

HOUSE No. 4184

The Commonwealth of Massachusetts

PRESENTED BY:

Judith A. Garcia and Sal N. DiDomenico

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 amending the charter of the city of Chelsea.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>11/9/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>11/14/2023</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>11/14/2023</i>

HOUSE No. 4184

By Representative Garcia of Chelsea and Senator DiDomenico, a joint petition (accompanied by bill, House, No. 4184) of Judith A. Garcia, Sal N. DiDomenico and Daniel J. Ryan (with the approval of the mayor and city council) that the city of Chelsea be authorized to amend the charter of said city. Municipalities and Regional Government. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4534 OF 2021-2022.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—————

An Act amending the charter of the city of Chelsea.

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. Chapter 103 of the acts of 1994, as amended, is hereby further amended by
2 striking out section 1 and inserting in place thereof the following section:-

3 SECTION 1. The following shall be the Charter for the City of Chelsea.

4 Preamble.

5 The City of Chelsea is a 1.8 mile, gateway city, located directly north of Boston and
6 bordering the Mystic River. Chelsea proudly stands as one of only a few sanctuary cities in the
7 State of Massachusetts. For almost 200 years, our collective identity and character as the
8 community of Chelsea has been to welcome and educate, ALL—thereby helping families build a

9 foundation upon which generations begin their personal journey toward the American dream.
10 Our city's identity and collective character is to accept and respect, and to be there for our
11 neighbor no matter turbulent times, the obstacles, or the global crisis.

12 We the people of the City of Chelsea, desiring to manage our own affairs and conduct our
13 local government, therefore, in a manner consistent with the City's history of fostering a diverse
14 community, so that it is accountable, stable, fiscally responsible and efficient, honest, fair,
15 representative, and operating according to a code of ethics, and wishing to participate fully in
16 exercising the rights and responsibilities of local government, do adhere to this Charter.

17 We assert our willingness to assume all responsibility for the conduct of matters
18 pertaining to the city, and do by this document earnestly affirm our right as inhabitants of
19 Chelsea, to live and grow in freedom, dignity, tranquility and prosperity. Under God with
20 religious freedom, we secure these qualities to ourselves, realizing them in the community of
21 Chelsea and its government, which provides for a system of law, education, public safety, and
22 public health.

23 PART I. INCORPORATION, SHORT TITLE, POWERS

24 Section 1-1. Incorporation continued.

25 The inhabitants of the City of Chelsea, within its territorial limits as now or may hereafter
26 be established by law, shall continue to be a body politic and corporate, under the name of the
27 City of Chelsea and as such shall have, exercise and enjoy all the rights, immunities, powers and
28 privileges, and shall be subject to all the duties and obligations, now incumbent upon and
29 pertaining to the said city, as a municipal corporation.

30 This act shall be cited and known as the City of Chelsea Charter.

31 Section 1-3. Division of powers.

32 All legislative powers of the city shall be exercised by a city council. The administration
33 of all fiscal, business and municipal affairs shall be vested in the executive branch under the
34 supervision of the city manager.

35 Section 1-4. Powers of the city.

36 The intent and purpose of this Charter is to secure for the voters of the City of Chelsea,
37 through the adoption of this Charter, all the powers possible to secure for their government under
38 article LXXXIX of the amendments to the Constitution of the commonwealth and laws of the
39 commonwealth, as fully and as though each such power were specifically and individually
40 enumerated herein.

41 Section 1-5. Interpretation of powers.

42 The powers of the city under this Charter shall be construed and interpreted liberally in
43 favor of the city, and the specific mention of any particular power is not intended to limit in any
44 way the general powers of the city as stated in section 1-4.

45 Section 1-6. Intergovernmental cooperation.

46 The city may enter agreements with any other unit of government to perform jointly or in
47 cooperation, by contract or otherwise, any of its powers or functions, as authorized by the laws
48 of the commonwealth.

49 PART II. LEGISLATIVE

50 Section 2-1. Composition; eligibility; election and term.

51 (a) Composition. There shall be a city council composed of 11 members which shall
52 exercise the legislative powers of the city. Three members, to be known as councillors-at-large,
53 shall be nominated and elected by and from the voters at large. Eight members, to be known as
54 district councillors, shall be nominated and elected by and from the voters of each district, one
55 such district councillor to be elected from each of the eight council districts into which the city is
56 divided in accordance with section 7-4.

57 (b) Eligibility. Except as otherwise provided in this act, any voter shall be eligible to
58 hold the office of councillor-at-large; a district councillor shall be a voter and resident of the
59 district from which the councillor is elected.

60 A councillor-at-large who shall remove from the city during the term for which such
61 councillor-at-large was elected shall be deemed to have vacated the office of councillor-at-large
62 and the office shall be considered vacant. A district councillor who shall remove from one
63 district to another during the term of office for which such district councillor was elected shall be
64 deemed to have vacated the office of district councillor and the office shall be considered vacant.
65 Any vacancy in the office of councillor-at-large or district councillor shall be filled in accordance
66 with section 2-4.

67 (c) Election and term. The term of office of city council members shall be for two
68 years beginning on the first city business day of January in the year following election, and
69 continuing until their successors are qualified.

70

71 Section 2-2. City council organization.

72 After the councillors- elect have taken the oath of office, the city council shall be called
73 together by the council clerk for the purpose of conduct in an election among city council
74 members for the office of city council president and vice-president to serve at the pleasure of the
75 city council. The president shall preside at all meetings of the city council, perform ceremonial
76 functions and perform such other functions as may be assigned by this Charter, by ordinance or
77 by vote of the city council. The vice-president shall perform all duties of the president during the
78 president's absence or disability. The city council shall elect from among its members one
79 councillor to sit as a nonvoting member of the school committee; this member shall serve at the
80 pleasure of the city council.

81

82 Section 2-3. General powers and duties.

83 Except as otherwise provided by law or by this Charter, all powers of the city shall be
84 vested in the city council that shall provide for their exercise and for the performance of all
85 duties and obligations imposed on the city by law.

86

87 Section 2-4. Filling of vacancies.

88 If a vacancy occurs in the office of a city councillor, whether by failure to elect or
89 otherwise, the remaining councillors shall, not more than 30 days after the date on which that
90 vacancy is declared to exist, act to fill the vacancy. The city council shall fill the vacancy for the
91 remainder of the unexpired term by choosing the defeated candidate for that seat from the last

92 regular city election; provided, however, that the defeated candidate shall have received not less
93 than 30 per cent of the total ballots cast for the seat being vacated. For the purpose of this
94 section, the 30 per cent minimum threshold shall be calculated as a ratio of ballots cast for the
95 office being vacated to votes obtained by the defeated candidate. If there was no other candidate
96 for the office or if the defeated candidate did not receive at least 30 per cent of the total ballots
97 cast, the city council shall at its discretion choose an individual, who may be the defeated
98 candidate, from among the voters entitled to vote for that office to serve for the remainder of the
99 unexpired term. A person so chosen shall take the oath of office and commence to serve
100 forthwith. No vacancy shall be filled in the manner provided in this section if a regular city
101 election is to be held not more than 180 days after the date the vacancy is declared to exist. In an
102 election held to elect a candidate to a seat that is vacant at the time of the election, the candidate
103 deemed the winner of that election shall be sworn in to serve the remainder of the term
104 previously vacated at the first regularly scheduled city council meeting after the date the election
105 results are officially certified.

