proceedings, or part thereof, relating to the election, employment,
746 appointment, suspension, transfer, demotion, removal or discharge of any city officer or
747 employee, (8) any proceedings repealing or rescinding a measure, or a part thereof, which is
748 protested by referendum procedures and (9) any proceeding providing for the submission or
749 referral of a matter to the voters at an election.

750 Sec. 10 13. Initiative and Referendum: Forms of Petitions.

751 (a) Signatures to initiative, supplemental initiative, and referendum petitions need not all
752 be on one paper.

753 (b) Each separate page of an initiative, supplemental initiative and referendum petition on
754 which signatures in addition to those of the original filers of the petition are obtained shall bear
755 the names and addresses of any ten original filers of the petition and shall also have two
756 sentences in substantially the following form at the top:

757 Each of the undersigned requests that the (City Council) (School Committee) of the City
758 of Newton pass the following measure (set forth initiative measure in full). Each of the
759 undersigned certifies that the signer is a registered voter of the City and that the signer has not
760 signed this initiative petition more than once.

761 (c) Each separate page of a supplemental initiative petition shall have two sentences in
762 substantially the following form at the top:

763 Each of the undersigned requests that the following measure which was presented
764 by an initiative petition and then rejected by the (City Council) (School Committee) of the City
765 of Newton be submitted to all the registered voters of the City (set forth initiative measure in
766 full). Each of the undersigned certifies that they are a registered voter of the City and that they
767 have not signed this supplemental initiative petition more than once.

768 (d) Each separate page of a referendum petition shall have two sentences in substantially
769 the following form at the top:

770 (Each of the undersigned protests the action of the (City Council) (School
771 Committee) of the City of Newton whereby it passed the following measure: (set forth the
772 protested measure in full), and requests that such measure be repealed or rescinded), or (Each of
773 the undersigned protests the action of the (City Council) (School Committee) of the City of
774 Newton in passing (describe measure in general terms) insofar as said measure contains the
775 following provisions: (set forth the protested provisions in full), and requests that such provisions
776 be repealed or rescinded), and: Each of the undersigned certifies that they are a registered voter
777 of the City and that they have not signed this referendum petition more than once.

778 (e) All initiative, supplemental initiative, and referendum petitions shall require the
779 following information to be furnished by each signer in accordance with the following
780 instructions which shall appear on each page:

781 Name*

782 Present Address (Street and Number)

783 * Written signature of voter; provided that a registered voter prevented from writing by
784 physical disability may authorize another person to write the voter's signature and address.

785 Registered Address (Street and Number on January 1, 20 **)

786 1

787 2

788 3

789 ** If a voter was registered later than this date, the registered address on such later date
790 shall be used.

791 (f) If a petition is expected to be filed in the period between July fifteenth and December
792 thirty first, the year inserted in "Registered Address" in subsection (e) above shall be the then
793 current year. If a petition is expected to be filed in the period between January first and July
794 fifteenth the year which is so inserted shall be the preceding year. (Referendum of 11 4 75)

795 Sec. 10 14. Initiative and Referendum Procedures; Validation; Notice; Objections.

796 Whenever a completed initiative petition, a supplemental initiative petition, or a
797 referendum petition is filed with the City Clerk, the Clerk shall submit it to the Election
798 Commission forthwith. The Election Commission shall thereupon examine the petition and place
799 a check mark against each signature which they determine is the name of a voter, except that
800 when they have checked a number of signatures which is forty per cent greater than the
801 minimum number of signatures which is required for a valid petition they need not examine or
802 check any further signatures. The Election Commission shall prepare a certificate showing the
803 number of signatures to the petition which have been so checked and the number of voters who
804 were entitled to vote at the most recent preceding regular City election, and the Election
805 Commission shall return the petition with their certificate to the City Clerk. The number of
806 persons who were so entitled to vote shall be deemed to be the number of voters for the purposes
807 of Sections 10 6, 10 8, and 10 10. The City Clerk shall hold the petition and the Election
808 Commission's certificate available for public inspection during ordinary office hours for two full
809 days; and unless written objections to the certificate of the Election Commission are filed by a
810 voter within said period, the Election Commission's certificate shall be deemed conclusive. If
811 objections are so filed, the City Clerk shall promptly give written notice of that fact to the first
812 ten petitioners. Objections to the sufficiency or validity of the signatures on any petition shall be
813 disposed of forthwith in the manner provided by General Laws Chapter 53, Section 12, and to
814 the extent required the Election Commission shall revise their certificate accordingly. If the
815 certificate of the Election Commission or their revised certificate, if any, shows that the number
816 of signatures to the petition is insufficient, the City Clerk shall give written notice of that fact to
817 the first ten petitioners and shall retain the petition for at least six months, after which period the
818 City Clerk may destroy the petition. If such original or revised certificate shows that the number

