

**SENATE . . . . . No. 3156**

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Senate, December 19, 2022 -- Substituted as a new draft (Senator Pacheco) for the Senate Bill providing for a revised charter for the city of Taunton (Senate, No. 2939).

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act providing for a revised charter for the city of Taunton.

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

1           SECTION 1. The following shall be the charter of the city of Taunton:

2           Preamble

3           We, the people of Taunton, in order to ensure the rights and liberties of the people and to  
4 establish guiding principles for the operation of our local government, do adopt this charter.

5           We envision and expect a local government that represents all individuals, supports  
6 vibrant neighborhoods, provides essential services, establishes quality schools, ensures safe and  
7 secure homes, celebrates diversity, supports local businesses, promotes community participation  
8 and cares for those in need.

9           It is the intent of the people that this charter will facilitate responsible management and  
10 use of public resources, enhance voter participation in an engaged citizenry, promote equality,  
11 inclusivity and respect for all in the community and secure ethical, transparent and responsive  
12 leadership.

13 Article 1

14 INCORPORATION; SHORT TITLE; DEFINITIONS.

15 Section 1-1 INCORPORATION.

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

19 Section 1-2 SHORT TITLE.

20 This act shall be known and may be cited as the city of Taunton charter.

21 Section 1-3 DIVISION OF POWERS.

22 The administration of the fiscal, prudential and municipal affairs of the city, with the  
23 government thereof, shall be vested in an executive branch headed by a mayor and a legislative  
24 branch consisting of a municipal council. The legislative branch shall not exercise any executive  
25 power and the executive branch shall not exercise any legislative power.

26 Section 1-4 POWERS OF THE CITY.

27 Subject only to express limitations on the exercise of any power or function by a  
28 municipal government in the Constitution of the Commonwealth or the Massachusetts General  
29 Laws, it shall be the intention and the purpose of the voters of the city through the adoption of  
30 this charter to secure for themselves and their government all of the powers it is possible to  
31 secure as fully and completely as though each such power were specifically and individually  
32 enumerated in this charter.

33 Section 1-5 CONSTRUCTION.

34 The powers of the city of Taunton under this charter shall be construed liberally in favor  
35 of the city and the specific mention of any particular power shall not limit the general powers of  
36 the city as stated in Articles 1 to 4, inclusive.

37 Section 1-6 INTERGOVERNMENTAL RELATIONS.

38 Subject only to express limitations in the Constitution of the Commonwealth and the  
39 Massachusetts General Laws, the city may exercise any of its powers or perform any of its  
40 functions and may participate in the financing thereof, jointly or in cooperation, by contract or  
41 otherwise, with the commonwealth or any of its agencies or political subdivisions or with the  
42 United States government or any of its agencies or with any tribal or sovereign governments or  
43 subdivisions thereof.

44 Section 1-7 DEFINITIONS.

45 The following words shall have the following meanings unless the context clearly  
46 requires otherwise:

47 "Business day", any day on which Taunton city hall is open for the residents of Taunton  
48 to conduct routine business.

49 "Charter", this charter and any adopted amendments to it.

50 "City", the city of Taunton.

51 "City agency", a multiple-member body and any departments, divisions and offices of the  
52 city.

53 "City officer", when used without further qualification or description, a person having  
54 charge of an office, divisio, or department of the city who, in the exercise of the powers or duties  
55 of that position, exercises some portion of the sovereign power of the city.

56 "Day", the 24-hour period of time extending from 12:00 midnight and to 11:59 P.M.

57 "Municipal council", the entire authorized complement of the municipal council,  
58 notwithstanding any vacancy that might exist.

59 "Department director", the head or chief of any city department, including the city  
60 solicitor and assistant city solicitors and including the commissioner of the department of public  
61 works.

62 "Domicile", the place at which a person has been physically present and that the person  
63 regards as home; a person's true, fixed, principal and permanent home.

64 "Emergency", a sudden, unexpected and unforeseen happening, occurrence or condition  
65 that necessitates immediate action or response.

66 "Majority vote", a majority of the members of a deliberative body, irrespective of  
67 absences or vacancies.

68 "Measure", an ordinance, order, resolution or other vote or proceeding adopted or that  
69 might be adopted, by the municipal council or the school committee.

70 "Multiple-member body", any board, commission, committee, subcommittee or other  
71 body consisting of not less than 2 persons, whether elected, appointed or otherwise constituted;  
72 provided, however, that "multiple-member body" shall not include the municipal council or the  
73 school committee.

74 "Quorum", a majority of all members of a multiple-member body unless some other  
75 number is required by law or by ordinance.

76 "Voters", the registered voters of the city of Taunton.

77 Article 2

78 EXECUTIVE BRANCH.

79 Section 2-1 MAYOR: QUALIFICATIONS; TERM OF OFFICE; PROHIBITIONS.

80 Mayor, Qualifications. The chief executive officer of the city shall be a mayor who shall  
81 be elected by the voters of the city at large. Any voter shall be eligible to hold the office of  
82 mayor. If the mayor is no longer domiciled within the city, the office shall immediately be  
83 deemed vacant and filled in the manner provided in section 2-10. The mayor shall devote full  
84 time to the office and shall not hold any other elected or appointed city office.

85 (b) Term of Office. The term of office of the mayor shall be 4 years beginning on the first  
86 Monday of January following the city election at which the mayor was chosen and shall continue  
87 until a successor is qualified, unless that day falls on a holiday, in which event, the term of office  
88 shall begin on the next day. No person shall be elected to the office of mayor for more than 3  
89 consecutive 4-year terms.

90 (c) Prohibitions. The mayor shall not hold any other city office or city employment for  
91 which a salary or other emolument is payable from the city treasury. No former mayor shall hold  
92 any compensated appointed city office or city employment until 1 year following the date on  
93 which the former mayor's term of office as mayor has terminated. Nothing in this subsection  
94 shall prevent a city officer or employee who has vacated a position in order to serve as mayor

95 from returning to the same office or position of city employment held at the time the position  
96 was vacated; provided, however, that no such person shall be eligible for any other municipal  
97 position until at least 1 year after the termination of service as mayor. Nothing in this subsection  
98 shall apply to persons covered under the leave of absence provisions of section 37 of chapter 31  
99 of the General Laws.

100 Section 2-2 EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.

101 The executive powers of the city shall be vested solely in the mayor and shall only be  
102 exercised by the mayor personally or through the several city agencies under the general  
103 supervision and control of the mayor. The mayor shall cause this charter, the laws, ordinances  
104 and other orders for the government of the city to be enforced and shall cause a record of all  
105 official acts of the executive branch of the city government to be kept. The mayor shall have  
106 authority to singly approve payroll and vendor warrants. The mayor shall exercise general  
107 supervision and direction over all city agencies unless otherwise provided by law or by this  
108 charter. Upon the request of the mayor, a city agency shall immediately furnish to the mayor any  
109 information or materials as the mayor may request and as the needs of the office of mayor and  
110 the interest of the city may require. The mayor shall supervise, direct and be responsible for the  
111 efficient administration of all city activities and functions placed under the control of the mayor  
112 by law or by this charter. To assist the mayor in performing official duties, the mayor may  
113 employ assistants, fix their salaries and determine their duties. The mayor may create additional  
114 positions by executive order, subject to appropriation by the municipal council. The mayor shall  
115 be responsible for the efficient and effective coordination of the activities of all city agencies  
116 and, for this purpose may, consistent with law, call together for consultation, conference or  
117 discussion at reasonable times all persons serving the city, whether elected directly by the voters,

118 appointed by persons elected directly by the voters or otherwise. The mayor shall be a member  
119 of every appointed multiple-member body of the city by virtue of the office. As an ex officio  
120 member, the mayor may attend any meeting of an appointed multiple-member body of the city at  
121 any time, including executive sessions, to participate in the discussions, make motions and  
122 exercise every other right held by a regular member of such body, except for the right to vote.

123 Section 2-3 APPOINTMENTS BY THE MAYOR AND DEPARTMENT DIRECTORS.

124 The mayor shall appoint, subject only to the confirmation of such appointments by the  
125 municipal council under section 3-8, all city officers and department directors and the members  
126 of multiple-member bodies for whom no other method of appointment or selection is provided  
127 by this charter. All appointments to multiple-member bodies shall be in accordance with section  
128 2-11. Upon the expiration of the term of a member of a multiple-member body, a successor shall  
129 be appointed in a like manner. The mayor shall fill a vacancy for the remainder of the unexpired  
130 term of a member of a multiple-member body appointed pursuant to this section. All persons  
131 classified as city officers who are not subject to a collective bargaining agreement shall receive  
132 standard employment contracts that shall be effective until the end of a specific fiscal year as  
133 shall be stated in each contract and each contract shall contain a for-cause provision with respect  
134 to discipline and termination; provided, however, that any reappointment shall be at the  
135 discretion of the mayor. Appointment of division directors of public works shall be made by the  
136 commissioner of public works, subject to the approval of the mayor; provided, however, that if  
137 the position is subject to reappointment, such reappointment shall be at the discretion of the  
138 commissioner of public works, subject to the approval of the mayor.

139 Department directors shall, subject to the approval of the mayor, appoint, promote and  
140 discipline all assistants, subordinates and other employees of the agency for which that person is  
141 responsible.