106 Section 2-5. Exercise of powers; quorum; rules of procedure.

107 (a) Exercise of powers. Except as otherwise provided by the laws of the
108 commonwealth or this Charter, the legislative powers of the city council may be exercised in a
109 manner determined by it.

110 (b) Quorum. A quorum shall be a majority of the full city council. The affirmative
111 vote of a majority of the full city council shall be necessary to adopt any appropriation order. An
112 affirmative vote of two-thirds of the full city council shall be necessary to adopt any loan

113 authorization. Except as otherwise provided by the laws of the commonwealth or this Charter,
114 any other motion or measure may be adopted by a majority vote of those present.

115 (c) Rules of procedure. The city council shall from time to time adopt rules for its
116 proceedings. Regular meetings of the city council shall be held at a time and place fixed by
117 ordinance, but shall be not less frequent than once monthly; provided, however, that the city
118 council president may suspend meetings during the months of July and August. Special meetings
119 of the city council may be held on the call of the president of the city council, or on the call of
120 any five or more members; by written notice delivered to the city clerk at least 48 hours in
121 advance of the time set. Except as otherwise authorized by the laws of the commonwealth, all
122 sessions of the city council shall be open to the public and the agenda of any regular or special
123 city council meeting shall be available to the public in the office of the city clerk and posted on
124 the city bulletin board at least 48 hours prior to any such meeting. Such posting shall not
125 preclude the city council from the introduction of additional agenda items as allowed by the city
126 council's rules of procedure. Every matter coming before the city council for action shall be put
127 to a vote, the result of which shall be duly recorded. All city council votes on ordinances,
128 appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly
129 recorded. A full, accurate, and up-to-date record of the proceedings of the city council shall be
130 kept by the clerk of the city council and shall be open to inspection by the public.

131 (d) Public comment. Regular meetings of the city council shall provide for a period of
132 public comment; provided, however, the city council may regulate such period of public
133 comment and method of city council response as deemed appropriate.

134 Section 2-6. City council staff.

135 The city council shall appoint a clerk to the city council and may employ such staff and
136 retain such assistance as is necessary to conduct the business of the city council. The city council
137 shall establish the compensation of such staff.

138 Section 2-7. Measures; emergency measures; objection; publication of measures.

139 (a) In general. No ordinance, appropriation or loan authorization shall be passed
140 finally on the date on which it is introduced, except in cases of emergency measures involving
141 the health or safety of the people or their property. Except as otherwise provided by this Charter,
142 every adopted measure shall become effective at the expiration of 14 days after adoption or at
143 any later date specified therein. Measures not subject to referendum shall become effective upon
144 adoption. No ordinance shall be amended or repealed, except by another ordinance adopted in
145 accordance with this Charter, or as provided in the initiative and referendum procedures.

146 (b) Emergency measures. An emergency measure shall be introduced in the form and
147 manner prescribed for measures generally except that it shall be plainly designated as an
148 emergency measure and shall contain statements after the enacting clause declaring that an
149 emergency exists and describing its scope and nature in clear and specific terms. A preamble that
150 declares and defines the emergency shall be separately voted on and shall require the affirmative
151 vote of two-thirds of the city council. An emergency measure may be passed with or without
152 amendment or rejected at the meeting at which it is introduced. No measure making a grant,
153 renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be
154 passed as an emergency measure, and except as provided by the laws of the commonwealth, no
155 such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption,

156 an emergency measure shall be published as prescribed for other adopted measures. An
157 emergency measure shall become effective upon adoption or at such later time as it may specify.

158 (c) Objection. On the first occasion that the question on adoption of a measure is put
159 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 members
161 shall object, such postponement shall be until the next regular meeting; but for an emergency
162 measure at least four members must object. This procedure shall not be used more than once for
163 any measure notwithstanding any amendment to the original measure.

164 (d) Publication of measures. Upon final passage, notice of every ordinance,
165 appropriation order, or loan authorization shall be published by the city clerk in at least one
166 newspaper of general circulation within the city within 14 days, and posted on the city bulletin
167 board. Any such publication notice required shall state the summary of the finally enacted
168 ordinance or ordinances, appropriation order, or loan authorization, and the times and places at
169 which copies of such measures may be obtained or reviewed by the public.

170 Section 2-8. Inquires and investigations.

171 The city council shall have the authority to require any officer, employee or member of a
172 multiple-member body to appear and give such information as required in relation to the function
173 and performance of the office or position held by such person. The city council shall give at least
174 48 hours written notice of the general scope of the inquiry which is to be made to any person it
175 shall require to appear before it under this section.

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

179 Section 2-9. Prohibitions.

180 No councillor shall, while a member of the city council, hold any other office, including
181 membership on a multiple-member body, or other position under the city. No former councillor
182 shall hold any compensated appointive office or employment under the city until one year after
183 the expiration of the councillor's service on the city council. This provision shall not prevent a
184 city officer or employee who has been granted a leave of absence from such duties in order to
185 serve as a member of the city council from returning to such office or employment following
186 service as a member of the city council.

187 Any person who has been finally convicted of a state or federal felony shall not be
188 eligible to petition for or serve in any elective or appointive office or position under the city. Any
189 councillor who has been finally convicted of a state or federal felony shall be deemed to have
190 vacated said office and shall be disqualified from serving in any other elective or appointive
191 office or position under the city.

192 Section 2-10. Compensation.

193 The city council shall by ordinance, establish an annual salary for its members. Except as
194 provided by this section, members of the city council shall receive no other compensation or
195 benefits from the city. Members of the city council shall be eligible for membership in the
196 retirement system.

197 No ordinance increasing such salary shall be effective, however, unless it shall have been
198 adopted by a two-thirds vote of the full city council during the first 18 months of the term for
199 which councillors are elected, and the revised salary schedule is to be effective upon the
200 commencement of the terms of office of the next city council to be elected.

201 Section 2-11. Relationship of the city manager and the city council.

202 The city manager shall be the primary officer responsible for the implementation of city
203 council policy, as reflected by the city council's votes and resolutions, enactment of ordinances,
204 appropriation orders and loan authorizations.

205 Except as may be otherwise authorized by this Charter, no member of the city council,
206 nor any committee of the city council, shall directly involve themselves in the conduct of the
207 administrative business of the city.

208

209 PART III. SCHOOL COMMITTEE

210 Section 3-1. Composition; eligibility: election and term; powers and duties.

211 (a) Composition. There shall be a school committee composed of nine members. One
212 member, to be known as the at-large school committee member, shall be nominated and elected
213 by and from the voters at large. Eight members, to be known as district school committee
214 members, shall be nominated and elected by and from the voters of each district, one such
215 member to be elected from each of the eight districts into which the city is divided in accordance
216 with section 7-4. The School committee shall elect from among its members one member to sit

217 as a nonvoting member of the city council; this member shall serve at the pleasure of the school
218 committee.

