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BRIDGEWATER CITY CHARTER AMENDMENTS

CHARTER REVIEW COMMITTEE

2020 - 2021

FINAL – JUNE 2021

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1 **DEFINITIONS**

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

Term	Definition
Administrative Code	A written description of the administrative organization of City offices, departments and multiple member bodies. The Administrative Code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each City office, department and multiple member body consistent with this Charter and applicable state law. The administrative Code is composed of four parts, the purpose of which is to detail the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the elective organization, the multiple-member appointive organization, the administrative organization, and the administrative procedures of the City.
Advisory Committee (e.g., Ad hoc committees)	A local government Advisory Committee is a formal committee appointed to assist an individual officer of the City or an agency to carry out the officer's/agency's responsibilities. Such a committee is a collection of individuals who bring unique knowledge and skills which augment the knowledge of a City Officer or agency to more effectively guide them. Such committees are limited to a particular subject area and serve only in that capacity for a specified period of time.
Appointing authority	Any official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, board, commission, committee, division, or other agency of the city.
At Large	Elected by the voters of the City as a whole rather than voters of a particular district.
Board	A number of persons appointed or elected to govern and manage, and to make decisions. Three boards are recognized under this charter: Library Board of trustees, Board of Registers of Voters, and Board of Assessors.
Charter	The term charter refers to the basic provisions which set up the form, structure, and organization, including the powers and duties of the officials of a city or town in Massachusetts. The

	charter is the “constitution” of the city or town.
Chief Administrative Officer	The City Manager serves as the City’s Chief Administrative Officer and manages the daily administration and operation of the City of Bridgewater and is ultimately responsible for its performance.
City	The body politic and corporate called the City of Bridgewater in this Charter. A body politic is a civil division of the state for purposes of governmental administration. A body corporate is a legal entity.
City agency	A board, commission, committee, department or office of City government, whether elected, appointed or otherwise constituted.
City officer	An individual who has been elected or appointed to exercise the functions of a City agency for the benefit of the public. City officers are distinguishable from other employees in that they are required to take an oath of office.
City official	All employees, consultants, agents, and others who work for, with, or on behalf of the City at all times while on or in City Property, whether on duty or off duty and contractors and vendors, and their personnel, when engaged in work for or business with the City.
Commission	A warrant or authority or letters of patent, issuing from the government, or one of its departments, or a court, empowering a person or persons named to do certain acts, or to exercise jurisdiction, or to perform the duties and exercise the authority of an office. A commission is an independent agency given responsibility for planning, supervision and coordination.
Committee	A person or group of persons elected or appointed to perform some service or function, as to investigate, report on, or act upon a particular matter.
Department Head	Department Heads shall be defined by ordinance and shall appear in the Administrative Code.
District	An area within the City aligned with a specific voting precinct.
Emergency	A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action to save lives and to protect property and public health and safety, or to lessen or

	avert the threat of a catastrophe in any part of the City of Bridgewater.
Emergency Measure	The actions required to deal with an emergency.
Executive Branch	The branch of government charged with the execution and enforcement of laws and policies passed by the City Council.
Ex-Officio	An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin , meaning literally “from the office,” and the sense intended is “by right of office.”
Experts	A person or persons who has special skill or knowledge in some particular field.
Group Petition	A request signed by at least 150 voters, as certified by the City Board of Registrars of Voters, or its successor.
Individual petition	A petition signed by a voter, as certified by the City Board of Registrars of Voters, or its successor.
Initiative Petition	An initiative petition is a way for citizens to propose binding laws and constitutional amendments for approval by the voters on the statewide ballot. The first step in the process is for ten voters to sign the petition containing the proposed law or constitutional amendment and to file it with the Attorney General’s Office.
Legislative Powers	The authority under the Bridgewater Special Act Charter to make laws or to alter or repeal them.
Loan Order	An order to authorize the borrowing of funds for a specific project.
Majority vote	A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this Charter, or by the City Council’s own rules.
Measure	An ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the City Council.
M.G.L.	All references to general or special laws contained in the charter, refer to Massachusetts General Laws and are noted using the following abbreviation: M.G.L refers to Massachusetts General Laws, ch refers to the specific chapter, § symbol indicates the section of the chapter being referenced. Ex.

	(M.G.L. ch.268A §19)
Ministerial Body	Any body (board, commission, or committee) having legal authority to take actions which are essentially administrative in nature.
Multiple member body or organization	Any board, commission or committee in the City that is made up of two or more members.
Order	In a general sense, a mandate or precept; a command or direction authoritatively given.
Ordinance	A law, statute, or regulation enacted by the City of Bridgewater.
Quorum	In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.
Recall	The power reserved to the voters that allows the voters, by petition, to demand the removal of an elected official.
Referendum Petition	A referendum petition is a way for citizens to seek to repeal a law recently enacted by the City Council.
Registered Voters	Voters in the City of Bridgewater who are registered with the City Clerk and eligible to vote in City Elections.
Resolution	The official expression of the opinion or will of the City Council.
Revenue Loan Order	An order to authorize the borrowing of funds to increase revenues.
Special Act Charter	A charter adopted by the state legislature at the request of a city or town.
Special election	An election in response to an unexpected event and is outside of the regular election cycle.
Supplemental Appropriation	Additional budget authority providing for activities and needs that are too urgent to be delayed until the next regular or periodic appropriation.