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

147 All appointments made by the mayor within the final 90 days of the mayoral term or, if  
148 the mayor vacates the office before the expiration of the term, shall be considered temporary  
149 appointments under section 2-5. Nothing in this section shall limit or abridge the rights of city  
150 employees pursuant to chapter 150E of the General Laws or an applicable collective bargaining  
151 agreement.

152 Section 2-4 REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

153 (a) City officers and department directors.

154 The mayor may remove or suspend any city officer or department director appointed by  
155 the mayor, subject to any existing employment contract, as provided in this section. The mayor  
156 shall deliver a written statement to the city officer or department director as further specified in  
157 this section and shall forthwith report such action and the reasons therefor to the municipal  
158 council. The written statement shall set forth in precise detail the specific reasons for the removal  
159 or suspension. The written statement shall be delivered in hand or by certified mail, postage  
160 prepaid, to the last known address of the city officer or department director or by electronic mail



161 to such city officer or department director. The city officer or department director may make a  
162 written reply by filing a reply statement with the city clerk not more than 10 business days after  
163 the date the statement of the mayor has been delivered; provided, however, that the reply shall  
164 have no effect upon the removal or suspension unless the mayor shall so determine. The decision  
165 of the mayor in suspending or removing a city officer or a department director shall be final and  
166 all authority and responsibility for such suspension or removal shall be vested solely in the  
167 mayor. Nothing in this subsection shall be construed to prevent any other review as may be  
168 provided by law.

169 (b) Other city employees. Unless some other procedure is specified in a relevant  
170 collective bargaining agreement or by civil service law, a department director may suspend or  
171 remove any assistant, subordinate or other employee of the agency for which the department  
172 director is responsible. The decision of the department director to suspend or remove an  
173 assistant, subordinate or other employee shall be subject to review by the mayor. A person for  
174 whom a department director has determined a suspension or removal is appropriate may seek  
175 review of such a determination by filing a petition for review, in writing, with the office of the  
176 mayor not more than 10 days following receipt of notice of the determination. The decision of  
177 the mayor shall be final and all authority and responsibility for suspension or removal shall be  
178 vested solely in the mayor. Nothing in this subsection shall be construed to prevent any other  
179 review as may be provided by law.

## 180 Section 2-5 TEMPORARY APPOINTMENTS TO CITY OFFICES.

181 (a) If a temporary or permanent vacancy occurs in a city office and the needs of the city  
182 require that the office be filled, the mayor may designate the director of another city agency, a

183 city officer, a city employee or some other person to perform the duties of the office on a  
184 temporary basis until the position can be filled as otherwise provided by law or by this charter. If  
185 a person is designated under this section, the mayor shall file a certificate with the city clerk in  
186 substantially the following form:

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

192 (signed)

193 Mayor

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

199 Section 2-6 COMMUNICATIONS; SPECIAL MEETINGS.

200 (a) Communications to the municipal council.

201 The mayor shall from time to time, by written communication, recommend to the  
202 municipal council for its consideration such measures as, in the judgment of the mayor, the needs  
203 of the city require.

204 (b) Special meetings of the municipal council.

205 The mayor may call a special meeting of the municipal council at any time and for any  
206 purpose by causing a notice of the meeting to be delivered in hand, via electronic mail, or by first  
207 class mail, to each member of the municipal council. This notice shall, except in an emergency  
208 as determined by the mayor, be delivered not less than 48 hours before the time scheduled for the  
209 special meeting to be held, excluding Saturdays, Sundays and legal holidays, and shall specify  
210 any purpose for which the meeting is to be held. A copy of each notice shall be immediately  
211 posted in the customary manner for municipal council meetings.

212 Section 2-7 APPROVAL OF MAYOR; MAYOR'S VETO; MUNICIPAL COUNCIL'S  
213 VETO OVERRIDE.

214 Every order, ordinance, resolution or vote adopted or passed by the municipal council  
215 relative to the affairs of the city, except memorial resolutions and any matters relating to the  
216 internal affairs of the municipal council, shall be presented to the mayor for approval. If the  
217 mayor approves of a measure, the mayor shall sign it and thereupon it shall be in force. If the  
218 mayor disapproves of a measure, the mayor shall return the measure with the specific reasons for  
219 the disapproval attached to it, in writing, to the municipal council within 15 calendar days and  
220 the municipal council shall enter the objections of the mayor on its records. Measures may be  
221 reconsidered not less than 10 but not more than 30 days from the date of the mayor's return of  
222 the measure. If the municipal council shall again pass the order, ordinance, resolution or vote by  
223 a 2/3 vote of the full council, it shall then take effect notwithstanding the objections of the  
224 mayor; provided, however, that a vote to override a veto shall be by roll call vote. Items or parts  
225 of items that the mayor neither signs nor disapproves within 15 days after the order, ordinance,

226 resolution or vote shall have been presented to the mayor shall be in force on and after the  
227 sixteenth day following such presentation.

228 Section 2-8 TEMPORARY ABSENCE OF THE MAYOR.

229 (a) Acting mayor. If by reason of sickness, absence from the city or other cause the  
230 mayor shall be unable to perform the duties of the office, the president of the municipal council  
231 shall be the acting mayor pursuant to section 2-10.

232 (b) Powers of acting mayor. The acting mayor shall have only those powers of the mayor  
233 that are essential to the conduct of the business of the city in an orderly and efficient manner and  
234 on which action may not be delayed. The acting mayor may not request additional appropriation  
235 unless an emergency exists. The acting mayor shall not make any permanent appointment or  
236 removal from city service unless the disability of the mayor shall continue for more than 90 days  
237 and the acting mayor shall not approve or disapprove any measure adopted by the municipal  
238 council unless the time within which the mayor is required to act would expire before the return  
239 of the mayor. The acting mayor shall not overturn any vetoes of the mayor. During any period in  
240 which a councilor is serving as acting mayor, the councilor shall not vote as a member of the  
241 municipal council.

242 Section 2-9 DELEGATION OF AUTHORITY BY MAYOR.

243 The mayor may authorize any subordinate officer or employee of the city to exercise any  
244 power or perform any function or duty that is assigned by this charter or otherwise to the mayor  
245 and the mayor may rescind or revoke any such authorization previously made; provided,  
246 however, that an act performed under any such delegation of authority during a period of  
247 authorization shall be and remain the act of the mayor. Nothing in this section shall authorize a

248 mayor to delegate the mayor's powers and duties as a school committee member, the power of  
249 appointment to city office or employment or the power to sign or return measures approved by  
250 the municipal council.

251 Section 2-10 VACANCY IN OFFICE OF MAYOR.

252 (a) Special election.

253 If a vacancy occurs in the office of mayor during the first 3 years and 6 months of the  
254 term for which the mayor was elected, whether by reason of death, resignation, removal from  
255 office, incapacity or otherwise, the municipal council shall, not later than 15 days, in the manner  
256 provided in section 5-1, order a special election to be held not more than 120 days following the  
257 date on which the vacancy was created to fill the vacancy for the balance of the then unexpired  
258 term. If a regular city election is to be held not more than 180 days following the date on which  
259 the vacancy was created, a special election shall not be held and the position shall be filled by  
260 vote at such regular election.

261 (b) President of municipal council to serve as interim mayor.

262 If a vacancy in the office of mayor occurs in the last 6 months of the term for which the  
263 mayor is elected, whether by reason of death, resignation, removal from office or otherwise, the  
264 president of the municipal council shall become the interim mayor so long as the president of the  
265 municipal council is able and willing to perform the full-time duties of mayor. If the president of  
266 the municipal council is unable or unwilling to serve as mayor, the vice president of the  
267 municipal council shall become the interim mayor so long as the vice president of the municipal  
268 council is able and willing to perform the full-time duties of mayor. If the vice president of the  
269 municipal council is unable or unwilling to serve as mayor, the municipal council shall elect

270 from among its members the interim mayor. If 10 successive votes of the municipal council  
271 result in a tie, the candidate most junior in years of service shall be eliminated from  
272 consideration. If multiple candidates are equally junior in years of service, the candidate most  
273 junior in both years of service and age shall be eliminated from consideration. Upon the  
274 qualification of the interim mayor under this section, a vacancy shall exist in that seat on the  
275 municipal council and such vacancy shall be filled in the manner provided in section 3-9. A  
276 president or other councilor serving as interim mayor under this subsection shall not have the  
277 words "candidate for re-election" printed with their name on the election ballot if they are  
278 seeking the office of mayor.

279 (c) Powers, term of office.

280 A person who assumes the office of mayor under a special election shall have all of the  
281 powers of the mayor and a person who assumes the office of interim mayor shall have only those  
282 powers of an acting mayor provided in section 2-8. A person elected under subsection (a) shall  
283 serve for the remainder of the unexpired term. A person chosen under subsection (b) shall serve  
284 until the time of the next regular election at which time the person elected to fill the office at  
285 such election shall serve for the remainder of the then unexpired term in addition to the term of  
286 office for which such person was elected.

287 Section 2-11 MERIT PRINCIPLE.

288 All appointments and promotions of city officers, employees and multiple member bodies  
289 shall be made on the basis of merit and fitness as demonstrated by examination, past  
290 performance or other evidence of competence and suitability.