219 (b) Eligibility. Except as otherwise provided by this Charter, any voter shall be
220 eligible to hold the office of at-large school committee member, and a district school committee
221 member shall be a voter and resident of the district from which the school committee member is
222 elected. An at-large school committee member who shall remove from the city during the term
223 for which such school committee member was elected shall be deemed to have vacated the office
224 of at-large school committee member and the office shall be considered vacant. A district school
225 committee member who shall remove from the district during the term of office for which such
226 district school committee member was elected shall be deemed to have vacated the office of
227 district school committee member and the office shall be considered vacant. Any vacancy in the
228 office of at-large school committee member or district school committee member shall be filled
229 in accordance with section 3-2.

230 (c) Election and term. The term of office of school committee members shall be for
231 two years beginning on the first city business day of January in the year following election, and
232 continuing until their successors are qualified.

233 (d) Powers and duties. The school committee shall have all the powers and duties
234 given to school committees by the laws of the commonwealth. The school committee shall have
235 general charge of the public schools of the city. The school committee shall have the power to
236 select and to terminate a superintendent of schools, establish educational goals and policies for
237 the schools consistent with the requirements of the laws of the commonwealth and standards
238 established by the commonwealth.

239 Section 3-2. Filling vacancies.

240 If a vacancy occurs in the membership of the school committee whether by failure to
241 elect or otherwise, the president of the city council shall, not more than 30 days after the date on
242 which that vacancy is declared to exist, call a joint meeting of the city council and the school
243 committee to act to fill the vacancy. At the joint meeting, a majority of those present and voting
244 shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate
245 for the seat at the last regular city election; provided, however, that the defeated candidate shall
246 have received not less than 20 per cent of the ballots cast for the seat being vacated. For the
247 purpose of this section, the 20 per cent minimum threshold shall be calculated as a ratio of
248 ballots cast for the office being vacated to votes obtained by the defeated candidate. If there was
249 no other candidate for the office or the defeated candidate did not receive at least 20 per cent of
250 the total ballots cast, the city council and the school committee shall at their discretion choose an
251 individual, who may be the defeated candidate, from among the voters entitled to vote for that
252 office for the remainder of the unexpired term. A person so chosen shall take the oath of office
253 and commence to serve forthwith. No vacancy shall be filled in the manner provided in this
254 section if a regular city election is to be held not more than 180 days after the date the vacancy is
255 declared to exist. In an election being held to elect a candidate to a seat that is vacant at the time
256 of the election, the candidate deemed the winner of the election to that seat shall be sworn in to
257 serve the remainder of the term previously vacated at the first regularly scheduled school
258 committee meeting after the date the election results are officially certified.

259 Section 3-3. Prohibitions.

260 No school committee member shall, while a member of the school committee, hold any
261 other office, including membership on a multiple-member body, or position under the city. No
262 former school committee member shall hold any compensated appointive office or employment
263 under the city until one year after the expiration of service on the school committee. This
264 provision shall not prevent an officer or employee who has taken a leave of absence from such
265 duties in order to serve as a member of the school committee from returning to such office or
266 employment following service as a member of the school committee.

267 Any person who has been finally convicted of a state or federal felony shall not be
268 eligible to petition for or serve in any elective or appointive office or position under the city. Any
269 school committee member who has been finally convicted of a state or federal felony shall be
270 deemed to have vacated said office and shall be disqualified from serving in any other elective or
271 appointive office or position under the city.

272 Section 3-4. Compensation.

273 The school committee shall by vote establish an annual salary for its members. Except as
274 provided by this section, members of the school committee shall receive no other compensation
275 or benefits from the city. School committee members shall be eligible for membership in the
276 retirement system.

277 No vote increasing such salary shall be effective however, unless it shall have been
278 adopted by a two-thirds vote of the full school committee during the first 18 months of the term
279 for which school committee members are elected, and the revised salary schedule, as approved
280 by the city council during budget hearing, is to be effective upon the commencement of the terms
281 of office of the next school committee to be elected.

282 PART IV. CITY MANAGER

283 Section 4-1. Appointment; qualifications.

284 The city council shall appoint and may remove by an affirmative vote of seven members
285 the city manager. The city manager shall be a person of proven administrative ability, especially
286 qualified by education and training with at least five years prior experience as a city or town
287 manager, or an assistant city or town manager or the equivalent public or private sector level
288 experience, and shall hold a bachelors degree or similar or higher level degree from a
289 recognized, accredited college or university. The city council may from time to time establish
290 such additional qualifications as deemed necessary and appropriate.

291 The city council shall enter into an employment agreement with the city manager. Said
292 employment agreement and any renewals of said employment agreement shall be for a period of
293 at least two years.

294 The city manager shall devote full time to the duties of the office and shall not hold any
295 other elective or appointive office, nor shall the city manager engage in any other business unless
296 such action is approved in advance in writing by the city council.

297 The city manager need not be a resident of the city or of the commonwealth at the time of
298 appointment.

299 Section 4-2. Powers of appointment.

300 Except as otherwise provided by this Charter, the city manager shall appoint, based upon
301 merit and fitness alone, all officers and employees for whom no other method of selection is
302 provided in this Charter, except for employees of the school department.

303 The city manager shall appoint all members of multiple-member bodies provided,
304 however, that appointments made by the city manager shall become effective on the thirtieth day
305 after the day on which notice of the proposed appointment is filed with the city council, unless
306 the city council votes, within that period, by majority of the full city council to reject the
307 appointment or unless the city council has sooner voted to affirm it. If the notice of appointment
308 is filed after the city council has recessed for longer than 30 days, the appointment, if not acted
309 upon, shall become effective the day after the next scheduled city council meeting; provided
310 however, that the city manager may make a temporary appointment if the city manager
311 determines that the position shall be filled to assure continuity of services or effective and
312 prompt response to the city's emergency needs.

313 Section 4-3. Administrative powers and duties.

314 The city manager shall be the chief administrative officer of the city and shall be
315 responsible to the city council for the proper operation of city affairs for which the city manager
316 is given responsibility under this Charter. The powers, duties and responsibilities of the city
317 manager shall include, but are not intended to be limited to, the following:

318 (a) To supervise, direct and be responsible for the efficient administration of all
319 officers and employees appointed by the city manager and their respective departments and of all
320 functions for which the city manager is given responsibility, authority or control by this Charter,
321 by ordinance, or by vote of the city council;

322 (b) To administer either directly or through a person or persons supervised by the city
323 manager, in accordance with this Charter, all provisions of general or special laws applicable to
324 the city, all ordinances, and all regulations established by the city council;

- 325 (c) To coordinate all activities of city departments or agencies;
- 326 (d) To attend all regular and special meetings of the city council, unless excused, and
327 to answer all questions addressed to the city manager which are related to matters under the
328 general supervision of the city manager;
- 329 (e) To keep the city council fully informed as to the needs of the city, and to
330 recommend to the city council for adoption such measures requiring action by them as the city
331 manager deems necessary or expedient;
- 332 (f) To ensure that complete and full records of the financial and administrative
333 activity of the city are maintained and to render reports to the city council as may be required or
334 requested;
- 335 (g) To be responsible for the rental, use, maintenance and repair of all city facilities,
336 except those under the jurisdiction of the school committee. Rental agreements of more than five
337 years in duration shall be subject to the approval of the city council;
- 338 (h) To act as the chief procurement officer and be responsible for the purchase of all
339 supplies, materials, and equipment. The city manager may delegate this function to some other
340 officer or employee as deemed necessary;
- 341 (i) To prepare and maintain a full and complete inventory of all city owned real and
342 personal property;
- 343 (j) To administer personnel policies, practices, or rules and regulations, any
344 compensation plan and any related matters for all city officers and employees and to administer