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1 **ARTICLE 1-INCORPORATION AND AUTHORITY**

2
3 **Section 1-1. Incorporation**

4
5 The inhabitants of the City of Bridgewater, within its territorial limits as now or may hereafter
6 be established by law, shall be a body politic and corporate, known as the “City of
7 Bridgewater.” The City of Bridgewater shall constitutionally have a City form of government.

8
9 **Section 1-2. Short Title**

10
11 This instrument may be cited and shall be known as the Bridgewater Special Act Charter.

12
13 **Section 1-3. Division of Powers**

14
15 All legislative powers of the City shall be exercised by a City Council. The administration of all
16 City fiscal, business and municipal affairs shall be vested in the executive branch headed by the
17 City Manager.

18
19 **Section 1-4. Powers of the City**

20
21 The intent and purpose of this Charter is to secure for the voters of the City of Bridgewater,
22 through the adoption of this Charter, all the powers possible to secure for their government
23 under Article LXXXIX of the Amendments to the Constitution and Laws of the Commonwealth.

24
25 **Section 1-5. Interpretation of Powers**

26
27 The powers of the City under the Charter shall be construed and interpreted liberally in favor
28 of the City, and the specific mention of a particular power is not intended to limit in any way
29 the general powers of the City as enumerated in Section 1-4.

30
31 **Section 1-6. Intergovernmental Relations**

32
33 The City may enter into agreements with any other unit of government to perform jointly or in
34 cooperation, by contract or otherwise, any of its powers or functions.

35
36 **Section 1-7. City Seal and City Flag**

37
38 The City seal and City flag in existence at the time this Charter is adopted, unless the City
39 Council adopts another seal or flag, shall continue to be the City seal and City flag and shall be
40 kept in the custody of the City Clerk. Papers or documents issued from any office or board of
41 the City may be attested by use of the City seal. The City flag shall be displayed within the City
42 Council chambers.

1 **Section 1-8. Ethical Standards**

2
3 Elected and appointed officers and employees of the City are expected to demonstrate the
4 highest ethical standards, which shall be in compliance with all state and federal laws. Elected
5 and appointed officers and employees are expected to recognize that they act as agents of the
6 public, that they hold offices or positions for the benefit of the public, that the public interest
7 is their primary concern and that they are expected to faithfully discharge the duties of their
8 offices or positions regardless of personal considerations. Elected officers and employees shall
9 not use their official positions to secure or to grant special consideration, treatment,
10 advantage, privilege or exemption to themselves or to any other person beyond that which is
11 available to every other person.
12
13
14

15 **ARTICLE II- LEGISLATIVE BRANCH**

16
17 **Section 2-1. Composition; Eligibility; Term of Office**

18
19 (a) **Composition** - There shall be a City Council consisting of nine members which shall exercise
20 the legislative powers of the City. Seven of these members, to be known as District
21 Councilors, shall be nominated and elected by and from the voters of the seven districts
22 into which the City is divided, and two of the members, to be known as Councilors-at-
23 Large, shall be nominated and elected by and from the voters at large.
24

25 (b) **Eligibility** - Any voter shall be eligible to hold the office of Councilor-at-Large. A District
26 Councilor must be a voter and resident of the district in which election is sought. If a
27 District Councilor or a Councilor-at-Large moves out of the City during the term for which
28 elected, such office shall immediately be deemed vacant and filled in the manner provided
29 in section 2-5. If a District Councilor moves from the district from which the Councilor is
30 elected, or is removed by a change in district lines, and more than 12 months remains of
31 the term for which elected, the office shall be deemed vacant and shall be filled in the
32 manner provided in section 2-5. If less than 12 months of the term remains, the District
33 Councilor, who remains a resident of the City, may continue to serve during the term for
34 which elected.
35

36 (c) **Term of Office** - The term of office of District Councilors and Councilors-at-Large shall be
37 staggered terms of three years each, beginning on the next business day following the
38 election and continuing until their successors are qualified.
39

40 (d) **Prohibitions** -

- 41 1. No Councilor shall, while a member of the City Council, hold any other City office or
42 position.
- 43 2. No former Councilor shall hold any compensated appointive City office or City
44 employment until one year after the expiration of service on the City Council. This

1 provision shall not prevent a City officer or employee who has taken a leave of absence
2 from such duties, to serve as a member of the City Council upon returning to such office or
3 employment, following service as a member of the City Council.

4 3. Any Councilor who has been finally convicted of a criminal offense involving misconduct
5 in any elective or appointive public office, trust or employment at any time held by that
6 Councilor shall be deemed to have vacated office and shall not be eligible to serve in any
7 other elective or appointive office or position in the City.