291 Section 2-12 OATH OF OFFICE OF MAYOR.

292 A mayor-elect shall, on the first Monday in January of each year following the mayoral  
293 election, be sworn to the faithful discharge of the mayor's duties; provided, however, that if the  
294 first Monday falls on a holiday, the term of office shall begin on the next day. The oath may be  
295 administered to the mayor by the city clerk, by a judge of a court of record or by a justice of the  
296 peace. A certificate that the oath has been administered shall be entered in the journal of the  
297 municipal council. If the mayor-elect is unavailable to be sworn in as prescribed herein, the oath  
298 may be administered at any time thereafter. A certificate of oath administered shall be entered in  
299 the journal of the city clerk.

300 Article 3

301 LEGISLATIVE BRANCH.

302 Section 3-1 COMPOSITION, TERM OF OFFICE.

303 (a) Composition. There shall be a municipal council that shall exercise the legislative  
304 powers of the city. The municipal council shall consist of 9 members, all of whom shall be  
305 councilors-at-large who shall be nominated and elected by and from the voters at large.

306 (b) Term of office. There shall be annual elections for 1/3 of the councilors. The term of  
307 office for all councilors shall be 3 years, beginning by the second meeting of the municipal  
308 council in January in the year following their election and until their successors have been  
309 qualified. Initially, in order to facilitate staggered terms, there shall be 3 councilors elected to  
310 serve 1-year terms, 3 to serve 2-year terms and 3 to serve 3-year terms and each year thereafter  
311 the expiring 3 terms shall be filled by election. Initially, the councilors who receive the most  
312 votes shall receive the initial 3-year terms, the councilors receiving the next highest amount of  
313 votes shall serve the 2-year terms and the councilors receiving the next highest amount of votes

314 shall serve the 1-year term. If multiple councilors receive the same number of votes, the  
315 councilor senior in years of service on the municipal council shall receive the longer term. If 2 or  
316 more members are equally senior in years of service on the municipal council, the member senior  
317 in both years of service on the municipal council and age shall receive the term. No person shall  
318 be elected for the office of municipal councilor for more than 4 consecutive 3-year terms.

319 (c) Eligibility. Any voter shall be eligible to hold the office of councilor. A councilor  
320 shall, at the time of election, be a voter of the city; provided, however, that if a councilor is no  
321 longer domiciled within the city, the office shall immediately be deemed vacant and filled in the  
322 manner provided in section 3-9.

323 (d) Oath of office of municipal council. The municipal council members-elect shall, by  
324 the second meeting of the municipal council in January of the year following the November  
325 election, meet and be sworn to the faithful discharge of their duties. The oath may be  
326 administered to the municipal council by the mayor or city clerk or by a judge of a court of  
327 record or by a justice of the peace. A certificate that such oath has been administered shall be  
328 entered in the journal of the municipal council. If a municipal councilor-elect is unable to be  
329 sworn in as prescribed herein, the oath may be administered at any time thereafter to such  
330 municipal councilor-elect and a certificate of each oath subsequently administered shall be  
331 entered in the journal of the municipal council.

332 Section 3-2 PRESIDENT AND VICE PRESIDENT.

333 (a) Election.

334 Following each election and as soon as practicable after the councilors-elect have been  
335 qualified as provided in section 3-1, the members of the municipal council shall elect from



336 among its members, by majority vote , a president who shall serve for 1 year. If the mayor or city  
337 clerk is unable to preside during this election, the municipal council member senior in years of  
338 service on the municipal council shall preside during this election. If 2 or more members are  
339 equally senior in years of service on the municipal council, the member most senior in both years  
340 of service and age shall preside. The president shall be sworn by the mayor or city clerk or, in the  
341 case of the absence of the mayor and city clerk, by any person qualified to administer oaths or  
342 affirmations. If 10 successive votes result in a tie, the candidate most junior in years of service  
343 shall be eliminated from consideration, and the process shall continue as aforesaid until 1  
344 candidate is elected. If multiple candidates are equally junior in years of service, the candidate  
345 most junior in both years of service and age shall be eliminated from consideration. The mayor  
346 shall be the presiding officer of municipal council meetings and, in the absence of the mayor, the  
347 president shall preside and, in the absence of the president, the vice president shall preside and,  
348 in the absence of the vice president, the municipal council member most senior in years of  
349 service shall preside and in the event that multiple members are equally senior in years of  
350 service, the member most senior in both years of service and age shall preside. The vice  
351 president shall be elected in the same manner and shall be the acting president in the president's  
352 absence.

353 (b) Removal and vacancy.

354 The president may be removed at any time by a 2/3 vote of the full membership. Any  
355 vacancy shall be filled by the vice president and shall cause an election to be held to fill the  
356 position of vice president.

357 (c) Powers and duties.

358           The mayor shall preside at all meetings of the municipal council, set its agenda, regulate  
359 its proceedings and decide all questions of order; provided, however, that if the mayor is absent,  
360 the president shall preside at the meeting and regulate its proceedings; and provided further, that  
361 if the president is absent, the vice president shall preside at the meetings and regulate its  
362 proceedings. The municipal council may, by a majority vote of its members, place an item on the  
363 agenda for a subsequent meeting. The president shall have the same powers to vote upon the  
364 measures coming before the municipal council as any other member of the municipal council.  
365 The president shall perform other duties consistent with the office as provided by charter.

366           Section 3-3 PROHIBITIONS.

367           (a) Holding other city office or position.

368           No member of the municipal council may concurrently receive compensation for both  
369 service as a municipal councilor and for city employment for which a salary or other emolument  
370 is payable from the city treasury. No current or former member of the municipal council shall  
371 hold a compensated appointed city office or employment until at least 1 year following the date  
372 on which the former member's service on the municipal council ended unless the municipal  
373 councilor held the same position prior to the municipal councilor's service as a member of the  
374 municipal council; provided, however, that no such person shall be eligible for any other  
375 municipal position until at least 1 year following that member's termination of service as a  
376 member of the municipal council.

377           (b) Separation of powers. No individual member of the municipal council shall give  
378 operational or management orders or directions, either publicly or privately, to an officer or  
379 employee of the city who is appointed by the mayor.

380 Section 3-4 LEGISLATIVE POWERS.

381 The legislative power of the city shall be vested in the municipal council, which shall  
382 provide for its exercise and for the performance of all duties and obligations pertaining thereto.

383 Section 3-5 EXERCISE OF POWERS; QUORUM; RULES.

384 (a) Exercise of powers. Except as otherwise provided by law or this charter, the  
385 legislative powers of the municipal council may be exercised in a manner determined by the  
386 municipal council.

387 (b) Quorum. The presence of 5 members of the municipal council shall constitute a  
388 quorum for the transaction of business; provided, however, that a smaller number may meet and  
389 adjourn from time to time.

390 (c) Committees/Rules of Procedure. The municipal council shall determine its  
391 committees by the second municipal council meeting in January. Annually, not later than the  
392 second municipal council meeting in February, the municipal council shall adopt rules  
393 regulating its procedures that shall include, but not be limited to, a requirement that:

394 (i) regular meetings of the municipal council shall be held beginning the first week of  
395 January and every other week thereafter;

396 (ii) regular committee meetings of the municipal council shall be held beginning the  
397 second week of January and every other week thereafter, as necessary; provided, however, that  
398 special committee meetings of the municipal council may occur as necessary whether on the  
399 regular committee meeting week or on the regular meeting of the municipal council week;

400 (iii) special meetings of the municipal council be held at the call of the mayor, the  
401 president or not less than 4 members, by written notice delivered in hand, via electronic mail, or  
402 by first class mail to each member; provided, however, that such notice shall contain a listing of  
403 the items to be acted upon; provided further, that except in case of an emergency, such notice  
404 shall be delivered not less than 48 hours in advance of the time set for such meeting, excluding  
405 Saturdays, Sundays and legal holidays; and provided further, that if a municipal council  
406 committee meeting is scheduled to occur at the same time that a meeting of the municipal  
407 council is scheduled to begin, the municipal council committee meeting shall adjourn or recess  
408 and the municipal council meeting shall commence;

409 (iv) all sessions of the municipal council and of every committee or subcommittee of the  
410 board be open to the public unless otherwise provided by law; and

411 (v) accurate and up-to-date minutes of the proceedings of the municipal council shall be  
412 kept, which shall include a record of each vote taken and which shall be made available with  
413 reasonable promptness following each meeting; provided, however, that the minutes of an  
414 executive session shall be made available as soon as their publication would not defeat the lawful  
415 purposes of the executive session.

#### 416 Section 3-6 ACCESS TO INFORMATION.

##### 417 (a) Investigations.

418 The municipal council may, by two-thirds vote, conduct investigations into alleged  
419 improper actions or wrongdoing in the affairs of the city and into the conduct and performance of  
420 any city agency and may make inquiry upon good faith. The municipal council may spend  
421 money to conduct the investigation by requesting the mayor to initiate a sufficient appropriation.

422 If the mayor does not initiate a request for a sufficient appropriation within 15 days after being  
423 presented with the request, the municipal council may, not less than 16 days but not more than  
424 30 days from the date presented to the mayor, by a two-thirds roll call vote, spend up to a  
425 \$100,000 per fiscal year for investigations under this section.

426 (b) City officers; members of boards and commissions.

427 The municipal council may require, by a majority vote, any city officer or member of a  
428 board or commission to appear before the municipal council to give any information that the  
429 municipal council may require in relation to the municipal services, functions, powers or duties  
430 that are within the scope of responsibility of that person and within the jurisdiction of the  
431 municipal council. The mayor may bring to such meeting any assistant, department director or  
432 other city officer that the mayor deems necessary to assist in responding to the questions posed  
433 by the municipal council.