819 of signatures is sufficient, the City Clerk shall present the petition and the applicable certificate
820 to the City Council or the School Committee, as may be appropriate.

821 Sec. 10 15. Initiative and Referendum: Referral to Voters.

822 Whenever an initiative measure is to be submitted to the voters or a referendum measure
823 is to be referred to them, the City Council shall provide for such submission or referral at the
824 next regular City election; but in the case of referendum measures, the City Council may: (a)
825 within thirty (30) days after a decision by the City Council or the School Committee not to repeal
826 or rescind a measure, or (b) in the case of inaction by the City Council or the School Committee
827 on the repeal or rescission of a measure, within thirty (30) days following the thirty day period
828 referred to in Section 10 11; call a special election to be held within one hundred and twenty
829 days of such vote.

830 Sec. 10 16. Initiative and Referendum: Form of Question.

831 (a) At the election at which an initiative measure is submitted to the registered voters, the
832 ballot shall contain a question in substantially the following form:

833 Shall the following measure which was proposed by an initiative petition addressed to the
834 (City Council) (School Committee) take effect? (Text of proposed measure) Yes———
835 No———

836 (b) At the election at which a referendum measure is referred to the voters the ballot shall
837 contain a question in substantially the same form as one of the following:

838 (Shall the following measure which was passed by the (City Council) (School
839 Committee) be approved? (Text of measure) Yes——— No———) or (Shall the following

840 provisions of the (describe measure in general terms) which was passed by the (City Council)
841 (School Committee) be approved? (Text of provisions) Yes——— No———)

842 (c) Whenever an initiative measure or referendum measure is to be submitted or referred
843 to the voters, the City Clerk shall furnish a copy of such measure to the Election Commission. If
844 the Election Commission deems it necessary or desirable, it shall prepare a fair and concise
845 summary of the measure for use on the ballot or ballot label in lieu of the full text of the
846 measure. The full text of the measure which is the subject matter of the petition shall be mailed
847 to each household in which a voter resides.

848 Sec. 10 17. Initiative and Referendum: Time of Taking Effect.

849 An initiative measure shall take effect and a referendum measure shall be repealed or
850 rescinded if a majority of the persons voting on the question so vote. Such measure shall take
851 effect upon certification by the Election Commission of such vote.

852 Sec. 10 18. Initiative and Referendum: Inconsistent or Conflicting Provisions.

853 If two or more questions are submitted or referred to the voters at one election and as a
854 result of the election inconsistent measures, which were contained in such questions, would be in
855 effect thereafter, only the measure receiving the greater number of votes in favor of its
856 effectiveness shall take effect or remain in effect.

857 Sec. 10 19. Initiative and Referendum: Effect of Veto by the Mayor.

858 Nothing in this article shall be construed to impair a Mayor's power to veto action by the
859 City Council to the extent that such power is conferred on the Mayor, except that the Mayor shall
860 not have any power to veto City Council proceedings providing for the submission of an

861 initiative measure or the referral of a referendum measure to the voters. If the Mayor vetoes an
862 initiative measure passed by the City Council or vetoes proceedings of the City Council
863 repealing or rescinding a referendum measure and the City Council fails to override the Mayor's
864 veto, the City Council shall then provide for submitting the initiative measure or referring the
865 referendum measure to the voters.