8 4. Any Councilor who has been finally convicted of a state ethics law violation in any
9 elective or appointive public office, trust or employment at any time held by that Councilor
10 shall be deemed to have vacated office and shall not be eligible to serve in any other
11 elective or appointive office or position in the City, for a period of not less than 3 years as
12 deemed reasonable by the City Council.

13
14 **(e) Term Limits -**

15
16 1. No person shall be eligible to be elected or appointed as a District Council member of
17 the City council if, at any point during the term of office for which the person may be
18 elected or appointed, the service of the eligible person would exceed four elections or
19 appointments to the City Council.

20 2. No person shall be eligible to be elected or appointed as an At-large Council member of
21 the City council if, at any point during the term of office for which the person may be
22 elected or appointed, the service of the eligible person would exceed four elections or
23 appointments to the City Council.

24 3. For the purpose of this section, prior service as an At-Large Councilor shall not prevent
25 seeking election as a District Councilor. Prior service as a District Councilor shall not
26 prevent seeking election as an At-Large Councilor.

27
28 **Section 2-2. General Powers and Duties**

29
30 Except as otherwise provided by law or by the Charter, all powers of the City shall be vested in
31 the City Council which shall provide for their exercise and for the performance of all duties and
32 obligations imposed on the City by law.

33
34 **Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties**

35
36 (a) **Election** - After the Councilors-elect have been sworn, the City Council shall be called
37 together by the City Clerk for the purpose of conducting an election among City Council
38 members for the office of City Council President and Vice-President to serve at the will
39 of the City Council. The President shall preside at all meetings of the City Council and
40 perform such other functions as may be assigned by the Charter, by ordinance or by
41 vote of the City Council.

42
43 (b) **Term of Office** - The term of the Council President shall be for one year beginning on
44 the second Monday following election and continuing until a successor is qualified.

1
2 (c) **Powers and Duties** - The powers, duties and responsibilities of the Council President
3 shall include, but not be limited to, the following:
4

- 5 1) The Council President shall preside at all meetings of the City Council, regulate
6 its proceedings and shall decide all questions of order.
7
- 8 2) The Council President shall have the same powers to vote upon all measures
9 coming before the City Council as any other member of the City Council, but
10 shall have no veto power.
11
- 12 3) The Council President shall be recognized as the official head of the City for all
13 ceremonial purposes and the Council President, or the Council President's
14 designee, shall represent the City in its relations with other units of
15 government.
16
- 17 4) In time of public danger or emergency the Council President may, subject to the
18 review of the action by the City Council, temporarily exercise the City Council's
19 supervisory powers over the City Manager, but such delegation shall not exceed
20 five business days unless the City Council votes to extend the temporary powers
21 not to exceed another five business days. The City Council may extend the
22 period of delegation by successive extensions of not more than five business
23 days each.
24
- 25 5) The Council President in conjunction with the City Manager shall prepare and
26 deliver a yearly State of the City message to the City Council and citizens of the
27 City on or before March 15th of each year City. The message will address the
28 financial state of the City, strengths of the City and areas that need
29 improvement, as well as potential opportunities for the betterment of the City.
30 The State of the City message should also set the agenda and goals for the City
31 Council and City Manager for the ensuing year.
32
- 33 6) The Council President shall call no fewer than two meetings, one of which will
34 be the annual state of the City meeting of the general public each fiscal year, for
35 the purpose of obtaining public input to the policies of the City. The meeting
36 agenda and format shall be determined by the City Council but shall be
37 designed to obtain public input to the policies of the City. Members of the
38 public may submit potential items for the agenda of the meetings in accordance
39 with rules adopted by the City Council. The public shall be given at least 14
40 calendar days notice of the date and time of such meetings. The notices shall be
41 published in a newspaper of general circulation within the City, if required by
42 state law, posted on the City bulletin board, and posted on the City's official
43 website. The City Council may provide for additional venues for such postings.
44

1 **Section 2-4. Council Vice President**

2
3 The **City** Council shall elect from among its members a Council Vice-President who shall act as
4 Council President during the absence or disability of the Council President and, if a vacancy
5 occurs, shall become Council President until a successor is qualified at the next regular meeting
6 in accordance with the provisions of Section 2-3.

7
8 The powers of an acting Council President shall be limited to only those powers of the office
9 **absolutely necessary** to the performance of the duties of the office during the period of the
10 temporary absence or disability and no others.

11
12 **Section 2-5. Filling of Vacancies**

13
14 (a) **Councilor-at-Large** - If a vacancy occurs in the office of Councilor-at-Large during the
15 first 30 months of the term for which a Councilor was elected, the vacancy shall be
16 filled in descending order of votes received by the candidate for the office of Councilor-
17 at-Large at the preceding **City** election who received the largest number of votes
18 without being elected, provided such person remains eligible and willing to serve and
19 provided such person received votes at least equal to 30 percent of the vote total
20 received by the person receiving the largest number of votes for the office of Councilor-
21 at-Large at the election. The **City** Clerk shall certify such candidate to the office of
22 Councilor-at-Large to serve for the balance of the then unexpired term.