345 all collective bargaining agreements, except for school department agreements, entered into by
346 the city;

347 (k) To fix the compensation of all city officers and employees appointed by the city
348 manager within the limits established by appropriation and any applicable compensation plan or
349 collective bargaining agreement;

350 (l) To be responsible for the negotiation of all collective bargaining agreements with
351 city employees over wages, and other terms and conditions of employment. The city manager
352 may employ special counsel to assist in the performance of these duties. Cost items of collective
353 bargaining agreements shall be subject to the approval of the city council;

354 (m) To prepare and submit an annual operating budget, capital improvement program
355 and a long term financial forecast;

356 (n) To keep the city council fully informed as to the financial condition of the city
357 and to make recommendations to the city council as the city manager determines necessary or
358 expedient;

359 (o) To inquire into the affairs of all city department, agency or office;

360 (p) To delegate, authorize or direct any subordinate officer or employee of the city to
361 exercise any power, duty or responsibility which the office of city manager is authorized to
362 exercise, provided that all acts that are performed under such delegation shall be considered to be
363 the acts of the city manager;

364 (q) To perform such other duties as necessary or as may be assigned by this Charter,
365 by ordinance, or by vote of the city council.

366 Section 4-4. Compensation.

367 The city manager shall receive such compensation for services as the city council shall
368 determine, but such compensation shall be within the limits of available appropriations.

369 Section 4-5. Vacancy in office.

370 Any vacancy in the office of city manager shall be filled as soon as possible by the city
371 council. Pending appointment of the city manager or the filling of any vacancy, the city council
372 shall forthwith appoint some other person to perform the duties of the city manager. The
373 appointment of the acting city manager shall be for a term not to exceed three months; provided,
374 however, that a renewal, not to exceed an additional three months may be provided.

375 Section 4-6. Temporary absence.

376 The city manager shall designate by letter filed with the city council and city clerk a
377 qualified officer or employee of the city to perform the duties of the city manager during a
378 temporary absence or disability, such officer or employee to be approved by vote of the city
379 council. In the event of failure of the city manager to make such designation or if the officer or
380 employee so designated is for any reason unable to serve, the city council may designate some
381 other qualified officer or employee to perform the duties of the city manager until the city
382 manager shall return.

383 Section 4-7. Powers of the acting or temporary city manager.

384 The powers of the acting city manager under section 4-5 and the temporary city manager
385 under section 4-6 shall be limited to matters not admitting of delay; provided, however, that no

386 temporary city manager under section 4-6 shall have the power to make any permanent
387 appointment to, or removal from, any office or position under the city.

388 Section 4-8. Annual review of the city manager.

389 Annually the city council shall prepare and deliver to the city manager a written
390 evaluation of the city manager's performance. The President of the Chelsea City Council shall
391 annually appoint a committee to perform the city manager's evaluation.

392 The city council shall publish on the internet and at least one newspaper of general
393 circulation in the city a notice stating the date and time of the city council meeting when the city
394 manager's annual review shall be scheduled. Such notice shall appear at least 14 days before said
395 meeting.

396 PART V. FINANCIAL PROCEDURES

397 Section 5-1. Annual budget policy.

398 The president of the city council shall call a joint meeting of the city council and school
399 committee prior to the commencement of the budget process to review the financial condition of
400 the city, revenue and expenditure forecasts, and other relevant information prepared by the city
401 manager in order to develop a coordinated budget. The superintendent of schools and the city
402 manager shall be present at any such meeting.

403 Section 5-2. Submission of operating budget; budget message.

404 At least 60 days before the commencement of the ensuing fiscal year, the city manager
405 shall submit to the city council a proposed operating budget for all city agencies, which shall
406 include the school department, for the ensuing fiscal year with an accompanying budget message

407 and supporting documents. The budget message submitted by the city manager shall explain the
408 operating budget in fiscal terms and in terms of work programs for all city agencies. It shall
409 outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important
410 features of the proposed operating budget and indicate any major variations from the current
411 operating budget, fiscal policies, revenues and expenditures together with reasons for such
412 change. The proposed operating budget shall provide a complete fiscal plan of all city funds and
413 activities and shall be what the city manager deems desirable.

414 The school budget as adopted by the school committee shall be submitted to the city
415 manager at least 30 days prior to the submission of the proposed operating budget to the city
416 council. The city manager shall notify the school committee of the date by which the budget of
417 the school committee shall be submitted to the city manager. The city manager and the
418 superintendent of schools shall coordinate the dates and times of the school committee's budget
419 process in accordance with the laws of the commonwealth.

420 Section 5-3. Action on the operating budget.

421 (a) Public hearing. The city council shall publish on the internet and in at least one
422 newspaper of general circulation in the city a summary of the proposed operating budget as
423 submitted by the city manager by a notice stating:

424 (1) The times and places where copies of the entire proposed operating budget are
425 available for inspection by the public; and

426 (2) The date, time and place not less than 14 days after such publication when a
427 public hearing on said proposed operating budget will be held by the city council. For the
428 purpose of this section the summary of the proposed operating budget that is required to be

429 published shall contain proposed appropriations, funding sources and any narrative summary
430 deemed necessary by the city council.

431 (b) Adoption of the budget. The city council shall adopt the operating budget, with or
432 without amendments, within 45 days following the date the budget is filed with the clerk of the
433 city council. In amending the operating budget, the city council may delete or decrease any
434 amounts except expenditures required by law, but except on the recommendation of the city
435 manager, the city council shall not increase any item in, or the total of, the proposed operating
436 budget, unless otherwise authorized by the laws of the commonwealth.

437 If the city council fails to take action with respect to any item in the operating budget
438 within 45 days after receipt of the budget, such amount shall, without any action by the city
439 council, become a part of the appropriations for the year, and be available for the purposes
440 specified.

441 Section 5-4. Capital improvements program.

442 (a) Preparation. The city manager shall annually submit a capital improvements
443 program to the city council at least 90 days prior to the date for submission of the operating
444 budget, unless some other time is provided by ordinance.

445 (b) Contents. The capital improvements program shall include:

446 (1) A clear summary of its contents;

447 (2) An itemization of all capital improvements, including those of the school
448 department, proposed to be undertaken during the next five or more fiscal years with supporting
449 data;

450 (3) Cost estimates, method of financing, and recommended time schedules; and
451 (4) The estimated annual cost of operating and maintaining the facilities included.
452 (c) Public hearing. The city council shall publish on the internet and in at least one
453 newspaper of general circulation in the city a summary of the capital improvements program and
454 a notice stating:

455 (1) The times and places where entire copies of the capital improvements program are
456 available for inspection by the public; and

457 (2) The date, time and place not less than 14 days after such publication, when a public
458 hearing on said plan will be held by the city council.

459 (d) Adoption. At any time after the public hearing but before the first day of the last
460 month of the current fiscal year, the city council shall by resolution adopt the capital
461 improvements program with or without amendment, provided that each amendment must be
462 voted separately and that any increase in the capital improvements program as submitted must
463 clearly identify the method of financing proposed to accomplish such increase.

