

HOUSE No. 4285

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan D. Zlotnik

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 Gardner.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>12/4/2023</i>

HOUSE No. 4285

By Representative Zlotnik of Gardner, a petition (accompanied by bill, House, No. 4285 of Jonathan D. Zlotnik (with the approval of the mayor and city council) relative to the charter of the city of Gardner. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act amending the charter of the city of Gardner.

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. Section 4 of the charter of the City of Gardner, which is on file in the office
2 of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General
3 Laws, is hereby amended by striking out the words "He shall hold office for the term of two
4 years from the first Monday in January following his election and until his successor is elected
5 and qualified" and inserting in place thereof the following:- "The Mayor shall hold office for the
6 term of two years from the first Monday in January following the election and until a successor
7 is elected and qualified"

8 SECTION 2. Section 6 of said charter is hereby amended by striking out the words "but
9 the city solicitor" and inserting in place thereof the following:- "all members of the Law
10 Department"

11 SECTION 3. Section 7 of said charter is hereby amended by striking out Section 7 in its
12 entirety and inserting in place thereof the following:- "In making appointments, the mayor shall
13 sign and file with the city clerk a certificate in the following form:

14 CERTIFICATE OF APPOINTMENT

15 I appoint (name of appointee) to the position of (name of office), and I certify that in my
16 opinion (name of appointee) is a recognized expert in the work which will devolve in the course
17 of official duties, and that I make the appointment solely in the interest of the city.

18 Mayor.

19 Or the following form, as the case may be:

20 I appoint (name of appointee) to the position of (name of office), and I certify that in my
21 opinion (name of appointee) is a person specially fitted by education, training or experience to
22 perform the duties of said office, and that I make the appointment solely in the interest of the
23 city.

24 Mayor."

25 SECTION 4. Section 8 of said charter is hereby amended by striking out Section 8 in its
26 entirety and inserting in place thereof the following:- "The mayor may, with the approval of a
27 majority of the members of the city council, remove any head of a department or member of a
28 board before the expiration of the appointee's term in office, except members of the school
29 committee, officers elected by the city council, officers whose election is provided for by this
30 act, and officials appointed by the governor. The person removed shall receive a copy of the

31 reasons for such removal in writing and may contest the same at a hearing to be given by the city
32 council, at which the person removed shall have the right to be represented by counsel"

33 SECTION 5. Section 11 of said charter is hereby amended by striking out the first
34 paragraph in its entirety and inserting in place thereof the following:- "The mayor shall receive
35 for such services such salary as the city council by ordinance shall determine and shall receive no
36 other compensation from the city. The mayor's salary shall not be increased or diminished during
37 the term to which the mayor was elected"

38 SECTION 6. Section 12 of said charter is hereby amended by striking out the word
39 "fourth" and inserting in place thereof the following:- "seventh"

40 SECTION 7. Section 13 of said charter is hereby amended by striking out the first
41 paragraph in its entirety and inserting in place thereof the following:- "Any person who is
42 qualified to vote for a candidate for any office mentioned in this act, and who is a candidate for
43 nomination for that office, may have the name as such candidate printed on the official ballot to
44 be used at a preliminary election; provided that, at least twenty-eight (G.L. Chap. 53 sec. 10 as
45 amended) days prior to the preliminary election, the person shall file with the city clerk a
46 statement in writing of such candidacy, to vote for a candidate for the said office. Said statement
47 and petition shall be in substantially the following form:"

48 SECTION 8. Section 13 of said charter is hereby further amended by striking out the
49 words "Whereas (name of candidate) is a candidate for nomination for the office of (state the
50 office) for (state the term), we the undersigned, voters of the city of Gardner, duly qualified to
51 vote for a candidate for said office, do hereby request that the name of said (name of candidate)

52 as a candidate for nomination for said office be printed on the official ballots to be used at the
53 preliminary election to be held on the Tuesday of , nineteen hundred and ."

54 SECTION 9. Section 15 of said charter is hereby amended by striking out the first
55 paragraph in its entirety and inserting in place thereof the following:- "The name of each person,
56 and of none other, who has filed a statement and accompanying petition as aforesaid with the
57 official residence and the title and term of the office for which the individual is a candidate for
58 nomination, shall be printed on said ballots under the designation of office in the order in which
59 they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give
60 each candidate an opportunity to be present in person or by one representative. Blank space shall
61 be left at the end of each list of candidates for nomination for the different offices equal to the
62 number to be nominated therefore, in which the voter may insert the name of any person not
63 printed on the ballot for whom the voter desires to vote for nomination for such office. There
64 shall be printed on said ballots such directions as will aid the voter, as to wit: "vote for one",
65 "vote for not more than two", and the like (G.L. Chap. 54, sec. 42 as amended)"

66 SECTION 10. Section 16 of said charter is hereby amended by striking out Section 16 in
67 its entirety and inserting in place thereof the following:- "No ballot used at any preliminary,
68 special or regular city election shall have printed thereon any party or other political designation
69 or mark, and there shall not be appended to the name of any candidate any such party or other
70 political designation or mark, or anything showing the method of nomination, or indicating the
71 candidate's views or opinions (See also G.L. Chap. 53, sec. 34 as amended)

72 SECTION 11. Section 18 of said charter is hereby amended by striking out Section 18 in
73 its entirety and inserting in place thereof the following:- "The City Clerk shall canvas returns

74 from election officers and post them in a conspicuous place in City Hall and in other manners
75 consistent with city practices"