23
24 If a vacancy occurs in the office of Councilor-at-Large during the last six months of the
25 term for **which** the Councilor-at-Large was elected, the vacancy shall be filled by the
26 person at the most recent annual **City** election who received the highest number of
27 votes for the office of Councilor-at-Large and who is not then serving as a member of
28 the **City** Council.

29
30 The person shall be certified by the **City** Clerk and shall serve **for the balance of the**
31 **then unexpired term** which the person was elected.

32
33 (b) **District Councilor** - If a vacancy occurs in the office of District Councilor it shall be filled
34 in the same manner as provided in subsection (a) of section 2-5 for the office of
35 Councilor-at-Large except that the list shall be of the candidates for the office of District
36 Councilor in the district in which the vacancy occurs; provided, however, that if there is
37 no candidate on the list who remains eligible and willing to serve, the next highest
38 ranking candidate from among the candidates for election to the council-at-large who
39 is a resident of the district in which the vacancy exists shall be certified and shall serve
40 until the next regular election provided the candidate remains a resident of the district,
41 is willing to serve as a District Councilor and received votes in the district at least equal
42 to 30 per cent of the vote total received by the person receiving the largest number of
43 votes for the office of District Councilor at the election. The **City** Clerk shall certify such

1 candidate to the office of District Councilor to serve for the balance of the then
2 unexpired term.

3
4 (c) **Filling of Vacancies by City Council** - If a vacancy occurs in the office of Councilor-at-
5 Large or District Councilor and there is no available candidate to fill the vacancy in the
6 manner provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by
7 the remaining members of the City Council by way of an appointment. To be eligible for
8 appointment by the City Council, a person shall be a registered voter of the City and, in
9 the case of a District Councilor, a resident of such district. Persons appointed to fill a
10 vacancy by the City Council shall serve only until the next regular election, or if so
11 decided, a special election, at which time the vacancy shall be filled by the voters and
12 the person chosen to fill the vacancy shall be sworn and shall serve for the remainder
13 of the unexpired term. Persons serving as City Councilors under this section shall not be
14 entitled to have the words "candidate for re-election" printed against their names on
15 the election ballot.

16
17 (d) In the event an eligible incumbent is re-elected by write-in, the City Councilor will have
18 a 10-day period to decide whether to serve another term. If the City Councilor decides
19 not to serve another term, the city council will treat the position as a vacancy. The City
20 Council will then manage the vacancy as described in 2-5c.

21 22 **Section 2-6. Exercise of Powers; Quorum; Rules of Procedure**

23
24 (a) **Exercise of Powers** - Except as otherwise provided by any general or special law or the
25 Charter, the legislative powers of the City Council may be exercised in a manner
26 determined by it.

27
28 (b) **Quorum** - The presence of five members shall constitute a quorum for the transaction of
29 business. Except as otherwise provided by law or this Charter, the affirmative vote of five
30 members shall be required to adopt any ordinance or appropriation order.

31
32 (c) **Rules of Procedure** - The City Council shall from time to time establish written rules for its
33 proceedings. The rules shall be available for public inspection at the office of the City Clerk
34 and posted on the City's website.

- 35
36 1) Regular meetings of the City Council shall be held at a time and place fixed by
37 ordinance but shall be at least monthly.
- 38 2) Special meetings may be held on the call of the president of the City Council, or on
39 the call of three or more members, by written notice delivered to each member of
40 the City Council by the City Clerk at least 48 hours before the time set.
- 41 3) Except as otherwise authorized by a general or special law, all sessions of the City
42 Council shall be open to the public, be recorded, and have minutes taken.
- 43 4) Every matter coming before the City Council for action shall be put to a vote, the
44 result of which shall be duly recorded by the clerk of the council.

- 1 5) All City Council votes on ordinances, appropriation orders or loan authorizations
2 shall be taken by roll call vote, and shall be duly recorded by the clerk of the
3 council.
- 4 6) A full, accurate, and up-to-date record of the proceedings of the City Council shall
5 be kept and shall be open to inspection by the public.
- 6 7) All meetings of the City Council shall provide for a period of public comment.
7 Regular meetings of the City Council shall provide for a period of public comment,
8 provided however, that the City Council may promulgate rules that regulate such
9 period of public comment as deemed appropriate. City Council members are
10 responsible for providing followup to citizen comments within a reasonable time
11 frame.
- 12 8) Any Council Member may, from time to time, submit to the City Council, proposed
13 City policies, goals and other objectives for its consideration.
- 14 9) The City Council may amend, modify or reject any proposal submitted by the
15 Council President before adopting any proposal in its final form.
- 16 10) The City Council shall be responsible for ensuring that the Charter, the laws, the
17 ordinances and other plans, policies and orders for the government of the City are
18 properly implemented and enforced.
- 19 11) The City Council shall not direct or request the appointment or employment of any
20 person, or the removal of any person, or in any manner attempt to participate in
21 the appointment or removal of a person in the administrative service of the City for
22 which the City Manager is responsible.
- 23 12) The City Council shall communicate with the officers and employees serving under
24 the City Manager solely through the City Manager and the Council President shall
25 not give any orders or directions to any such officer or employee, either publicly or
26 privately.
- 27 13) The City Council shall perform such other duties consistent with the office as may
28 be provided by the Charter or by ordinance.
- 29 14) City Council members shall regularly seek and promote, two-way feedback, that
30 encourages all community residents to voice their concerns and observations that
31 may inform decision-making. Community residents shall be invited to engage in this
32 two-way communication using multiple formats that respect and affirms the
33 diverse backgrounds, identities, home languages, culture, and abilities of residents,
34 including but not limited to residents with limited access to technology and
35 residents whose home language is not English. Furthermore, City Council members
36 shall set clear expectations for addressing and responding to residents in an
37 equitable, effective and timely manner.