866 ARTICLE 11.

867 GENERAL PROVISIONS

868 Sec. 11 1. Certificate of Election and Appointment.

869 Every person who is elected, including those elected by the City Council, or appointed by
870 the Mayor to an office, shall receive a certificate of such election or appointment from the City
871 Clerk. Except as otherwise provided by law, before performing any act under such election or
872 appointment, the person shall take and subscribe to an oath to qualify the person to enter upon
873 the duties of the office. A record of the taking of such oath shall be made by the City Clerk. Any
874 oath required by this section may be administered by the Mayor or any officer authorized by law
875 to administer oaths. Records of transactions of all officers and boards shall be properly kept and
876 shall, subject to such reasonable restrictions as the City Council may prescribe, be open to the
877 inspection of the public.

878 Sec. 11 2. Appointments and Removals.

879 All officers and City agencies shall, subject to the laws of the Commonwealth relating to
880 the civil service, appoint their subordinates and employees to hold office until they are removed
881 by the officer or City agency under whom they serve; but all appointments in the Police and Fire

882 Departments shall be approved by the Mayor, who shall also have the power of removal in said
883 departments.

884 Sec. 11 3. Rules and Regulations.

885 A copy of all rules and regulations adopted by any City agency shall be filed in the office
886 of the City Clerk and made available for review by any person who requests such information.

887 Sec. 11 4. Reenactment and Publication of Ordinances.

888 The City Council shall, not later than one year after the charter is adopted and at five year
889 intervals thereafter, cause to be prepared by a special committee of the City Council appointed
890 for that purpose, a proposed revision or recodification of all ordinances of the City which shall
891 be presented to the City Council for reenactment. Such revisions or recodifications shall be
892 prepared under the supervision of the City Solicitor, or if the City Council so directs, by special
893 counsel retained for that purpose.

894 Sec. 11 5. Liability of City Officers and Agencies.

895 All City officers and members of City agencies shall be deemed to be public or municipal
896 officers or officials. Subject to appropriation, the City may indemnify any such officer or
897 member for expenses or damages incurred in the defense or settlement of a claim against such
898 officer or member which arose while acting within the scope of the officer or member's official
899 duties or employment, but only to the extent and subject to the limitations imposed by the
900 General Laws.

901 Sec. 11 6. Prohibition.

902 No member of the executive or legislative branch or of the School Committee shall
903 appear as counsel before any City officer or agency.

904 Sec. 11 7. Meetings of Qualified Voters.

905 General meetings of the voters may be held from time to time, according to the right
906 secured to the people by the constitution of the Commonwealth; and all such meetings may, and
907 upon the request in writing of fifty voters setting forth the purposes thereof, shall be duly called
908 by the City Council.

909 Sec. 11 8. Construction of Public Facilities.

910 There shall be established by ordinance a designer selection committee. Said ordinance
911 shall provide that the designer selection committee shall be consulted and directed to make
912 recommendations whenever an architect is to be engaged by the City for any purpose. There
913 shall also be established by ordinance a design review committee which shall be responsible for
914 the coordination of the design review process on any public facility for which an architect has
915 been engaged. The ordinance may provide for one design review committee for all public
916 buildings or it may provide that separate committees be established for each facility.

917 Sec. 11 9. Severability.

918 If any provision of the charter is held invalid, the other provisions of the charter shall not
919 be affected thereby. If the application of the charter or any of its provisions to any person or
920 circumstances is held invalid, the application of the charter and its provisions to other persons
921 and circumstances shall not be affected thereby.

922 Sec. 11 10. Specific Provisions Shall Prevail.

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

925 Sec. 11 11. References to General Laws.

926 All references to the General Laws contained in the charter refer to the General Laws of
927 the Commonwealth of Massachusetts and are intended to include any amendments or revisions
928 to such chapters and sections or to the corresponding chapters and sections of any rearrangement
929 of the General Laws enacted subsequent to the adoption of the charter.

930 Sec. 11 12. Computation of Time.

931 In computing time under the charter, if seven days or less, "days" shall refer to secular
932 days and shall not include Sunday's or legal holidays. If more than seven days, every day shall be
933 counted.