464 Section 5-5. Long-term financial forecast.

465 The city manager shall annually prepare a long-term financial forecast of city revenue,
466 expenditures and the general financial condition of the city. The forecast shall include, but not be
467 limited to, an identification of factors which will impact on the financial condition of the city,
468 revenue and expenditure trends, potential sources of new or expanded revenues and any long or
469 short term actions that may be taken to enhance the financial condition of the city. The forecast
470 shall be submitted to the city council and shall be available to the public for inspection.

471 Section 5-6. Annual audit.

472 The city council shall provide for an annual audit of the books and accounts of the city to
473 be made by a certified public accountant, or firm of certified public accountants, who have no
474 personal interest, direct or indirect, in the fiscal affairs of the city government or any of its
475 agencies.

476 The city council shall publish on the internet and in at least one newspaper of general
477 circulation in the city a notice stating the availability of the final audit report for public
478 inspection.

479 PART VI. ADMINISTRATIVE ORGANIZATION

480 Section 6-1. Organization of city agencies.

481 (a) Methods of organization. The organization of city government into operating
482 agencies for the provision of services and the administration of government shall be the
483 responsibility of the city manager. Subject only to the express prohibitions by law or this
484 Charter, the city manager may, by administrative order, reorganize, consolidate, create, merge,
485 divide or abolish a city department or agency, in whole or in part, establish a new city agency as
486 the city manager deems necessary or advisable, and prescribe the functions and the
487 administrative procedures to be followed by all such agencies.

488 Administrative orders made by the city manager shall become effective on the thirtieth
489 day after the day on which notice of the proposed administrative order is filed with the city
490 council, unless the city council votes, within that period, by a majority of the full city council, to
491 reject the administrative order or unless the city council has sooner voted to affirm it. If the

492 notice of proposed administrative order is filed after the city council has recessed for longer than
493 30 days, the order shall become effective, if not acted upon, the day after the next scheduled city
494 council meeting.

495 (b) Publication of administrative code. For the convenience of the public, the
496 administrative orders establishing the nature of the city organization and any amendments thereto
497 shall be printed as an appendix to, but not be an integral part of, the ordinances of the City of
498 Chelsea.

499 Section 6-2. Licensing commission.

500 (a) (a) Establishment; composition of commission. Until such time as provided
501 by paragraph (a) of section 6-1, there shall be a licensing commission which shall consist of four
502 residents of the city and the director of inspectional services. One resident member shall serve as
503 chair. The four resident members shall be appointed in accordance with section 4-2.

504 (b) Powers and duties. Except as otherwise provided by this Charter, the licensing
505 commission shall act as the licensing authority for the city with all power to grant, suspend or
506 revoke licenses and permits for intoxicating liquors, and all licenses and permits now or hereafter
507 vested by law in the mayors and city councils of cities of the commonwealth.

508 Section 6-3. Traffic and parking commission.

509 (a) Establishment and composition of commission. Until such time as provided
510 otherwise pursuant to paragraph (a) of section 6-1, there shall be a traffic and parking
511 commission which shall consist of the police chief, who shall serve as chairperson, the fire chief,
512 the director of public works, the director of housing and community development, or their

513 designees, and 3 resident members appointed in accordance with section 4-2. The officer or
514 employee appointed as parking clerk shall serve as clerk to the traffic and parking commission.

515 (b) Powers and duties. The traffic and parking commission shall have exclusive
516 authority, except as otherwise provided by this Charter, to adopt, amend, alter and repeal rules
517 and regulations, consistent with the General Laws, relative to vehicular traffic in the city and
518 relative to the movement, stopping or standing of vehicles on, and their exclusion from, streets,
519 ways, highways, roads and parkways under the control of the city. The commission's authority
520 shall extend to rules and regulations designating a way or part of a way under the city's control as
521 a through way pursuant to section 9 of chapter 89 of the General Laws and to prescribing
522 penalties for a violation of a rule or regulation adopted pursuant to this section.

523 All rules and regulations promulgated by authorized vote of the traffic and parking
524 commission, except temporary or emergency rules and regulations promulgated for less than 30
525 days, shall become effective on the thirtieth day after the day on which notice of the proposed
526 rule or regulation is filed with the city council, unless the city council votes within that period by
527 majority of the full city council to reject the rule or regulation or unless the city council sooner
528 votes to affirm it. If the notice of proposed rule or regulation is filed after the city council has
529 recessed for longer than 30 days, then the rule or regulation, if not acted upon, shall become
530 effective the day after the next scheduled city council meeting; provided, however, that the
531 traffic and parking commission may make a temporary rule or regulation if the commission
532 determines that the position shall be filled in order to assure continuity of services or effective
533 and prompt response to the city's emergency needs.

534 Ten residents of the city, who are not less than 18 years of age, may petition the traffic
535 and parking commission relating to a rule or regulation adopted or proposed to be adopted
536 provided the rule or regulation has not been in effect for 90 days or less. The traffic and parking
537 commission shall hold a public hearing on the petition not more than 30 days after its filing with
538 the traffic and parking commission.

539 If a public hearing shall be held on a proposed rule or regulation, the proposed rule or
540 regulation shall not be adopted until the public hearing has been concluded. After the public
541 hearing has been held, any vote on the subject matter shall be passed by a majority of the full
542 membership of the traffic and parking commission.

543 All rules and regulations adopted after a public hearing shall be published via internet and
544 in a newspaper of general circulation in the city.

545 Section 6-4. Personnel administration.

546 The city manager shall adopt rules and regulations establishing a personnel system. The
547 personnel system shall make use of current concepts of personnel management and may include,
548 but not be limited to, the following elements: a method of administration; personnel policies
549 indicating the rights, obligations and benefits of employees; a classification plan; a compensation
550 plan; a method of recruiting and selecting employees based upon merit principles; a centralized
551 record keeping system; a performance evaluation system; disciplinary procedures; and other
552 elements that are determined necessary.

553 The city manager may establish procedures for the selection of department heads,
554 including but not limited to, the establishment of selection or screening committees; provided,
555 however, that the provisions of section 4-2 of this Charter are followed.

556 Unless otherwise provided by this Charter, all city agencies and positions shall be subject
557 to the rules and regulations adopted under this section excluding those of the school department.
558 Personnel rules and regulations shall be made available to the city council.

559 PART VII. NOMINATIONS AND ELECTIONS

560 Section 7-1. City elections; preliminary and general.

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

563 On the sixth Tuesday preceding every regular city election, there shall be held a
564 preliminary election for the purpose of nominating candidates.

565 The City shall make available to registered voters the ability to vote early in person
566 weekdays during the preceding week and second Saturday preceding the regular city election
567 held in November.

568 Section 7-2. Preliminary elections.

569 (a) Signature requirements. The number of signatures of voters required to place the
570 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:

571 For the office of councillor-at-large the signature requirement shall be not less than 50.
572 For the office of at-large school committee member, the signature requirement shall be not less
573 than 50. For the office of district councillor the signature requirement shall be not less than 50.
574 For the office of district school committee member the signature requirement shall be not less
575 than 50.