434 (c) Notice.

435 The municipal council shall give not less than 10 days notice of an investigation and not  
436 less than 7 days notice to any other person whose appearance is requested. The notice shall  
437 include specific questions on which the municipal council seeks information and no person  
438 called to appear before the municipal council under this section shall be required to respond to  
439 any subject not relevant or related to those presented in advance and in writing.

440 Section 3-7 APPOINTMENTS OF THE MUNICIPAL COUNCIL.

441 (a) Clerk of Committees. The municipal council shall elect a clerk of committees to serve  
442 at the pleasure of the municipal council. The clerk of committees shall perform the duties as may

443 be provided by ordinance or by other vote of the municipal council, and is supervised by the  
444 council president.

445 (b) Salary, Compensation. The clerk of committees shall receive such salary or other  
446 compensation as provided by ordinance.

447 (c) The municipal council shall be the appointing authority for civil service purposes,  
448 pursuant to chapter 31 of the General Laws.

449 Section 3-8 MUNICIPAL COUNCIL CONFIRMATION OF CERTAIN  
450 APPOINTMENTS.

451 The mayor shall submit to the municipal council the name of each person the mayor  
452 desires to appoint as a member of a multiple-member body or as a department director, including  
453 the commissioner of public works; provided, however, that this provision shall not apply to  
454 appointments to a position subject to civil service laws. Such appointments made by the mayor  
455 shall become effective upon a majority vote of the municipal council or upon the expiration of 30  
456 days following the date that notice of the proposed appointment was filed with the city clerk,  
457 unless rejected by the municipal council within that original 30-day period. For each mayoral  
458 appointment under this section, the mayor shall provide to the municipal council, at or before the  
459 time of submission of the name, a copy of the person's resume. Resumes submitted under this  
460 section shall be held in confidence by the municipal council and shall not be shared or  
461 disseminated to any other person. Notwithstanding any general or special law to the contrary,  
462 nothing in this section shall be construed to make a person's resume a public record.

463 Section 3-9 FILLING OF VACANCIES.

464 Councilor. If a vacancy occurs in the office of councilor, the vacancy shall be filled  
465 within 14 days by the candidate for the office of councilor at the preceding city election who  
466 received the highest number of votes without being elected, if that person remains eligible and  
467 willing to serve as councilor. If such person is unwilling or ineligible to serve, the person who  
468 received the next highest number of votes shall fill the position and so on. If there are no such  
469 candidates receiving any votes that are eligible and willing to serve, the council shall elect, by a  
470 majority vote of the full council, any registered voter in the city. A person elected by the  
471 municipal council under this section to fill a vacancy shall serve for the remainder of the  
472 unexpired term and shall not have the words "candidate for re-election" printed with the person's  
473 name on the election ballot if such person is seeking the office of councilor. The city clerk shall  
474 certify this candidate to the office of councilor to serve for the remainder of the unexpired term.

475 Article 4

476 SCHOOL COMMITTEE.

477 Section 4-1 COMPOSITION, TERM OF OFFICE.

478 (a) Composition.

479 There shall be a school committee that shall consist of 9 members, 8 of whom who shall  
480 be nominated and elected by and from the voters of the city at large. The mayor shall serve as the  
481 ninth member of the school committee and shall have the same powers and duties as the  
482 members elected by the voters as school committee members.

483 (b) Term of office.

484           There shall be annual elections for 1/3 of the school committee members. The term of  
485 office for all school committee members shall be 3 years, beginning by the second meeting of the  
486 school committee in January in the year following their election and until their successors have  
487 been qualified. Initially, in order to facilitate staggered terms, there shall be 3 members elected to  
488 serve 3-year terms, 3 members elected to serve 2-year terms and 2 members elected to serve 1-  
489 year terms and each year thereafter the expiring terms shall be filled by election. Initially, the  
490 school committee members who receive the most votes shall serve the initial 3-year terms, the  
491 school committee members receiving the next highest amount of votes shall serve the 2-year  
492 terms and the school committee members receiving the next highest votes shall serve the 1-year  
493 terms. No person shall be elected to the school committee for more than 4 consecutive 3-year  
494 terms.

495           (c) Eligibility.

496           A school committee member shall, at the time of election, be a voter of the city. If a  
497 school committee member is no longer domiciled within the city, the office shall immediately be  
498 deemed vacant and filled in the manner provided in section 4-5.

499           (d) Oath of office of school committee. The school committee members-elect shall, by  
500 the second meeting of the school committee in January of the year following the November  
501 election, meet and be sworn to the faithful discharge of their duties. The oath may be  
502 administered to the school committee members by the mayor or city clerk, a judge of a court of  
503 record or a justice of the peace. A certificate that such oath has been administered shall be  
504 entered in the journal of the school committee. If a school committee member is unable to be  
505 sworn in as prescribed herein, the oath may be administered at any time thereafter to such school



506 committee member and a certificate of each oath subsequently administered shall be entered in  
507 the journal of the school committee.

508 Section 4-2 SCHOOL COMMITTEE CHAIR AND VICE CHAIR.

509 (a) Election and Term. Following each city election and as soon as practicable after the  
510 school committee members-elect have been qualified as provided in section 4-1, the members of  
511 the school committee shall elect, by a majority vote from among its members, a vice chair. If the  
512 mayor or city clerk is unable to preside during this election, the member senior in years of  
513 service on the school committee shall preside. If 2 or more members are equally senior in years  
514 of service on the school committee, the member most senior in both years of service and age  
515 shall preside. The vice chair shall be sworn by the mayor or city clerk or, in the case of the  
516 absence of the mayor and city clerk, by any person qualified to administer oaths or affirmations.

517 (b) Removal and Vacancy. The vice chair may be removed at any time by a 2/3 vote. Any  
518 such removal shall cause an election to be held to fill the position of vice chair.

519 (c) Powers and Duties. The mayor shall preside and chair all meetings of the school  
520 committee, regulate its proceedings and decide all questions of order and, in the absence of the  
521 mayor, the school committee vice chair shall preside and, in the absence of the school committee  
522 vice chair, the school committee member most senior in years of service shall preside and if  
523 multiple members are equally senior in years of service, the member most senior in both years of  
524 service and age shall preside. The school committee vice chair shall have the same powers to  
525 vote upon all measures coming before the school committee as any other member of the school  
526 committee. The school committee vice chair shall perform such other duties consistent with the  
527 office as may be provided by this charter.

528           Section 4-3 PROHIBITIONS.

529           No member of the school committee may concurrently receive both compensation for  
530 service as a school committee member and city employment for which a salary or other  
531 emolument is payable from the city treasury. No current or former member of the school  
532 committee shall hold any compensated appointed city office or city employment until at least 1  
533 year after the date on which the member's service on the school committee ended unless the  
534 school committee member held the same position prior to the school committee member's  
535 service as a member of the school committee; provided, however, that no such person shall be  
536 eligible for any other municipal position until at least 1 year after that member's termination of  
537 service as a member of the school committee.

538           Section 4-4 SCHOOL COMMITTEE POWERS AND DUTIES.

539           (a) The school committee shall have all of the powers conferred on school committees by  
540 the General Laws and such additional powers and duties as may be provided by this charter, by  
541 ordinance or otherwise and not inconsistent with the grant of powers conferred by the General  
542 Laws. The powers and duties of the school committee shall include, but not be limited to:

543           (i) employing a superintendent of the schools who shall be charged with the  
544 administration of the school system, subject only to policy guidelines and directives adopted by  
545 the school committee;

546           (ii) upon the recommendation of the superintendent, establishing and appointing assistant  
547 or associate superintendents as provided in section 59 of chapter 71 of the General Laws;

548 (iii) making all reasonable rules and regulations for the management of the public school  
549 system and for conducting the business of the school committee as may be deemed necessary or  
550 desirable; and

551 (iv) adopting and overseeing the administration of an annual operating budget for the  
552 school department, subject to appropriation by the municipal council; provided, however, that  
553 the school committee shall have general charge and superintendence of all school buildings and  
554 grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; and

555 (v) determining its committees, whether special or standing and from time to time  
556 adopting by-laws and policies.

557 (b) The school committee shall provide ordinary maintenance of all school buildings and  
558 grounds. If the school committee shall determine that additional classrooms are necessary to  
559 meet the educational needs of the community, at least 1 member of the school committee, or a  
560 designee of the school committee, shall serve on the agency, board or committee to which the  
561 planning or construction of the new, remodeled or renovated school building is delegated.

562 Section 4-5 FILLING OF VACANCIES.

563 If a vacancy shall occur in the office of school committee member, the vacancy shall be  
564 filled within 14 days, in descending order of votes received by the candidate for the office of  
565 school committee member at the preceding city election who received the highest number of  
566 votes without being elected, if that person remains eligible and willing to serve as a school  
567 committee member. If such person is unwilling or ineligible to serve, the person who received  
568 the next highest votes shall fill the position and so on. If there are no such candidates receiving  
569 any votes that are eligible and willing to serve, the school committee shall elect, by a majority

570 vote of the entire committee, any registered voter in the city. A person elected under this section  
571 by the school committee to fill a vacancy shall serve until the next regular election, at which time  
572 the vacancy shall be filled by the voters and the person elected to fill the vacancy shall  
573 immediately be sworn and shall serve for the remainder of the unexpired term in addition to the  
574 term for which the person is elected, if any. A person elected by the school committee to serve as  
575 school committee member under this section shall not have the words "candidate for re-election"  
576 printed with the person's name on the election ballot if such person is seeking the office of school  
577 committee member. The city clerk shall certify this candidate to the office of school committee  
578 member to serve for the balance of the unexpired term.