38 39 Section 2-7. Measures; Emergency Measures; Charter Objection

- 40
- 41 (a) **Measures** - No measure shall be passed finally on the date on which it is introduced,
42 except in the case of an emergency. Except as required by Massachusetts General Law,
43 measures passed by the City Council shall become effective 30 calendar days after final
44 passage, or at any later date specified therein. No ordinance shall be amended or

1 repealed except by another ordinance adopted in accordance with the Charter or as
2 provided in Article VIII, under the citizen initiative and referendum procedures.

3
4 (b) **Emergency Measures** - An emergency measure shall be introduced in the form and
5 manner prescribed for measures generally, except that it shall be plainly designated as
6 an emergency measure and shall contain statements after the enacting clause,
7 declaring that an emergency exists and describing its scope and nature in clear and
8 specific terms.

9
10 A preamble which declares and defines the emergency shall be separately voted on and
11 shall require the affirmative vote of two-thirds of the City Council.

12
13 An emergency measure may be passed with or without amendment or rejected at the
14 meeting at which it is introduced.

15
16 No measure making a grant, renewal or extension, whatever its kind or nature, or a
17 franchise or special privilege shall be passed as an emergency measure, and except as
18 provided by any general or special law, no such grant, renewal or extension shall be made
19 otherwise than by ordinance.

20
21 After its adoption, an emergency measure shall be published as prescribed for other
22 adopted measures. An emergency measure shall become effective upon adoption or at
23 such later time as it may specify.

24
25 (c) **Charter Objection**

26
27 (1) On the first occasion that the question on adoption of a measure is put to the City
28 Council, if a single member objects to the taking of the vote, the vote shall be
29 postponed until the next meeting of the City Council whether regular or special. If two
30 members shall object, such postponement shall be until the next regular meeting;
31 provided, however, that for a postponement of an emergency measure at least four
32 members, in all, must object, and the postponement shall be until the next regular
33 meeting.

34 (2) This procedure shall not be used more than once for any matter bearing a single docket
35 number notwithstanding any amendment to the original matter.

36 (3) A charter objection shall have privilege over all motions but must be raised prior to or
37 at the call for a vote by the presiding officer and all debate shall cease.

38 (4) Before taking a vote on any measure the Council President or Councilor acting as the
39 presiding officer shall ask if there is a charter objection to the measure.

40
41 **Section 2-8. Council Staff**

42
43 The City Council may employ such staff and experts as are necessary to conduct the business
44 of the City Council. The City Council shall set the salaries of such staff.

1
2 The City Council shall appoint an officer of the City who shall have the title of Council Clerk.
3 The Council Clerk shall give notice of City Council meetings to its members and the public, keep
4 the journal of its proceedings and perform such other duties as are assigned by this Charter, by
5 the City Council or by general or special law.

6
7 **Section 2-9. Publication Requirements**

8
9 Every proposed ordinance or loan order, except emergency measures as hereinbefore defined
10 and revenue loan orders, shall be published in accordance with the requirements of
11 Massachusetts General Laws, posted on the City's official website, City and posted in any
12 additional manner that may be provided by ordinance at least 10 calendar days prior to its
13 final passage.

14
15 **Section 2-10. Delegation of Powers**

16
17 The City Council may delegate to one or more City agencies, the powers vested in the City
18 Council by general or special law to grant and issue licenses and permits and may regulate the
19 granting and issuing of licenses and permits by any such City agency, and may in its discretion,
20 rescind any such delegation without prejudice to any prior action which has been taken.

21
22 **Section 2-11. Inquiries and Investigations**

23 The City Council may require any City officer or member of a board or commission to appear
24 before it and give such information as it may require in relation to an office held by such
25 person, its function and performance. The City Council shall give at least 48 hours written
26 notice of the general scope of the inquiry to any person it requires to appear before it under
27 this section. The City Council may make investigation into the affairs of the City and into the
28 conduct of any City agency, and for this purpose may subpoena witnesses, administer oaths
29 and require the production of evidence. The City Council shall adopt rules of procedure to
30 conduct the investigations.

31
32 **Section 2-12. Compensation; Expenses**

33
34 (a) **Salary** - Each City Councilor shall receive an annual stipend of \$3,000, but shall not be
35 eligible for any other City provided benefits or pension. This provision shall not take effect
36 until three years has elapsed from the date of adoption. (see, MGL c.268A, section 19)
37 M.G.L. ch.268A §19.