576 (b) Ballot position. The order in which names of candidates appear on the ballot for
577 each office shall be determined by a drawing by lot conducted by the city clerk in the presence of
578 such candidates or their representatives as may choose to attend such drawings. The city clerk
579 shall provide notice to candidates of their ballot position.

580 (c) Determination of candidates for election. The two persons receiving at a
581 preliminary election the highest number of votes for nomination for an office shall be the sole
582 candidates for that office whose names may be printed in the official ballot to be used at the
583 regular election at which such office is to be filled, and no acceptance of a nomination at a
584 preliminary election shall be necessary to assure its validity.

585 If two or more persons are to be elected to the same office at such regular election, the
586 several persons in number equal to twice the number to be so elected receiving at such
587 preliminary election the highest number of votes for nomination for that office shall be the sole
588 candidates for that office whose names may be printed on the official ballot.

589 If the preliminary election results in a tie vote among candidates for nomination receiving
590 the lowest number of votes, which but for said tie vote would entitle a candidate receiving the
591 same to have such candidate's name printed upon the official ballot for the election, all
592 candidates participating in said tie vote shall have their names printed upon the official ballot,
593 although in consequence thereof, there be printed on such ballots the names of candidates
594 exceeding twice the number to be elected.

595 (d) Nomination of candidates. If at the expiration of the time for filing petitions of
596 candidates to be voted for at any preliminary election, not more than twice as many such
597 petitions have been filed with the city clerk for an office as are to be elected to such office, the

598 candidates whose petitions have thus been filed shall be deemed to have been nominated to said
599 office and their names shall be voted on for such office at the succeeding regular election, and
600 the city clerk shall not print said names upon the ballot to be used at said preliminary election
601 and no other nomination to said office shall be made.

602 Section 7-3. General elections.

603 (a) Information to voters. If the candidate in a regular city election is an incumbent of
604 the office to which the candidate seeks election, against the candidate's name shall appear the
605 phrase "candidate for re-election."

606 (b) Ballot position. The order in which names of candidates appear on the ballot for
607 each office in a regular city election shall be determined by a drawing by lot conducted by the
608 city clerk in the presence of such candidates or their representatives as may choose to attend. The
609 city clerk shall provide notice to candidates of their ballot position.

610 Section 7-4. Districts.

611 The territory of the city shall be divided into districts so established as to consist of as
612 nearly equal a number of inhabitants as it is possible in compact and contiguous territory;
613 bounded insofar as possible by the center line of known streets or ways or by other well-defined
614 limits.

615 Section 7-5. Application of state law.

616 Except as expressly provided in this Charter and authorized by laws of the
617 commonwealth, all city elections shall be governed by the laws of the commonwealth relating to
618 the right to vote, the registration of voters, the nomination of candidates, the conduct of

619 preliminary and regular elections, the submission of Charter amendments and other propositions,
620 the counting of votes and the declaration of results.

621 PART VIII. CITIZEN PARTICIPATION MECHANISMS

622 Section 8-1. Free petition.

623 The city council or the school committee shall hold a public hearing and act with respect
624 to every petition which is addressed to it, which is signed by 150 voters or more, and which
625 seeks the passage of a measure. The hearing shall be held by the city council or the school
626 committee, or, in either case, by a committee or subcommittee thereof, and the action by the city
627 council or the school committee shall be taken not later than six weeks after the petition is filed
628 with the clerk of the city council or the secretary of the school committee, as may be appropriate.
629 Hearings on two or more petitions filed under this section may be held at the same time and
630 place. The clerk of the city council or the secretary of the school committee shall mail notice of
631 the hearing to the ten persons whose names appear first on the petition at least seven days prior
632 to the hearing. Notice, by publication, of all such hearings shall be at public expense.

633 Section 8-2. Citizen initiative measures.

634 (a) Commencement of proceedings. Initiative procedures shall be commenced by the
635 filing of an initiative petition with the city clerk. The petition shall be addressed to the city
636 council or the school committee, shall contain a request for passage of a particular measure set
637 forth in the petition and shall be signed by not less than 20 percent of the total number of voters.

638 Signatures to initiative petitions need not be all on one paper. All such papers pertaining
639 to any one measure shall be fastened together and shall be filed in the office of the city clerk as

640 one instrument, with the endorsement thereon of the names and addresses of the persons
641 designated as filing the same. With each signature to the petition shall be stated the place of
642 residence of the signer, giving the street and number, if any.

643 Within ten days of the filing of said petition the registrars of voters shall ascertain by
644 what number of voters the petition is signed, and shall attach thereto their certificate showing the
645 result of such examination.

646 The city clerk shall forthwith transmit the said certificate with the said petition to the city
647 council or to the school committee, as appropriate, and at the same time shall send a copy of said
648 certificate to the persons designated on the petition as filing the same.

649 When such certificate has been so transmitted, said petition shall be deemed to be valid
650 unless written objections are made with regard to the signatures thereon by a voter within 48
651 hours after such certification by filing such objections with the city council or the school
652 committee, and a copy thereof with the registrars of voters. Any such objection shall be
653 determined forthwith.

654 (b) Referral to city solicitor. If the city clerk determines that a sufficient number of
655 signers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.

656 Within 15 days after receipt by the city solicitor of the petition the city solicitor shall
657 advise the city clerk in writing whether the measure may be proposed by initiative procedures,
658 and whether it may be lawfully passed by the city council or the school committee. If the opinion
659 of the city solicitor is that the measure may not lawfully be passed, the city solicitor shall state
660 the reason or reasons therefor in said reply. The city clerk shall forthwith furnish a copy of the
661 city solicitor's opinion to the person designated on the petition as filing the same.

662 (c) Initiative petition; requirements for passage and submission to electorate. If any
663 initiative petition is signed by voters equal in number to at least 20 percent of the total number of
664 voters, and in the opinion of the city solicitor, such measure may be lawfully passed by the city
665 council or school committee, the city council or school committee within 30 days after the date
666 of the certificate of the registrars to that effect:

667 (1) May pass said measure without alteration, subject to the referendum vote
668 provided in this Charter; or

669 (2) The city council shall call a special election to be held at a date fixed by it not less
670 than 60 days after the date of the certificate herein mentioned, and shall submit the proposed
671 measure without alteration to a vote of the voters at that election; provided, however, that if any
672 city election is otherwise to occur within 120 days after the date of said certificate, the city
673 council may, at its discretion, omit the calling of a special election and submit the proposed
674 measure to the voters at such approaching election.

675 The ballots used when voting upon a proposed measure under this section shall state the
676 nature of the measure in terms sufficient to show the substance thereof.

677 (d) Ballot question. The ballots used when voting upon a proposed measure under
678 this section shall state the nature of the measure in terms sufficient to show the substance thereof
679 by preparation of a fair, concise summary by the city solicitor and approved by the registrars of
680 voters.

681 The full text of the measure shall be published in a least one newspaper of general
682 circulation in the city at least seven days before the election at which the question shall appear on
683 the ballot.

684 The ballot used when voting upon a proposed measure under this section shall contain the
685 question in substantially the following form:

686 Shall the following measure which was proposed by an initiative petition take effect?

687 (Text of measure summary)

688 YES _____ NO _____

689 If a majority of the votes cast on the question is in the affirmative the measure shall be
690 deemed to be effective forthwith, unless a later date is specified in the measure.