579 Article 5

580 ELECTIONS.

581 Section 5-1 CITY ELECTIONS: GENERAL, PRELIMINARY.

582 The regular general city election shall be held annually on the first Tuesday following the  
583 first Monday in November in each year. A preliminary election, if necessary, for the purpose of  
584 nominating candidates shall be held on the first Tuesday in September; provided, however, that  
585 the city clerk may, with the approval of the municipal council, reschedule the preliminary  
586 election to the second Tuesday in September to avoid a conflict with a civil or religious holiday.  
587 If a special election to fill a vacancy in the office of mayor is to be held, a preliminary election  
588 shall be conducted, if necessary, not more than 28 days before the date established for the special  
589 election.

590 Section 5-2 NONPARTISAN ELECTIONS.

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

593 Section 5-3 PRELIMINARY ELECTION, WHEN NECESSARY.

594 (a) Ballot position. The order in which names of candidates appear on the ballot shall be  
595 determined by a drawing by lot conducted by the board of election commissioners at a properly  
596 posted meeting for which the matter appears on the meeting notice and shall be open to the  
597 public not less than 30 days before the date of the preliminary election.

598 (b) Determination of candidates. If the number of candidates certified by the elections'  
599 office for any elected office to be voted upon is more than double the available positions, then a  
600 preliminary election shall be held. The preliminary election shall determine the remaining  
601 candidates, which amount shall not be greater than double the available positions and the  
602 remaining candidates shall be the sole candidates for that office whose names shall be printed on  
603 the official ballots to be used at the regular general city election at which the office is to be voted  
604 upon and no acceptance of a nomination shall be necessary to its validity. If the preliminary  
605 election results in a tie vote among candidates for nomination receiving the lowest number of  
606 votes which, but for the tie vote, would entitle a person receiving the same to have the person's  
607 name printed on the official ballots for the election, all candidates participating in the tie vote  
608 shall have their names printed on the official ballots even though the ballots will have a number  
609 of candidates exceeding twice the number to be elected.

610 (c) Condition making preliminary election unnecessary. If at the expiration of time for  
611 filing statements the number of candidates for any elected office to be voted upon at a  
612 preliminary election is not more than double the available positions, then no preliminary election

613 shall be held. The candidates whose statements have been filed with the city clerk shall have  
614 been nominated to the office, their names shall be voted upon for the office at the succeeding  
615 general election and the board of election commissioners shall not print their names on the  
616 ballots to be used at the preliminary election.

617 Section 5-4 BALLOT POSITION, REGULAR CITY ELECTION.

618 The order in which names of candidates appear on the ballot for each office shall be  
619 determined by a drawing by lot conducted by the board of election commissioners at a properly  
620 posted meeting for which the matter appears on the meeting notice and shall be open to the  
621 public and conducted not less than 30 days before the date of the election.

622 Section 5-5 APPLICATION OF THE GENERAL LAWS.

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

628 Section 5-6 RECALL

629 (a) Application.

630 Any person who holds an elected office in the city with more than 6 months remaining in  
631 the term of such office on the date of filing of the affidavit as described in this section may be  
632 recalled therefrom by the registered voters of the city in the manner provided in this section. No  
633 recall petition shall be filed against an officer within 6 months after taking office.

634 (b) Recall Affidavit. A recall petition may be initiated by the filing of an affidavit with  
635 the board of election commissioners containing the name of the officer sought to be recalled, the  
636 office held and a statement of the grounds for the recall; provided, however, that the affidavit  
637 shall be signed by at least 500 registered voters. At least 50 names of registered voters shall be  
638 from each of the wards into which the city is divided. The board of election commissioners shall,  
639 within 3 business days after receipt of the affidavit, certify thereon the number of signatures  
640 which are names of registered voters. The form, available from the office of the board of election  
641 commissioners, shall include a blank for 1 signer to be identified as the lead petitioner. The  
642 board of election commissioners shall thereupon deliver to the registered voters making the  
643 affidavit copies of petition blanks demanding such recall, copies of which printed forms the  
644 board of election commissioners shall keep available. The recall petitions shall be returned to the  
645 office of the board of election commissioners within 45 days after the date they are issued,  
646 signed by not less than 15 per cent of registered voters; provided, however, that not more than 25  
647 per cent of the signatures shall come from any 1 ward; and provided further, that at least 1 per  
648 cent of the registered voters shall be from each of the wards into which the city is divided. The  
649 board of election commissioners shall, within 10 business days, certify thereon the number of  
650 signatures which are names of registered voters.

651 (c) Recall election. If the petition shall be found and certified by the board of election  
652 commissioners to be sufficient, the board of election commissioners shall submit the same with  
653 such certificate to the municipal council within 10 business days and the municipal council shall  
654 forthwith give written notice of the receipt of the certificate to the officer sought to be recalled.  
655 If the officer sought to be recalled does not resign within 5 days thereafter, the municipal  
656 council shall order a recall election to be held on a date fixed by the council which shall be not

657 less than 60 days and not more than 90 days after the date of the board of election  
658 commissioners' certificate that a sufficient petition has been filed; provided, however, that if any  
659 other city election is to occur within 150 days after the date of the certificate, the municipal  
660 council shall postpone the holding of the recall election to the date of such other election.

661 (d) Ballot question.

662 Ballots used at the recall election shall state the proposition in substantially the following  
663 form:

664 Shall (insert name of officer) be recalled from the office of (insert name of office held)?

665 YES \_\_\_\_\_

666 NO \_\_\_\_\_

667 (e) Officeholder.

668 If the officer whose recall is sought has not resigned the office, the officer shall continue  
669 to hold and perform the duties of the office until the recall election. If a majority of the votes cast  
670 on the question as stated above is in the affirmative, the officer shall be deemed recalled and the  
671 office shall be vacant upon the certification of the election results. If a majority of the votes cast  
672 on the question is in the negative, the person whose recall was sought shall continue in the office  
673 until the expiration of the term for which such person was elected and no other recall affidavit  
674 may be filed until at least 270 days after such recall election date.

675 (f) Filling of vacancy.



676           If the office of mayor is declared vacant as the result of a recall election, the council shall  
677 immediately call a special election to be held on a date fixed by it which shall be not less than 90  
678 nor more than 120 days after the date of the recall election. The nomination of candidates shall  
679 all be in accordance with laws regulating elections. The person elected at the special election  
680 shall serve as mayor for the balance of the unexpired term remaining at the time of such election.  
681 Vacancies in any other elected office shall be filled under sections 3-9, 4-5, 6-4, 6-5, as  
682 applicable, and in any other elected office in descending order of votes received by the candidate  
683 for the office at the preceding city election who received the highest number of votes without  
684 being elected if that person remains eligible and willing to serve and, if unwilling or ineligible, to  
685 the person who received the next highest votes and so on. If there are no candidates receiving  
686 any votes that are eligible and willing to serve, the office shall be appointed by the mayor.

687           (g) Prohibition on officeholder recalled.

688           No person recalled from an office under this section shall be eligible to be a candidate to  
689 fill any vacancy created by that recall. No person who has been recalled from an office or who  
690 has resigned from office while recall proceedings were pending against such person shall be  
691 appointed to any municipal office within 2 years after such recall or resignation.

692           Article 6

693           ADMINISTRATIVE ORGANIZATION

694           Section 6-1 DEPARTMENTS, BOARDS, COMMITTEES, AND POSITIONS

695           There shall be in the city of Taunton the departments, multiple-member bodies and  
696 positions set forth herein, in addition to any other departments, boards, committees and positions  
697 as may presently exist or be established by law, ordinance or executive directive law.

698           Section 6-2 PUBLIC WORKS

699           (a) Jurisdiction.

700           There shall be a department of public works which shall be responsible for the  
701 performance of all public works-related functions and activities of the city. The department of  
702 public works shall perform all of the public works-related functions which are associated with  
703 the following boards, departments and offices or which are now or may from time to time by  
704 general or special law be vested in such boards, departments and offices: (i) street department;  
705 (ii) water department; (iii) sewer department; (iv) traffic department; (v) public buildings  
706 department; (vi) sealer of weights and measures; (vii) engineering department; and (viii) any  
707 other departments concerned with public works. The department of public works shall also have  
708 jurisdiction and control over maintenance and repair of all equipment, material and motor  
709 vehicles which are associated with public works. The department of public works may have  
710 such additional powers, duties and responsibilities with respect to public works-related functions  
711 and activities as may from time to time be provided by ordinance or executive directive.  
712 Notwithstanding any provision of this section to the contrary, the powers and duties of the  
713 department of public works may be divided into 2 or more departments. All departments and  
714 agencies existing at the time of adoption of this charter or established pursuant to this charter that  
715 are under the jurisdiction of the department of public works shall be referred to as divisions of  
716 the department of public works.

717 (b) Commissioner.

718 The department of public works shall be under the direction of a commissioner. The  
719 mayor shall appoint the commissioner of public works as provided in section 2-3 subject to  
720 confirmation of the municipal council under section 3-8. The commissioner shall have all of the  
721 necessary powers to supervise the supervisors of the water division, the sewer division and every  
722 other division within the jurisdiction of the department of public works including ,where  
723 applicable, to exercise the powers of water and sewer department directors under the General  
724 Laws.