38 (b) **Expenses** - Subject to appropriation, the City Council members shall be entitled to
39 reimbursement of their actual and necessary expenses incurred in the performance of their
40 duties.

1 **ARTICLE III- ELECTED OFFICIALS**

2
3 **Section 3-1. General Provisions**

4
5 The offices to be filled by ballot of the voters of the entire City shall be City Council, Regional
6 School Committee, an elected City Clerk, a Board of Library Trustees and members of regional
7 authorities or districts as may be established by general or special law, intergovernmental
8 agreement or otherwise. All other offices, boards, committees and agencies shall be appointed
9 by the City Manager as defined in section 4-3 and as detailed in the Administrative Code.

10
11 Any voter shall be eligible to hold any elective City office, except as noted in Section 2-1(d); -
12 provided, however, that to be eligible a person shall not simultaneously hold any other
13 elected or appointed City office.

14
15 City of Bridgewater employees who would otherwise be eligible to serve as a member of the
16 City Council are ineligible to serve as a City council member due to the inherent conflicts of
17 supervisory inversion.

18
19 City of Bridgewater employees, who would otherwise be eligible to serve, may not be elected
20 to, or considered for appointment to, any other multi-member body of the City without first
21 obtaining prior and annual approval from City Council in consultation with the City Attorney,
22 affirming that such service would not place the candidate in a position having oversight,
23 direction, or control over any aspect of their City employment, their supervisor(s), or
24 department.

25
26 The regular City election of City officers shall be held annually on the Saturday preceding the
27 last Monday in April.

28
29 Notwithstanding their election by the voters, the City officers named in this section shall be
30 subject to the call of the City Council or the City Manager, at all reasonable times, for
31 consultation, conference and discussion on any matter relating to their respective offices.

32
33 **Section 3-2. Library Trustees**

34
35 a) **Composition, Election** - There shall be a Board of Library Trustees composed of nine
36 members, all elected by and from the voters at large.

37
38 b) **Term of Office** - The terms of Library Trustee members shall be staggered terms of
39 three years each, beginning on the day following the election for 3 years and continuing
40 until a successor is qualified.

41
42 c) **Powers and Duties**- The board of library trustees shall insure that the Bridgewater
43 Public Library, a public institution supported and managed by the Library Department
44 and the Library Board of Trustees provide all members of the Bridgewater community

1 the right and means to free and open access to information and ideas and that the
2 Bridgewater Public Library protects intellectual freedom, promotes literacy and
3 encourages life-long learning. The powers set forth herein shall be vested in the Board
4 of Trustees as a ministerial body in furtherance of these duties and obligations.
5

- 6 d) **Filling of Vacancies** - If a vacancy occurs in the membership of the Library Trustees,
7 whether by failure to elect or otherwise, the Library Trustees have 30 calendar days
8 from the date the vacancy is declared to exist by the City Clerk under
9 section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the
10 vacancy. The appointments will be approved by the City Council. If the vacancy is not
11 filled within 30 calendar days after the vacancy is declared to exist, the appointment
12 will defer to the City Council. The appointee will serve for the balance of the unexpired
13 term. A person so chosen shall be sworn and commence to serve forthwith. Library
14 Trustees or City Council shall give consideration to whichever of the defeated
15 candidates for the seat in which the vacancy is declared to exist, received the highest
16 number of votes at the last regular City election immediately preceding the date the
17 vacancy is declared to exist.
18

19 (e) **Collections** – The books, periodicals, papers and any other material curated by the
20 Bridgewater Public Library shall be in the custody and control of the board of library
21 trustees, subject to the Director’s responsibility to manage circulating materials and
22 disposition of outdated materials. The board of library trustees may direct the Director
23 of the Library to make certain items, collections or items related to specific subject
24 matters available as a special collection, subject to Director’s obligations regarding the
25 orderly management of the Bridgewater Public Library and the Library Department.
26 The board of library trustees may make, or authorize the Director to make such
27 disposition of old and unused papers and books as they may think for the best interests
28 of the City. The proceeds, if any, of such disposition shall be retained and segregated by
29 the City. The board of library trustees shall have the full and sole power to expend such
30 funds, solely in their discretion, to further the duties set forth in section 3-2 (c).
31

32 (f) **Gifts** - All gifts of property, including but not limited to funds, that have been, is, or will
33 be given, to the Bridgewater Public Library shall be in the custody and control of the
34 board of library trustees, subject to the board’s acceptance of such property and any
35 restrictions placed upon it. The board of library trustees shall have the power and
36 authority to liquidate or dispose of any such gifted property, subject to any accepted
37 restrictions. The board of library trustees shall have the full and sole power to expend
38 any such funds, or the funds resulting from the liquidation or disposition of such
39 property, solely in their discretion, to further the duties set forth in section 3-2 (c),
40 herein, subject to any gift restriction. Any funds described herein shall be retained and
41 segregated by the City. Property provided to the Library by the Library Department for
42 the support, maintenance and operation of the Library by the Library Department,
43 excluding property subject to 3-2(e), shall not be considered property given to the
44 Library for purposes of this section.