934 Sec. 11 13. Definitions.

935 Unless another meaning is clearly apparent from the manner in which the word is used,
936 the following words as used in the charter shall have the following meanings:

937 a. Charter—The word "charter" shall mean this charter and any amendments to it
938 made through any of the methods provided under Article LXXXIX of the amendments to the
939 state constitution.

940 b. City—The word "City" shall mean the City of Newton.

941 c. City Agency—The words "City agency" shall mean any board, commission,
942 committee, council, department or office of the City government except a neighborhood area
943 council as provided in Article 9.

944 d. Full Council—The words "full Council" shall mean the entire authorized
945 complement of the City Council notwithstanding any vacancies which might exist.

946 e. Initiative Measure—The words "initiative measure" shall mean a measure
947 proposed by initiative procedures under the charter.

948 f. Majority Vote—The words "majority vote" shall mean a majority of those present
949 and voting; provided, that a quorum of the body is present.

950 g. Measure—The word "measure" shall mean an ordinance passed or which could be
951 passed by the City Council or an order, resolution, vote, or other proceeding passed or which
952 could be passed by the City Council or the School Committee.

953 h. Referendum Measure—The words "referendum measure" shall mean a measure
954 protested by referendum procedures under the charter.

955 i. Voters—The word "voters" shall mean registered voters of the City of Newton.

956 ARTICLE 12.

957 TRANSITIONAL PROVISIONS

958 Sec. 12 1. Continuation.

959 All ordinances, resolutions, rules and regulations of the City which are in force at the
960 time the charter is adopted, not inconsistent with the provisions of the charter, shall continue in
961 force until amended or repealed.

962 Sec. 12 2. Continuation of Government.

963 All City agencies shall continue to perform their duties until reappointed, re elected, or
964 until successors to their respective positions are duly appointed or elected or their duties have
965 been transferred.

966 Sec. 12 3. Continuation of Administrative Personnel.

967 Any person holding an office or position in the administrative service of the City, or any
968 person serving in the employment of the City shall retain such office or position and shall
969 continue to perform the duties of such office or position until provisions shall have been made in
970 accordance with the charter for the performance of the said duties by another person or agency;
971 provided, however, that no person in the permanent full time service or employment of the City
972 shall forfeit such person's pay grade or time in service. All such persons shall be retained in a
973 capacity as similar to their former capacity as it is practical so to do.

974 Sec. 12 4. Transfer of Records and Property.

975 All records, property, and equipment whatsoever of any City agency or part thereof, the
976 powers and duties of which are assigned in whole or part to another City agency shall be
977 transferred forthwith to the City agency to which such powers and duties are assigned.

978 Sec. 12 5. Effect on Obligations, Taxes and Other Legal Acts.

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

986 Sec. 12 6. Disposition of Special Acts.

987 (a) Partial Repeal of Certain Special Acts—The following Special Acts insofar as they
988 confer power upon the City of Newton which the City would not otherwise hold under the
989 charter, General Laws or the constitution, are retained; otherwise, they are hereby repealed, it
990 being the explicit intention of this paragraph that portions of any Special Acts retained which
991 limit or restrict a power conferred or the manner in which it is to be exercised be repealed and
992 that powers so conferred are to be exercised in accordance with the charter: Chapter three
993 hundred and forty four of the acts of eighteen hundred and seventy two; chapter three hundred
994 and fifty three of the acts of eighteen hundred and seventy four; chapter one hundred and forty
995 five of the acts of eighteen hundred and seventy four; chapter one hundred and twenty five of the
996 acts of eighteen hundred and seventy four; chapter eighteen of the acts of eighteen hundred and
997 seventy six; chapter fifty four of the acts of eighteen hundred and seventy six; chapter one
998 hundred of the acts of eighteen hundred and seventy seven; chapter one hundred and forty four of
999 the acts of eighteen hundred and seventy seven; chapter sixty three of the acts of eighteen
1000 hundred and seventy eight; chapter one hundred and forty seven of the acts of eighteen hundred
1001 and seventy eight; chapter sixty nine of the acts of eighteen hundred and seventy eight; chapter