691 Section 8-3. Citizen referendum procedures.

692 If within ten days after the final passage of any measure a petition signed by voters equal
693 in number to at least five percent of the total number of voters, and addressed to the city council
694 or to the school committee, as the case may be, protesting against such measure or any part
695 thereof taking effect, is filed with the city clerk, the same shall thereupon and thereby be
696 suspended from taking effect; and the city council or the school committee, as the case may be,
697 shall immediately reconsider such measure or part thereof; and if such measure or part thereof is
698 not entirely rescinded, the city council shall submit the same, by the method herein provided, to a
699 vote of the voters either at the next regular city election, or at a special election which may, in its
700 discretion, be called for the purpose and such measure or part thereof shall forthwith become null
701 and void unless a majority of the voters voting on the same at such election vote in favor thereof.
702 The petition described in this section shall be termed a referendum petition and paragraph (a) of
703 section 8-2 shall apply to the procedure in respect thereto, except that the words "measure or part
704 thereof protested against" shall for this purpose be understood to replace "measure" in said

705 section whenever it may occur, and "referendum" shall be understood to replace the word
706 "initiative" in said section.

707 Section 8-4. Required voter participation.

708 For any measure to be effective under initiative or referendum procedures at least 30
709 percent of the voters shall vote at an election upon which an initiative or referendum question is
710 submitted to the voters.

711 Section 8-5. Measures not subject to initiative and referendum.

712 Measures which include the following subject matter shall not be subject to initiative and
713 referendum procedures:

- 714 (a) Revenue loan orders;
- 715 (b) Appropriations for the payment of debt or debt service;
- 716 (c) Internal operational procedures of the city council and the school committee;
- 717 (d) Emergency measures;
- 718 (e) The city budget or any appropriation contained therein;
- 719 (f) The school committee budget or any appropriation contained therein;
- 720 (g) The capital improvements program or any item contained therein;
- 721 (h) Appropriation of funds to implement a collective bargaining agreement;
- 722 (i) Procedures relating to election, appointment, removal, discharge or any other
723 personnel action; and

724 (j) Proceedings providing for the submission or referral of a measure to the voters at
725 an election.

726 Section 8-6. Submission of proposed measure to voters.

727 The city council may, of its own motion, and shall, upon request of the school committee
728 if a measure originates with that committee and pertains to the affairs under its administration,
729 submit to a vote of the voters for adoption or rejection at a general or special city election any
730 proposed measure, or a proposition for the repeal or amendment of any measure, in the same
731 manner and with the same force and effect as are hereby provided for submission on petition.

732 Section 8-7. Measures with conflicting provisions.

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

735 Section 8-8. Recall of elected officials.

736 (a) Application. Any person who holds an elected city office with more than six
737 months remaining of the term of office at the time of the filing of the affidavit may be recalled
738 from the office by the voters in the manner provided in this section. No recall petition may be
739 filed against an elected official within six months after taking office.

740 (b) Recall petitions. A recall affidavit signed by at least 300 for any official elected at
741 large and by at least 100 for any officer elected by district may be filed with the city clerk
742 containing the name of the office whose recall is sought and a statement of the grounds for recall.
743 The board of registrars of voters shall certify such petitions with regard to the sufficiency and
744 validity of the signatures of voters and within five working days following such filing the city

745 clerk shall deliver to the ten persons first named on such petitions, petition blanks demanding
746 said recall, printed forms of which the city clerk shall keep available. The blanks may be
747 completed by printing or typewriting; they shall be addressed to the city council; they shall
748 contain the names of the ten persons to whom they are issued and the grounds for the recall as
749 stated in the affidavit; they shall be dated and signed by the city clerk. A copy of the petition
750 shall be entered into the records kept in the office of the city clerk.

751 The recall petitions shall be returned to the office of the city clerk within 20 days
752 following the date they are issued, signed by at least 20 percent of the total number of persons
753 who voted at the most recent municipal election for officials elected at large, and for officials
754 elected by district, signed by at least 20 percent of the total number of persons who voted at the
755 most recent municipal election from the district the official sought to be recalled represents.

756 The city clerk shall forthwith submit the petition to the registrars of voters, and the
757 registrars shall within five working days certify thereon the names of the registered voters of the
758 city, or from the district represented by the official sought to be recalled.

759 (c) Recall election. If the petition shall be found and certified by the city clerk to be
760 sufficient, the city clerk shall submit the same with such certificate to the city council within five
761 working days, and the city council shall forthwith give written notice of the receipt of the
762 certificate to the official sought to be recalled, and shall, if the official does not resign within five
763 days thereafter, order an election to be held on a date fixed by them not less than 60 days after
764 the date of the city clerk's certificate; provided, however, that if any city election is otherwise to
765 occur within 120 days after the date of said certificate, the city council may, at its discretion,
766 omit the calling of a special election and submit the proposed recall to the voters at such

767 approaching election. The recall election for any official elected by district shall only be held in
768 the district that the official represents.

769 If a vacancy occurs in said office after a recall election has been ordered, the election
770 shall not proceed as provided in this section.

771 (d) Office holder. The incumbent shall continue to perform the duties of the office
772 until the recall election. If said incumbent is not recalled, the incumbent shall continue in office
773 for the remainder of the unexpired term subject to recall as before. If recalled, the official shall
774 be deemed removed and the office vacant. The vacancy created thereby shall be filled in
775 accordance with this Charter. Any person appointed to fill the vacancy caused by such recall
776 shall hold office for the unexpired term of the official recalled.

777 (e) Ballot question. The form of the question to be voted upon shall be substantially
778 as follows: "Shall - here insert the name and title of the elected official whose recall is sought -
779 be recalled?" If a majority of the votes cast upon the question of call is in the affirmative, such
780 elected official shall be recalled.

781 No recall election shall be effective unless at least 40 percent of those entitled to vote
782 shall have voted.

783 (f) Repeat of recall. In the case of an official subjected to a recall election and not
784 recalled thereby, no recall petition shall be filed against such an official until at least 60 days
785 after the election at which the official's recall was submitted to the voters of the city.

786 (g) Office holder recalled. No person recalled from office, or who has resigned from
787 office while recall proceedings were pending against such person, shall be appointed to any
788 office or employment under the city within two years after such recall or resignation.

789 PART IX. GENERAL PROVISIONS

790 Section 9-1. Revision or amendment of act.

791 This act may be replaced, revised or amended in accordance with any procedure made
792 available by article LXXXIX of the Amendments to the Constitution of the commonwealth and
793 any laws of the commonwealth enacted to implement said constitutional amendment.

794 Section 9-2. Rules of interpretation.

795 The following rules shall apply when interpreting the Charter:

796 (a) Specific provisions to prevail. To the extent that any specific provision of the
797 Charter shall conflict with any provision expressed in general terms, the specific provision shall
798 prevail.

799 (b) Computation of time. In computing time under this Charter, if seven days or less,
800 only business days, not including Saturdays, Sundays, or legal holidays, shall be counted; if more
801 than seven days, every day shall be counted.