725 (c) Divisions.

726 Each division shall have a supervisor who shall be the administrative and operational  
727 director of the division. The supervisor of the engineering division shall be referred to as the city  
728 engineer. All other administrative and operational directors shall be referred to as the supervisor  
729 of each respective division. All supervisors shall be under the direct control of the commissioner  
730 of public works and shall be directly responsible to the commissioner of public works in addition  
731 to the mayor. Appointment to supervisor shall be made by the commissioner subject to approval  
732 of the mayor as provided in section 2-3.

733 Section 6-3 BOARD OF HEALTH

734 There shall be a board of health whose administration, composition and selection of  
735 members shall be as established by section 26 of chapter 111 of the General Laws.

736 Section 6-4 PLANNING BOARD

737           There shall be a planning board consisting of 7 members with staggered terms of 3 years.  
738 All planning board members shall be elected and shall be registered voters of the city. If a  
739 planning board member is no longer domiciled within the city, the office shall immediately be  
740 deemed vacant and filled in the manner provided for in this section. Initially, in order to facilitate  
741 staggered terms of 3 years, there shall be 3 members elected to serve 3-year terms, 2 members  
742 elected to serve 2-year terms and 2 members to serve 1-year terms; provided, however, that each  
743 year thereafter the expiring terms shall be filled by election for 3-year terms. Initially, the  
744 candidates who receive the most votes shall serve the initial 3-year terms, the candidates  
745 receiving the next highest amount of votes shall serve the 2-year terms and the candidates  
746 receiving the next highest number of votes shall serve the 1-year terms. If multiple candidates  
747 receive the same number of votes, the candidate senior in years of service on the planning board  
748 shall serve the term. If 2 or more candidates are equally senior in years of service on the planning  
749 board, the candidate senior in both years of service on the planning board and age shall serve the  
750 term. No person shall be elected to the planning board for more than 4 consecutive 3-year terms.  
751 The planning board shall elect by majority vote from among its members a chairperson and a  
752 clerk. Vacancies shall be filled in descending order of votes received by the candidate for the  
753 office of planning board member at the preceding city election who received the highest number  
754 of votes without being elected if that person remains eligible and willing to serve as planning  
755 board member. If such person is unwilling or ineligible to serve, the person who received the  
756 next highest votes, and so on, shall serve. If there are no such candidates receiving any votes  
757 that are eligible and willing to serve, the mayor shall appoint a person to fill the vacancy as  
758 provided in section 2-3, subject to the confirmation of the municipal council as provided in  
759 section 3-8. A person so appointed under this section to fill a vacancy shall serve for the

760 remainder of the unexpired term and shall not be entitled to have the words "candidate for re-  
761 election" printed with the person's name on the election ballot if such person is seeking the office  
762 of planning board member. The city clerk shall certify this candidate to the office of planning  
763 board member to serve for the remainder of the unexpired term.

764           Section 6-5 ZONING BOARD OF APPEALS

765           There shall be a zoning board of appeals consisting of 5 members and 2 alternate  
766 members, all of whom shall be elected by the registered voters of the city and serve for 3-year  
767 terms. Zoning board members shall be registered voters of the city. If a zoning board member is  
768 no longer domiciled within the city, the office shall immediately be deemed vacant and filled in  
769 the manner provided for in this section. Initially, in order to facilitate staggered 3-year terms,  
770 there shall be 2 members elected to serve 3-year terms, 1 alternate member elected to serve a 3-  
771 year term, 1 member elected to serve a 2-year term, 1 alternate member elected to serve a 2-year  
772 term and 2 members elected to serve 1-year terms; provided, however, that each year thereafter,  
773 the expiring terms shall be filled by election for 3-year terms. Initially, the candidates who  
774 receive the most votes shall serve the initial 3-year terms, the candidate receiving the next  
775 highest amounts of votes shall serve the initial 2-year term, the candidates receiving the next  
776 highest number of votes shall serve the 1-year terms, the alternate member receiving the highest  
777 number of votes shall serve the 3-year term and the alternate member who received the next  
778 highest number of votes shall serve the 2-year term. If multiple candidates receive the same  
779 number of votes, the candidate senior in years of service on the zoning board shall serve the  
780 term. If 2 or more candidates are equally senior in years of service on the zoning board, the  
781 candidate senior in both years of service on the zoning board and age shall serve the term. No  
782 person shall be elected to the office of the zoning board for more than 4 consecutive 3-year

783 terms. The zoning board of appeals shall elect by majority vote from among its members a  
784 chairperson and a clerk. Vacancies shall be filled in descending order of votes received by the  
785 candidate for the office of zoning board member at the preceding city election who received the  
786 highest number of votes without being elected if that person remains eligible and willing to serve  
787 as zoning board member. If that person is unwilling or ineligible to serve, the person who  
788 received the next highest number of votes shall serve, and so on. If there are no candidates  
789 receiving any votes that are eligible and willing to serve, the mayor shall appoint a person to fill  
790 the vacancy as provided in section 2-3, subject to the confirmation of the municipal council as  
791 provided in section 3-8. A person so appointed under this section to fill a vacancy shall serve for  
792 the remainder of the unexpired term and shall not be entitled to have the words "candidate for re-  
793 election" printed with the person's name on the election ballot if such person is seeking the office  
794 of zoning board member. The city clerk shall certify this candidate to the office of zoning board  
795 member to serve for the remainder of the unexpired term.

796 Article 7

797 FISCAL AND FINANCE PROCEDURES.

798 Section 7-1 FISCAL YEAR.

799 The fiscal year of the city shall begin on the first day of July and shall end on the last day  
800 of June unless another period is required by the General Laws.

801 Section 7-2 SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

802 Not less than 45 days before the beginning of the fiscal year, the mayor shall submit to  
803 the municipal council a proposed operating budget for all city agencies, which shall include the

804 school department, for the ensuing fiscal year. The school budget, as adopted by the school  
805 committee shall be submitted to the mayor at least 30 days before the submission of the proposed  
806 operating budget to the municipal council. The mayor shall notify the school committee of the  
807 date by which the proposed budget of the school committee shall be submitted to the mayor. The  
808 mayor and the superintendent of schools shall coordinate the dates and times of the school  
809 committee's budget process under the General Laws.

810 Section 7-3 ACTION ON THE OPERATING BUDGET

811 (a) Public hearing.

812 The city clerk, at the direction of the municipal council, shall publish a notice of the  
813 proposed operating budget as submitted by the mayor in at least 1 newspaper of general  
814 circulation in the city with either a weekly or daily circulation; provided, however, that if no  
815 general circulation publication exists within the city, newspaper shall also include online  
816 publications to the extent allowed by law. The notice shall state: (i) the times and places where  
817 copies of the entire proposed operating budget are available for inspection by the public; and (ii)  
818 the date, time and place, which shall be not less than 14 days after its publication, when a public  
819 hearing on the proposed operating budget will be held by the municipal council.

820 (b) Adoption of the Budget

821 The municipal council shall adopt the proposed operating budget, with or without  
822 amendments, within 45 days following the date the proposed budget is filed with the city clerk.  
823 In amending the proposed operating budget, the municipal council may delete or decrease any  
824 amounts except expenditures required by law, but except on the recommendation of the mayor,  
825 the municipal council shall not increase any item in or the total of the proposed operating budget,

826 unless otherwise authorized by the General Laws. If the municipal council fails to take action on  
827 any item in the proposed operating budget within 45 days after its receipt, that amount shall,  
828 without any action by the municipal council, become a part of the appropriations for the year,  
829 and be available for the purposes specified.

830           Section 7-4 CAPITAL IMPROVEMENT PROGRAM.

831           The mayor shall submit a capital improvement program to the municipal council every 2  
832 years and not less than 120 days before the start of the fiscal year in which the program report is  
833 due. The capital improvement program shall appear on the first municipal council agenda of  
834 March in the relevant year. The capital improvement program shall include: (i) a clear and  
835 concise general summary of its contents; (ii) a list of all capital improvements proposed to be  
836 undertaken during the ensuing 5 fiscal years, with supporting information as to the need for each  
837 capital improvement; (iii) cost estimates, methods of financing and recommended time schedules  
838 for each improvement; and (iv) the estimated annual cost of operating and maintaining each  
839 facility and piece of major equipment involved. The mayor may annually revise this information  
840 with regard to the capital improvements still pending or in the process of being acquired,  
841 improved or constructed.

842           Section 7-5 EXPENDITURES IN EXCESS OF APPROPRIATIONS.

843           Except as otherwise provided by law, no official of the city of Taunton shall knowingly  
844 and intentionally expend in any fiscal year any sums in excess of the appropriations, awards,  
845 grants or gifts duly made in accordance with law and no such official shall involve the city in any  
846 contract for the future payment of money in excess of such appropriations, awards, grants or gifts



847 and any such expenditure or involvement shall be in strict compliance with section 31 of chapter  
848 44 of the General Laws.