1002 one hundred and nine of the acts of eighteen hundred and eighty six; chapter three hundred and
1003 two of the acts of eighteen hundred and eighty nine; chapter two hundred and thirty four of the
1004 acts of eighteen hundred and ninety; chapter seventy of the acts of eighteen hundred and ninety
1005 two; chapter two hundred and ninety six of the acts of eighteen hundred and ninety three; chapter
1006 one hundred and ninety eight of the acts of eighteen hundred and ninety five; chapter three
1007 hundred and forty of the acts of eighteen hundred and ninety six; chapter two hundred and sixty
1008 nine of the acts of eighteen hundred and ninety eight; chapter sixty three of the acts of eighteen
1009 hundred and ninety eight; chapter eighty nine of the acts of eighteen hundred and ninety nine;
1010 chapter four hundred and fifteen of the acts of nineteen hundred; chapter two hundred and four of
1011 the acts of nineteen hundred and one; chapter one hundred and sixty five of the acts of nineteen
1012 hundred and one; chapter four hundred and eighty of the acts of nineteen hundred and two;
1013 chapter one hundred and thirty three of the acts of nineteen hundred and three; chapter one
1014 hundred and sixty seven of the acts of nineteen hundred and six; chapter two hundred and two of
1015 the acts of nineteen hundred and ten; chapter seven hundred and sixty nine of the acts of nineteen
1016 hundred and thirteen; chapter one hundred and eighty nine of the acts of nineteen hundred and
1017 thirteen; chapter six hundred and eighty three of the acts of nineteen hundred and thirteen;
1018 chapter one hundred and seventy seven of the acts of nineteen hundred and fifteen; chapter three
1019 hundred and thirty two of the acts of nineteen hundred and seventeen; chapter eighty six of the
1020 acts of nineteen hundred and twenty; chapter five hundred and sixty one of the acts of nineteen
1021 hundred and twenty; chapter thirty four of the acts of nineteen hundred and twenty four; chapter
1022 two hundred and forty three of the acts of nineteen hundred and twenty four; chapter thirty five
1023 of the acts of nineteen hundred and twenty five; chapter three hundred and thirty six of the acts
1024 of nineteen hundred and twenty seven; chapter seventy three of the acts of nineteen hundred and

1025 twenty eight; chapter twenty five of the acts of nineteen hundred and thirty two; chapter twenty
1026 of the acts of nineteen hundred and thirty four; chapter two hundred and sixty one of the acts of
1027 nineteen hundred and thirty five; chapter three hundred and fifteen of the acts of nineteen
1028 hundred and forty nine; chapter three hundred and forty four of the acts of nineteen hundred and
1029 forty nine; chapter three hundred and sixty seven of the acts of nineteen hundred and fifty three;
1030 chapter four hundred and nineteen of the acts of nineteen hundred and fifty five; chapter two
1031 hundred and eleven of the acts of nineteen hundred and fifty five; chapter one hundred and two
1032 of the acts of nineteen hundred and fifty six; chapter one hundred and one of the acts of nineteen
1033 hundred and fifty six; chapter four hundred and thirty nine of the acts of nineteen hundred and
1034 sixty one; chapter three hundred and sixteen of the acts of nineteen hundred and sixty two;
1035 chapter three hundred and thirty seven of the acts of nineteen hundred and sixty seven; chapter
1036 six hundred and thirty one of the acts of nineteen hundred and sixty nine.

1037 (b) Special Acts Repealed Outright—The following Special Acts are hereby repealed:
1038 Chapter one hundred and sixteen of the acts of eighteen hundred and thirty two; chapter two
1039 hundred and eighty three of the acts of eighteen hundred and ninety seven; chapter one hundred
1040 and thirty five of the acts of nineteen hundred; chapter two hundred and eighty two of the acts of
1041 nineteen hundred and two; chapter three hundred and seventy six of the acts of nineteen hundred
1042 and two; chapter one hundred and fifty two of the acts of nineteen hundred and three; chapter
1043 eighty eight of the acts of nineteen hundred and five; chapter three hundred and sixty two of the
1044 acts of nineteen hundred and ten; chapter five hundred and fifty seven of the acts of nineteen
1045 hundred and ten; chapter one hundred and eight of the acts of nineteen hundred and thirteen;
1046 chapter three hundred and eighty three of the acts of nineteen hundred and thirteen; chapter one
1047 hundred and five of the acts of nineteen hundred and fourteen; chapter eighty six of the acts of