76 SECTION 12. Section 19 of said charter is hereby amended by striking out the second
77 sentence of the second paragraph in its entirety and inserting in place thereof the following:- "In
78 case two or more candidates should receive an equal number of votes for the same office at any
79 preliminary election held under this act and one of such candidates would otherwise be entitled
80 to the candidate's name upon the official ballot, then the names of all such persons shall be
81 placed on the ballot"

82 SECTION 13. Section 24 of said charter is hereby amended by striking out the words
83 "He shall keep the records of the meetings of the council" and inserting in place thereof the
84 following:- "The city clerk shall keep the records of the meetings of the council"

85 SECTION 14. Section 25 of said charter is hereby amended by striking out the first
86 sentence in its entirety and inserting in place thereof the following:- "The city council may at any
87 time request from the mayor specific information upon any municipal matter within its
88 jurisdiction, and may request the mayor's presence to answer written questions relating thereto at
89 a meeting to be held not earlier than one week after the date of the receipt by the mayor of said
90 questions"

91 SECTION 15. Section 29 of said charter is hereby amended by striking out the words "in
92 full" in paragraph one, line two and inserting in place thereof the following:- "in summary"

93 SECTION 16. Section 29 of said charter is hereby further amended by striking out the
94 words "in at least one newspaper of the city" in lines two and three.

95 SECTION 17. Section 29 of said charter is hereby further amended by striking out the
96 word "additional" in line three

97 SECTION 18. Section 29 of said charter is hereby amended by inserting after "and
98 completed" in paragraph two the following:- "in summary"

99 SECTION 19. Section 30 of said charter is hereby amended by striking out Section 30 in
100 its entirety and inserting in place thereof the following:- "Every order, ordinance, resolution and
101 vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to
102 the mayor for approval. If the mayor approves, then the mayor shall sign it; if the mayor
103 disapproves, it shall be returned to the city council in writing with the mayor's objections, which
104 the city council shall enter at large on its records, and again consider it. If the city council,
105 notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution
106 or vote by a two-thirds vote of all members of the city council, it shall then be in force, but such
107 vote shall not be taken for seven days after its return to the city council. Every such order,
108 ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days
109 after it was presented. This section shall not apply to budgets submitted under section thirty-two
110 of chapter forty-four of the General Laws or to appropriations by the city council under section
111 thirty-three of said chapter"

112 SECTION 20. Section 31 of said charter is hereby amended by striking out Section 31 in
113 its entirety and inserting in place thereof the following:- "The civil service laws shall not apply to
114 the appointment of the mayor's secretaries nor of stenographers, clerks, telephone operators and
115 messengers connected with the mayor's office, and the mayor may remove such appointees
116 without a hearing and without making a statement of the cause for their removal"

117 SECTION 21. Section 32 of said charter is hereby amended by striking the word "six"
118 each time it appears and inserting in place thereof the following:- "twelve"

119 SECTION 22. Section 32 of said charter is hereby further amended by striking paragraph
120 four in its entirety and inserting in place thereof the following:- "If the Mayor is absent or unable
121 from any cause temporarily to perform the duties of the office, or if the office is vacant during
122 the first twelve of the term, the mayor's duties shall be performed by the president of the city
123 council. The person upon whom such duties shall devolve shall be called "acting mayor", and
124 shall possess the powers of mayor only in matters not admitting of delay, but shall have no
125 power to make permanent appointments. In the event that the office of Mayor shall be vacated
126 due to resignation or death prior to the end of the term, the acting Mayor shall be entitled to the
127 compensation as city council President in addition to seventy-five (75%) of the then current rate
128 of compensation of the Mayor"

129 SECTION 23. Section 32 of said charter is hereby further amended by striking paragraph
130 five in its entirety and inserting in place thereof the following:- "Should an appointive officer of
131 the city be temporarily unable for any cause to perform official duties, the mayor or the city
132 council, whichever has the power of original appointment, may make a temporary appointment
133 of some person to act until the official shall resume duties. (Section 32 is given as amended by
134 Chap. 590 Acts of 1975)"

135 SECTION 24. Section 33 of said charter is hereby amended in paragraph one by striking
136 out the words "the nature of his interest in such contract" and inserting in place thereof the
137 following:- "the nature of the interest in such contract"

138 SECTION 25. Section 34 of said charter is hereby amended by striking Section 34 in its
139 entirety.

140 SECTION 26. Section 35 of said charter is hereby amended by striking Section 35 in its
141 entirety.

142 SECTION 27. Section 37 of said charter is hereby amended in paragraph one by striking
143 out the words "who shall be chairman" and inserting in place thereof the following:- "who shall
144 be chairperson"

145 SECTION 28. Section 38 of said charter is hereby amended in line one by striking out the
146 word "elect" and inserting in place thereof the following:- "appoint"

147 SECTION 29. Section 38 of said charter is hereby further amended by striking the second
148 sentence in its entirety and inserting in place thereof the following:- "No member of the school
149 committee, except the mayor, shall hold any other office or position the salary or compensation
150 for which is payable out of the city treasury during the elected term of office

151 SECTION 30. Section 38 of said charter is hereby further amended in sentence three by
152 striking out the word "vice-chairman" and inserting in place thereof the following:- "vice-
153 chairperson"

154 SECTION 31. Section 51 of said charter is hereby amended by striking out Section 51 in
155 its entirety.

156 SECTION 32. This act shall take effect upon its passage.