1
2 (g) **Library Director**- Except as set forth herein, the Library Director shall only be hired
3 upon the City Manager receiving a written recommendation from the board of library
4 trustees. Except as set forth herein, the City council may not ratify the appointment of
5 the Library Director if the City Manager has not received a written recommendation
6 from the board of library trustees. Should the Library Board of Trustees fail to provide
7 a written recommendation within 180 calendar days from the date the position
8 becomes publicly posted, the City Manager may proceed with the hiring process
9 without the Board of Trustees recommendation and the City Council may ratify such
10 hiring. The City Manager will provide the board of library trustees with term length and
11 renewal conditions of any employment contract entered into with the Library Director.
12 The City Manager may only renew or extend the employment contract of the Library
13 Director upon receipt of an additional written recommendation of the board of library
14 trustees to do so. In the case of an employment at will situation, any period of
15 consecutive employment for more than one year shall be considered an extension.

16
17 The City Manager shall include that a member of the Board of Library Trustees is
18 present for a least one interview for each potential candidate.

19
20 (h) **City Collector-Treasurer**- The City treasurer shall act as treasurer of the board of library
21 trustees. The board of library trustees may request from the treasurer a report setting
22 out the funds retained by the City and subject to the custody and control of the board
23 of library trustees.

24
25 (i) **Annual Fiscal Report**- The board of library trustees shall make an annual report to the
26 City, no later than January 1st, of its receipts and expenditures and of the property in its
27 custody and control and of any gifts or bequests made to the library.

28 29 **Section 3.3. Elected Official Recall Provision**

- 30
- 31 (a) Any holder of an elective office in the City of Bridgewater may be recalled and removed
32 therefrom by the qualified voters of said City as herein provided.
- 33
- 34 (b) One hundred or more of a district's registered voters, or in the case of an at large official
35 four hundred or more registered voters, may file with the City Clerk an affidavit containing
36 the name of the officer and the office held whose recall is sought and a statement of the
37 grounds upon which the petition is based. Said City Clerk and the Board of Registrars shall,
38 within five business days, certify thereon the number of signatures which are names of
39 registered voters of the City. The City Clerk shall upon certification deliver to said voters
40 making the affidavit copies of petition blanks demanding such recall, copies of which shall
41 be kept available. The blanks shall be issued by the City Clerk with said Clerk's signature
42 and official seal attached thereto. They shall be dated, shall be addressed to the City
43 Council, and shall contain the names of all persons to whom they are issued, the name of
44 the person whose recall is sought, the office held by the person named, the grounds of

1 recall as stated in the affidavit, and shall demand the election of a successor to said office.
2 A copy of the petition shall be entered in a record book to be kept in the office of the City
3 Clerk. The recall petition shall be returned and filed with the City Clerk within 21 calendar
4 days after the certification of the affidavit, and shall have been signed by no less than at
5 least ten percent (10%) of the registered voters of the district or the City, as the case may
6 be, based on the last City election, who shall add to their signatures the street and number
7 if any, of their residences. The City Clerk shall within twenty-four hours of receipt of the
8 petition, submit the petition to the Board of Registrars of voters in the City, and the
9 Registrars shall within 14 calendar days certify thereon the number of signatures which are
10 names of registered voters of the City.
11

12 (c) If the petition shall be certified by the City Clerk and the Board of Registrars, and found to
13 be sufficient, the City Clerk shall submit the same with the City Clerk's certification to the
14 City Council without delay, and said Council shall within five business days give written
15 notice of the receipt of the certificate to the officer sought to be recalled.
16

17 If the officer does not resign within five business days thereafter, the City Council shall
18 order an election to be held on a date fixed by them not less than 60 nor more than 90
19 calendar days after the date of the City Clerk's certification that a sufficient petition has
20 been filed; provided, however, if any other City election is to occur within 100 calendar
21 days after certification, the City Council shall postpone the holding of the recall election to
22 the date of such other election. If a vacancy occurs in said office after a recall election has
23 been ordered, the election shall nevertheless proceed as specified in the section provided.
24

25 (d) An officer sought to be removed by recall may be a candidate for re-election and, unless
26 the officer requests otherwise in writing, the City Clerk shall place the officer's name on the
27 ballot without nomination. The nomination of other candidates, the publication of the
28 warrant for the recall election, and the conduct of the same, shall all be in accordance with
29 the provisions of law relating to elections, unless otherwise provided in this act.
30

31 (e) The incumbent shall continue to perform the duties of office until the recall election. If
32 then re-elected, the officer shall continue in office for the remainder of the unexpired
33 term, subject to recall as before, except as provided in this section. If the majority of the
34 votes cast upon the question of recall is in the affirmative, the candidate receiving the
35 highest number of votes shall be declared elected. If not re-elected in the recall election,
36 the officer shall be deemed removed upon the qualification of the successor, who shall
37 hold office during the unexpired term. If the successor fails to qualify within five calendar
38 days after receiving notification of the election, the incumbent shall be deemed removed
39 and the office vacant.
40