1048 nineteen hundred and nineteen; chapter eighty five of the acts of nineteen hundred and nineteen;
1049 chapter one hundred and eighty two of the acts of nineteen hundred and forty three; chapter two
1050 hundred and eight of the acts of nineteen hundred and fifty two; chapter five hundred and forty
1051 nine of the acts of nineteen hundred and fifty three; chapter five hundred and thirty two of the
1052 acts of nineteen hundred and fifty four; chapter one hundred twenty one of the acts of nineteen
1053 hundred and fifty five; chapter one hundred and eighty two of the acts of nineteen hundred and
1054 sixty.

1055 (c) Special Acts Repealed: Action Taken Thereunder Preserved—The following Special
1056 Acts are repealed; provided, however, that nothing contained in the charter shall be construed to
1057 revoke, invalidate or otherwise alter acts done in compliance therewith or under the authority
1058 thereof: Chapter one hundred and twenty five of the acts of eighteen hundred and sixty nine;
1059 chapter one hundred and thirty four of the acts of eighteen hundred and seventy one; chapter two
1060 hundred and seventy eight of the acts of eighteen hundred and ninety three; chapter four hundred
1061 and fifty seven of the acts of eighteen hundred and ninety six; chapter one hundred and ninety
1062 nine of the acts of nineteen hundred and two; chapter two hundred of the acts of nineteen
1063 hundred and two; chapter thirty three of the acts of nineteen hundred and fifteen; chapter one
1064 hundred and six of the acts of nineteen hundred and fifteen; chapter eighty seven of the acts of
1065 nineteen hundred and seventeen; chapter seventy two of the acts of nineteen hundred and
1066 eighteen; chapter three hundred and thirty two of the acts of nineteen hundred and twenty;
1067 chapter seventy four of the acts of nineteen hundred and twenty one; chapter one hundred and
1068 sixty seven of the acts of nineteen hundred and twenty three; chapter three hundred and ninety
1069 four of the acts of nineteen hundred and twenty four; chapter three hundred and twenty seven of
1070 the acts of nineteen hundred and twenty eight; chapter one hundred and sixty four of the acts of

1071 nineteen hundred and forty seven; chapter two hundred and ten of the acts of nineteen hundred
1072 and forty seven; chapter four hundred of the acts of nineteen hundred and forty nine; chapter fifty
1073 two of the acts of nineteen hundred and fifty five; chapter six hundred and twenty one of the acts
1074 of nineteen hundred and sixty three.

1075 (d) Special Acts Specifically Retained: The following Special Acts are hereby
1076 recognized, confirmed and retained—an act of January 11, sixteen hundred and eighty seven
1077 ordering that Cambridge Village be a distinct village and place by itself; and an act of December
1078 15, sixteen hundred and ninety one ordering that Cambridge Village thenceforth be called New
1079 Town, except insofar as they are inconsistent with Section 1 1 of this charter, providing for the
1080 name, the "City of Newton", which portions are hereby repealed.

1081 Sec. 12 7. Time of Taking Effect.

1082 The charter shall become fully effective 12:01 p.m. on the first secular day of January
1083 following the election at which it is approved by the voters, except as follows:

1084 (a) The term of office of the Mayor elected at the election at which the charter is
1085 approved shall be for the term of two years, and the provisions of Section 3 1 of the charter with
1086 respect to the term of office of the Mayor being four years and with respect to the Mayor's
1087 serving full time, not holding any other elected public office and not actively engaging in a
1088 business, occupation or profession shall not become effective until the term beginning after the
1089 regular City election next following the election at which the charter is adopted.

1090 (b) The counting of consecutive terms for the office of school committee member shall
1091 begin with the first term after the election at which the charter is adopted. Terms served prior to

1092 the effective date of the charter shall not be counted for the purpose of the limitation contained in
1093 Section 4 1(c) of the charter.

1094 SECTION 2. This act shall take effect upon its passage.