849 Section 7-6 AUDIT COMMITTEE.

850 There shall be established an audit committee which shall consist of 5 members.  
851 Members shall serve 3-year terms. The committee shall be comprised of 2 persons to be  
852 appointed the mayor, 1 of whom may be the mayor, and 3 members of the municipal council  
853 who shall be members of the committee on finance and salaries. The audit committee shall  
854 annually provide for an outside audit of the books and accounts of the city to be made by a  
855 certified public accountant or a firm of certified public accountants that has no personal interest,  
856 direct or indirect, in the fiscal affairs of the city or any of its officers. The audit committee shall  
857 not select the same auditor or auditing firm for more than 5 consecutive years. The mayor shall  
858 annually provide, and the municipal council annually appropriate, sufficient funds to satisfy the  
859 estimated cost of conducting the audit. The award of a contract to audit shall be made by the  
860 audit committee annually, not later than September 15. The report of the audit shall be filed in  
861 final form with the municipal council and city clerk not later than March 1 in the year following  
862 the award of the contract. Annually, the audit committee shall: (i) develop a scope of audit  
863 services; (ii) oversee the selection of an auditor or auditing firm; (iii) review the audit report; (iv)  
864 form an opinion on the performance of the auditor or auditing firm; and (v) report back to the  
865 municipal council and the mayor. The audit committee shall, as necessary, monitor the progress  
866 of corrective action plans developed by finance officials to address audit findings and  
867 management letter comments.

868 Article 8

869 GENERAL PROVISIONS.

870 Section 8-1 CHARTER CHANGES.

871 The charter may be replaced, revised or amended in accordance with any procedure made  
872 available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and  
873 any general or special law enacted to implement said Article LXXXIX.

874 Section 8-2 SEVERABILITY.

875 The provisions of this charter shall be severable. If a provision of this charter is held to be  
876 invalid, the other provisions shall not be affected by such invalidity. If the application of this  
877 charter to a person or circumstance is held to be invalid, the application of this charter and its  
878 provisions to other persons and circumstances shall not be affected by such invalidity.

879 Section 8-3 SPECIFIC PROVISION TO PREVAIL.

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

882 Section 8-4 UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER  
883 BODIES.

884 (a) Meetings. All appointed multiple-member bodies of the city shall meet regularly.  
885 Special meetings of any multiple-member body shall be held on the call of the chair or by 1/3 of  
886 the members of the body by written notice delivered in hand or electronic mail or by first class  
887 mail to the place of residence of each member not less than 48 hours in advance of the time set  
888 for the meeting, excluding Saturdays, Sundays and legal holidays; provided, however, that the  
889 written notice shall contain notice of the subjects to be acted upon. A copy of the notice shall be

890 posted as required by any applicable open meeting law. Except as otherwise be authorized by  
891 law, all meetings of all multiple-member bodies shall be open to the public.

892 (b) Rules and minutes. Each appointed multiple-member body shall determine its own  
893 rules and order of business and shall provide for the keeping of minutes of its proceedings. The  
894 rules and minutes shall be a public record in accordance with public records laws.

895 (c) Voting. If requested by a member, a vote of an appointed multiple-member body shall  
896 be taken by a call of the roll and the vote of each member shall be recorded in the minutes. If the  
897 vote is unanimous, only that fact shall be recorded.

898 (d) Quorum. A majority of the members of an appointed multiple-member body shall  
899 constitute a quorum but a smaller number may meet and adjourn from time to time. Unless some  
900 other provision is made by the multiple-member body's own rules while a quorum is present,  
901 except on procedural matters, a majority of the full membership of the body shall be required to  
902 adopt a vote representing an exercise of the powers of the multiple-member body.

903 Section 8-5 NUMBER AND GENDER.

904 Words importing the singular number may extend and be applied to several persons or  
905 things, words importing the plural number may include the singular and words importing the  
906 masculine gender shall include the feminine gender and words importing the feminine gender  
907 shall include the masculine gender.

908 Section 8-6 REFERENCES TO GENERAL LAWS.

909 References to General Laws. All references to the general or special laws contained in the  
910 charter refer to the General Laws and are intended to include any amendments or revisions to

911 the chapters and sections or to the corresponding chapters and sections of any rearrangement of  
912 the General Laws enacted subsequent to the adoption of the charter.

913 Section 8-7 COMPUTATION OF TIME.

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

920 Section 8-8 CERTIFICATE OF ELECTION OR APPOINTMENT.

921 Every person who is elected, including those elected by the municipal council, or  
922 appointed to an office of the city, including members of a multiple-member body, shall receive a  
923 certificate of such election or appointment from the city clerk. Except as otherwise provided by  
924 law, every person who is elected, including those elected by the municipal council, or appointed  
925 to an office of the city, before performing any act under such appointment or election, shall take  
926 and subscribe to an oath to qualify to enter upon the duties. The oath may be administered by the  
927 mayor or city clerk or by a judge of a court of record or by a justice of the peace. A record of  
928 such oath shall be kept by the city clerk.

929 Section 8-9 LIMITATION ON OFFICE HOLDING.

930 No person shall simultaneously hold more than 1 full-time city office or position of  
931 employment. Any hours worked in a part-time position shall not be the same or otherwise  
932 conflict with the hours worked in a full-time position.

933 Section 8-10 CITY GROUP INSURANCE PROGRAMS.

934 Notwithstanding any general or special law to the contrary, elected part-time officials,  
935 stipend recipients, multiple-member body members, municipal council members and school  
936 committee members shall not be eligible to participate in the city's group insurance programs;  
937 provided, however, that notwithstanding the foregoing, a municipal council or a school  
938 committee member who was enrolled in the city's insurance as of July 1, 2021 may continue to  
939 participate in the same manner and at the same contribution rate until such time as the member's  
940 current term and any consecutive terms expire.

941 Section 8-11 FELONY CONVICTION DURING TERM OF OFFICE.

942 Felony conviction. Any city official elected under articles 2, 3, 4, 6 of this charter or  
943 appointed to a multiple member body under article 6 who is convicted of a state or federal felony  
944 offense while holding a city office shall be deemed to have vacated that office.

945 Article 9

946 TRANSITIONAL PROVISIONS.

947 Section 9-1 CONTINUATION OF EXISTING LAWS.

948 All General Laws, special laws, city ordinances and rules and regulations of or pertaining  
949 to the city, including special acts creating regional entities and arrangements of which the city is  
950 a member, that are in force when this charter takes effect and not specifically or by implication

951 repealed by this charter shall continue in full force and effect until amended or repealed,  
952 rescinded by law or expired by their own limitation. If a provision of this charter is found to be  
953 inconsistent with any general or special law that would otherwise be applicable, this charter shall  
954 prevail. Every inconsistency between a prior law and this charter shall be decided in favor of this  
955 charter.

956 Section 9-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

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

960 Section 9-3 TRANSFER OF RECORDS AND PROPERTY.

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

964 Section 9-4 EFFECT ON OBLIGATIONS, TAXES, ETC.

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

972 Section 9-5 TIME OF TAKING EFFECT.

973 The charter shall take effect immediately upon approval of the voters and in accordance  
974 with the following schedule:

975 (i) the full powers vested in city officers and the several city agencies shall be effective  
976 immediately following the election at which the charter is adopted; and

977 (ii) the respective number of years of terms for the offices of mayor, municipal council,  
978 school committee, planning board and zoning board of appeals as implemented by this charter  
979 shall take effect for the terms immediately following and as a result of the city election  
980 immediately following the election at which this charter is approved.

981 Section 9-6 ORDINANCE REVIEW COMMITTEE.

982 Not later than the first day of the February after the city election following the election at  
983 which this charter was approved, the mayor and municipal council shall provide for a review to  
984 be made of the city ordinances for the purpose of preparing any revisions to conform with the  
985 charter.

986 (b) The ordinance review shall be made by a special committee to consist of 7 members,  
987 which shall include the mayor or mayor's designee, the city solicitor or city solicitor's designee,  
988 2 persons to be appointed by the mayor who shall be voters of the city and 3 persons who shall  
989 be councilors serving on the committee on ordinances and enrolled bills.

990 (c) The special committee shall file its report with the mayor and the municipal council  
991 not later than the last day of December in the year in which the committee is appointed.

992 (d) The recommendations of the special committee shall appear on the municipal council  
993 agenda for action before March 15 of the following year and, if not so scheduled, the matter shall  
994 come before the municipal council for action at its next meeting held following said March 15.

995 Section 9-7 PERIODIC REVIEW OF CHARTER.

996 In May of every year ending in 5 or 0, the city shall appoint a charter review committee  
997 to review the city charter and make a report and recommendations to the mayor and municipal  
998 council for changes to it through special legislation passed by the general court but nothing in  
999 this section shall prevent the city from enacting or amending a charter under any procedure made  
1000 available by Article LXXXIX of the Amendments to the Constitution of the commonwealth or  
1001 any general or special law enacted to implement said Article LXXXIX. The committee shall  
1002 consist of 7 members, 4 of whom shall be registered voters of the city who shall be appointed by  
1003 the mayor and 3 of whom shall be registered voters of the city who shall be appointed by the  
1004 municipal council by a majority vote. The committee shall, after a public hearing, file its report  
1005 and recommendations with the city clerk and municipal council, not later than May 1 in the year  
1006 following the year in which the committee was appointed. The recommendations of the  
1007 committee shall appear on the council agenda before the June 15 of that year and, if not so  
1008 scheduled by the municipal council, the matter shall come before the municipal council for  
1009 action at its next meeting held after the said June 15.