802 Section 9-3. Definitions.

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

- 805 (a) "Charter," this Charter and any amendments to it made through any methods
806 provided under article LXXXIX of the amendments to the Constitution of the commonwealth.
- 807 (b) "City," the City of Chelsea.
- 808 (c) "City agency or agency," any board, commission, committee, department or office
809 of city government, whether elected, appointed or otherwise constituted.
- 810 (d) "City bulletin board," the bulletin board located outside the office of the city
811 clerk.
- 812 (e) "Emergency," a sudden, unexpected, unforeseen happening, occurrence or
813 condition which necessitates immediate action.
- 814 (f) "Majority vote," a majority of those present and voting, provided a quorum is
815 present when a vote is taken, unless a higher number is required by law, this Charter, or by the
816 city council's own rules.
- 817 (g) "Multiple-member body," any board, commission or committee, except advisory
818 bodies, appointed by the city manager.
- 819 (h) "Resident," an inhabitant of the city.
- 820 (i) "Remove from the district," a person's place of regular domicile is not within the
821 territorial limits of the district.
- 822 (j) "Remove from the city," a person's place of regular domicile is not within the
823 territorial limits of the city.

824 (k) "Voters," registered voters of the city as defined by the laws of the
825 commonwealth, including but not limited to, the residency, age, and citizenship requirements of
826 voters.

827 Section 9-4. Inspection of documents.

828 All documents cited in this Charter as available for public inspection shall be maintained
829 in the office of the city clerk and in the Chelsea Public Library. The city clerk shall provide
830 copies of documents to the Chelsea Public Library.

831 Section 9-5. Multiple-member bodies.

832 (a) Multiple-member bodies; composition; terms of office. Except as otherwise
833 provided by this Charter, all multiple-member bodies shall consist of three or more members
834 appointed for terms of three years each, so arranged that the term of one-third of the members, or
835 as nearly that number as may be possible, shall expire each year. All members of multiple-
836 member bodies shall take the oath of office within four weeks of their appointment and must take
837 the oath of office prior to entering upon the duties of their office. Unless a member of a multiple-
838 member body serves by virtue of office or employment, all members shall be residents of the
839 city. This requirement may be waived upon the recommendation of the city manager with the
840 approval of the city council.

841 (b) Method of appointment. All appointments to multiple-member bodies shall
842 become effective in accordance with section 4-2.

843 Any officials appointed to serve on multiple-member bodies may be removed from office
844 by the city manager for such cause as the city manager deems sufficient and such cause shall be

845 stated in the order of removal. A member of a multiple-member body shall be deemed to have
846 vacated office if said member fails to attend regularly scheduled meetings for a period of three
847 consecutive months without express leave from the chair of such multiple-member body or if
848 such member is absent from such duties for the period of one year notwithstanding the
849 permission from the chair to be absent. Any member of a multiple-member body shall be deemed
850 to have vacated office if such member is finally convicted of any felony and shall not be eligible
851 to serve in any other elective or appointive office or position under the city.

852 (c) Uniform procedures applicable to multiple-member bodies. In order to acquaint
853 new members of multiple-member bodies with the affairs which will come before them, the chair
854 of each such multiple-member body shall make available to each new member the minutes of the
855 meetings of the two prior years and copies of any applicable laws, rules, or regulations governing
856 such multiple-member body.

857 All multiple-member bodies shall meet regularly at such times and places as they shall
858 determine, unless some other provision is made by administrative order. Special meetings of any
859 multiple-member body shall be held on the call of the chair or by a majority of its members, by
860 written notice delivered in hand or to the place of residence of each member and which contains
861 notice of the matters to be acted upon. Except in the case of any emergency, all notices shall be
862 delivered at least 48 hours in advance of the time set for such meeting. A copy of such notice
863 shall, forthwith, be posted upon the city bulletin board.

864 Each multiple-member body shall determine its own rules of order of business unless
865 another provision is made by administrative order, and shall provide for the keeping of a journal
866 of its proceedings. Such rules and journals shall be available for public inspection.

867 If requested by any member, any vote of any multiple-member body shall be taken by a
868 call of the roll and the vote shall be recorded in the journal; provided, however, if the vote is
869 unanimous, only that fact need be recorded.

870 A majority of the members of a multiple-member body shall constitute a quorum, but a
871 smaller number may meet and adjourn from time to time.

872 (d) Notice of vacancies. Whenever a vacancy occurs on a multiple-member body,
873 whether because of death, resignation, removal from the city, removal by the city manager or the
874 pending expiration of a term for which a person has been appointed, public notice of the vacancy
875 or pending expiration of the term shall be given in the following manner: by publication in at
876 least one newspaper of general circulation in the city, by title, length of term, brief description of
877 duties and a general indication of the qualifications desired of candidates. Such notice shall also
878 state the time in which persons who desire to be considered for appointment of such offices shall
879 file a statement of interest, with whom, and shall indicate the form in which such applications
880 should be made. A copy of all such notices shall be posted on the city bulletin board and in one
881 or more public places within the city.

882 Section 9-6. Disqualification from office.

883 Any person who has been finally convicted of a state or federal felony shall not be
884 eligible to petition for or serve in any elective or appointive office or position under the city.

885 Section 9-7. Charter review.

886 In every year ending in zero the city council shall establish a Charter review committee
887 consisting of members of the city council, the school committee and residents of the city to

888 examine and review the Charter and report to the city council findings, conclusions and
889 recommendations.

890 Section 9-8. Reenactment and publication of ordinances.

891 In the year following the initial review as referenced in section 9-7, and at five-year
892 intervals thereafter, the city council shall cause to be prepared a proposed revision or
893 recodification of all city ordinances which shall be submitted to the city council for reenactment.
894 The city council shall adopt the proposed revision or recodification with or without amendment
895 prior to the expiration of the calendar year in which it is submitted to them. Such revisions or
896 recodification shall be prepared under the supervision of the city solicitor, or if the city council
897 so directs by special counsel retained for such purposes. Copies of the revised or recodified
898 ordinances shall be made available for distribution; provided, however, that a charge not to
899 exceed the actual cost per copy of reproduction may be charged.

900 In each year between such reenactments, an annual supplement shall be published in at
901 least one newspaper of general circulation in the city which shall contain all ordinances and
902 amendments to ordinances adopted in the preceding year.

903 PART X. TRANSITION PROVISIONS

904 Section 10-1. Continuation of existing laws.

905 All ordinances, resolutions, rules, regulations, and votes of the city council and all
906 administrative orders adopted by the receiver which are in force at the time this Charter is
907 adopted, not inconsistent with the provisions of this Charter, shall continue in full force until
908 amended or repealed.

909 Where provisions of this Charter conflict with provisions of city ordinances, rules,
910 regulations, orders, and special acts and acceptances of laws of the commonwealth, the
911 provisions of this Charter shall govern. All provisions of city ordinances, rules, regulations,
912 orders and administrative orders of the receiver not superseded by this Charter shall remain in
913 force.

914 Section 10-2. Continuation of obligations.

915 All official bonds, obligations, contracts and other instruments entered into or executed
916 by or to the city before the adoption of this Charter and all taxes, special assessments, fines,
917 penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and
918 collected and all writs, prosecutions, actions and causes of action, except as otherwise provided
919 in this Charter, shall continue and remain unaffected by this Charter. No legal act done by or in
920 favor of the city shall be rendered invalid by the adoption of this Charter.

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