1010 Section 9-8 FORM OF QUESTION

1011 This act shall be submitted for acceptance to the qualified voters of the city of Taunton at  
1012 the next regular election following the passage of this Act in the form of the following question  
1013 which shall be placed on the official ballot to be used at the election:



1014 “Shall an act passed by the General Court in the 2021-2022 legislative session, entitled  
1015 ‘An Act Providing for A Revised Charter for the City of Taunton’ be accepted?”.

1016 Below the question shall appear a fair and concise summary of the proposed charter  
1017 amendments (or changes) which shall be prepared by the city solicitor.

1018 If a majority of the votes cast in answer to the question is in the affirmative, this act shall  
1019 thereupon take effect, but not otherwise.

1020 Article 10

1021 CITIZEN PARTICIPATION MECHANISMS.

1022 Section 10-1. CITIZEN INITIATIVE MEASURES

1023 (a) Commencement

1024 Initiative procedures shall be commenced by the filing of a proposed initiative petition  
1025 with the city clerk. The petition shall be addressed to the municipal council, shall contain a  
1026 request for the passage of a particular measure which shall be set forth in full in the petition and  
1027 shall be signed by not less than 250 registered voters. Not less than 25 signatures shall be  
1028 certified from each ward. The petition shall be accompanied by an affidavit signed by 10  
1029 registered voters and containing the registered voters’ residential address and stating that those  
1030 registered voters will constitute the petitioners committee and shall be responsible for circulating  
1031 the petition and filing it in proper form.

1032 (b) Referral to city solicitor

1033           The city clerk shall, immediately following receipt of a proposed petition, deliver a copy  
1034 of the petition to the city solicitor. The city solicitor shall, within 15 days following receipt of a  
1035 copy of the petition, advise the municipal council and the city clerk, in writing, whether the  
1036 measure as proposed may lawfully be proposed by the initiative process and whether, in its  
1037 present form, it may lawfully be adopted by the municipal council. If the opinion of the city  
1038 solicitor is that the measure is not in proper form, the reply shall state the reasons for such  
1039 opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the members of the  
1040 petitioners committee.

1041           (c) Submission to city clerk

1042           If the city solicitor determines that the petition is in proper form, the city clerk shall  
1043 provide blank forms for the use of subsequent signers and shall print at the top of each blank  
1044 form a fair, concise summary of the proposed measure, as determined by the city solicitor,  
1045 together with the names and addresses of the first 10 registered voters who signed the originating  
1046 petition. The city clerk shall notify the first 10 registered voters that the blank forms are issued.  
1047 Within 30 days following the date of the notice, the petition shall be returned and filed with the  
1048 city clerk and signed by at least 10 per cent of the total number of registered voters as of the date  
1049 of the most recent regular city election. Signatures to an initiative petition need not all be on 1  
1050 paper but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a  
1051 single instrument, with the endorsement on it of the name and address of the person designated  
1052 as filing the papers. With each signature on the petition there shall also appear the street and  
1053 number of the residence of each signer. Within 10 days following the filing of the petition, the  
1054 board of election commissioners shall ascertain the number of registered voters that signed the  
1055 petition and what percentage of the total number of registered voters as of the date of the most

1056 recent regular city election have signed the petition. The board of election commissioners shall  
1057 attach to the petition a certificate showing the results of its examination and shall return the  
1058 petition to the city clerk. A copy of the board of election commissioners' certificate shall also be  
1059 mailed to the members of the petitioners committee.

1060 (d) Action on petitions

1061 Within 30 days following the date a petition has been returned to the city clerk and after  
1062 publication under subsection (f), the municipal council shall act with respect to each initiative  
1063 petition by: (i) passing it without change; (ii) passing a measure which is stated to be in lieu of  
1064 the initiative measure; or (iii) rejecting it. The passage of a measure which is in lieu of an  
1065 initiative measure shall be deemed to be a rejection of the initiative measure. If the municipal  
1066 council fails to act within 30 days following the date the measure is returned to it, the measure  
1067 shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the  
1068 city clerk shall promptly give notice of that fact to the petitioners committee by certified mail.

1069 (e) Supplementary petitions

1070 Within 60 days following the date an initiative petition has been rejected, a supplemental  
1071 initiative petition may be filed with the city clerk, but only by the persons constituting the  
1072 original petitioners committee. The supplemental initiative petition shall be signed by a number  
1073 of additional registered voters equal to at least 5 per cent of the total number of registered voters  
1074 as of the date of the most recent regular city election. The signatures on the initial petition filed  
1075 under subsection (c) and the signatures on the supplemental petition filed under this subsection,  
1076 taken together, shall contain the signatures of at least 15 per cent of the total number of  
1077 registered voters as of the date of the most recent regular city election. If the number of

1078 signatures to the supplemental petition is found to be sufficient by the city clerk, the municipal  
1079 council shall call a special election to be held not less than 35 days but not more than 90 days  
1080 following the date of the certificate of the city clerk that a sufficient number of registered voters  
1081 have signed the supplemental initiative petition and shall submit the proposed measure, without  
1082 alteration, to the registered voters for determination; provided, however, that if a city election is  
1083 to be held within 120 days following the date of the certificate, the municipal council may omit  
1084 calling the special election and cause the question to appear on the election ballot at the  
1085 approaching election for determination by the registered voters.

1086 (f) Publication - The full text of an initiative measure which is submitted to the registered  
1087 voters shall be published in at least 1 local newspaper not less than 7 days but not more than 14  
1088 days preceding the date of the election at which the question is to be voted upon. Additional  
1089 copies of the full text shall be available for distribution to the public in the office of the city  
1090 clerk.

1091 (g) Form of question – The ballots used when voting on a measure proposed by the  
1092 registered voters under this section shall contain a question in substantially the following form:

1093 Shall the following measure which was proposed by an initiative petition take effect?  
1094 (Here insert the fair, concise summary of the proposed measure, as determined by the city  
1095 solicitor, as referenced in subsection (c)). Yes or No.

1096 (h) Time of Taking Effect - Subject to section 10-4, if a majority of the votes cast in  
1097 answer to the question is in the affirmative, the measure shall be deemed to be effective  
1098 immediately unless a later date is specified in the measure.

1099 Section 10-2. CITIZEN REFERENDUM PROCEDURES

1100 (a) Petition, effect on final vote

1101 If, within 30 days following the date on which the municipal council has voted finally to  
1102 approve any measure, a petition signed by a number of registered voters equal to at least 15 per  
1103 cent of the total number of registered voters as of the date of the most recent regular city election  
1104 and addressed to the municipal council protesting against the measure or any part thereof is filed  
1105 with the city clerk, the effective date of that measure shall be temporarily suspended. The  
1106 municipal council shall immediately reconsider its vote on the measure or part thereof and, if the  
1107 measure is not rescinded, the municipal council shall provide for the submission of the question  
1108 for a determination by the registered voters either at a special election, which it may call at its  
1109 convenience, or at the next regular city election; provided, however, that pending this submission  
1110 and determination, the effect of the measure shall continue to be suspended.

1111 (b) Certain initiative provisions to apply

1112 The petition described in this section shall be termed a referendum petition and section  
1113 10-1, as the section relates to the filing and certification of signatures, shall apply to such  
1114 referendum petitions, except that the words "measure or part thereof protested against" shall be  
1115 deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the  
1116 word "initiative". Subject to section 10-4, the measure or part thereof protested against shall be  
1117 null and void unless a majority of those voting on the question shall vote in favor of the measure  
1118 or part thereof protested against at the election.

1119 Section 10-3. INELIGIBLE MEASURES

1120 None of the following shall be subject to the initiative or the referendum procedures set  
1121 forth herein:

1122 (i) proceedings relating to the internal organization or operation of the municipal council  
1123 or the school committee;

1124 (ii) an emergency measure adopted under the charter;

1125 (iii) the city budget;

1126 (iv) an appropriation for the payment of the city's debt or debt service;

1127 (v) an appropriation of funds to implement a collective bargaining agreement;

1128 (vi) proceedings relating to the election, appointment, removal, discharge, employment,  
1129 promotion, transfer, demotion or other personnel action or any other action that is executive  
1130 rather than legislative in nature;

1131 (vii) any proceedings repealing or rescinding a measure or part thereof which is protested  
1132 by referendum procedures;

1133 (viii) any proceedings providing for the submission or referral to the registered voters at  
1134 an election; and

1135 (ix) resolutions, memorial actions, citations, other nonbinding actions and other votes  
1136 constituting ordinary, routine matters not suitable as the subject of a referendum petition.

1137 Section 10-4. REQUIRED REGISTERED VOTER PARTICIPATION

1138 For any measure to be effective under the initiative procedure and for any measure to be  
1139 declared null and void under the referendum procedure, at least 20 per cent of the registered  
1140 voters as of the most recent regular city election shall be required to vote at an election that

1141 includes on the ballot submission of 1 or more initiative or referendum questions to the  
1142 registered voters of the city.

1143           Section 10-5. SUBMISSION OF OTHER MATTERS TO REGISTERED VOTERS

1144           The municipal council may on its own motion submit a measure to the registered voters  
1145 of the city at any regular city election for adoption or rejection in the same manner and with the  
1146 same force and effect as provided for submission by initiative or referendum petitions. The  
1147 municipal council may alternatively submit any nonbinding public opinion advisory question.

1148           Section 10-6. CONFLICTING PROVISIONS

1149           If 2 or more measures passed at the same election contain conflicting provisions, only the  
1150 1 receiving the greatest number of affirmative votes shall take effect.

1151           SECTION 2. This act shall take effect upon its passage.