41 (f) Ballots used in a recall election shall submit the following proposition in the order
42 indicated: FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of
43 officer) (office held). Immediately at the right of each proposition there shall be an oval in
44 which the voter, by filling in the oval, may vote for either of said propositions. Under the

1 proposition shall appear the word "Candidates", the direction "Vote for One", and beneath
2 this the names of candidates nominated as hereinbefore provided. In the case of machine
3 voting or punch card balloting, or other forms of balloting provision shall be made to allow
4 the same intent of the voter. If a majority of the votes cast upon the question of recall is in
5 the affirmative, the candidate receiving the highest number of votes shall be declared
6 elected. If a majority of votes on the question is in the negative, the ballots for candidates
7 need not be counted.

8
9 (g) No recall petition shall be filed against an officer within six months after taking office, or in
10 the case of an officer subjected to a recall election and not removed thereby, until at least
11 six months after that election.

12
13 (h) No person who has been recalled from an office or who has resigned from office while
14 recall proceedings were pending against **that person**, shall be appointed to any **City** office
15 within two years after such removal by recall or resignation.

16
17 **Section 3-4. City Clerk**

18
19 **(a) Composition, Election** - A City clerk shall be elected by and from the voters at large.

20
21 **(b) Term of Office** - The term of office for a City clerk shall be for 3 years beginning on the
22 second Monday following election and continuing until a successor is qualified.

23
24 **(c) Powers and Duties** - The City clerk shall:

- 25 1. be the keeper of vital statistics of the City;
- 26 2. be the custodian of the City seal and of all records of the City;
- 27 3. administer the oath of office to all City officers;
- 28 4. issue licenses and permits as may be provided by-law
- 29 5. be responsible for the conduct of elections and all matters relating thereto. The City
30 clerk shall have the powers and duties provided under any general or special law, the
31 charter, ordinance or other City council vote.

32
33 **(d) Filling of Vacancies** – If a vacancy occurs in the position of City Clerk for any reason, the City
34 Council shall appoint a person to fill the vacated position until the next General Election.

35
36 Notwithstanding any other provision in this Charter, for the position of City Clerk that becomes
37 vacant, the qualified candidate for that position with the next highest number of votes from
38 the last election shall be appointed by the City Council to fill the unexpired term of the vacated
39 position. If said candidate declines the appointment to fill the vacancy, the appointment shall
40 be offered to the qualified candidate with the next highest votes, and so forth, until either a
41 qualified candidate accepts the appointment or until the list of qualified candidates is
42 exhausted. If the candidate list is exhausted, the City Council shall advertise the vacancy and
43 may appoint a person from the list of applicants for the advertised vacancy. A qualified

1 candidate as used in this section is a person who declared for the vacated position, obtained
2 the requisite signatures to appear on the ballot, and appeared on the ballot in the election.
3
4
5

6 **ARTICLE IV- CITY MANAGER**

7 **Section 4-1. Appointment, Qualifications, Term of Office**

8 The City Council shall appoint by a majority vote of the full City Council, a City Manager.
9

10 The City Council shall appoint a City Manager by a majority vote of the entire membership of
11 the City Council, to a maximum 3 year renewable term and fix the manager's compensation .
12 Since the City Council bears ultimate responsibility for the management of the City, the City
13 Manager must serve at the will of the Council, and is bound by whatever legislative policy
14 action the City Council takes.

15 The City Manager shall be a person of proven administrative ability, especially qualified by
16 education and training with prior experience as a Municipal manager or an assistant Municipal
17 manager or the equivalent public or private sector level experience. The City Council may from
18 time to time establish additional qualifications as deemed necessary and appropriate. The City
19 Manager shall devote full-time to the duties of the office and shall not hold any other elective
20 or appointive office in the City, nor shall the City Manager engage in other business unless
21 such business is approved in advance by a majority vote in public session of the City Council.
22 The City Manager need not be a resident of the City, but must be a United States citizen.

23 **Section 4-2. Administrative Powers and Duties**

24 (A) The City Manager shall be the chief administrative officer of the City and shall be
25 responsible to the City Council for the proper operation of City affairs for which the City
26 Manager is given responsibility under this Charter. The powers, duties and responsibilities of
27 the City Manager shall apply to all municipal departments excluding the regional school
28 districts, and shall include, but shall not be limited to, the following:

29 1) to supervise, direct and be responsible for the efficient administration of all officers
30 appointed by the City Manager and their respective departments and of all functions
31 for which the City Manager is given responsibility under this Charter, by ordinance or
32 by vote of the City Council;

33 2) to administer either directly or through a person supervised by the City Manager, in
34 accordance with this Charter, all provisions of any general or special law applicable to
35 the City, all ordinances and all regulations established by the City Council;

- 1 3) to coordinate all activities of City departments or appointed boards, committees or
2 agencies;
- 3 4) to provide consultative services to elected boards, committees or agencies;
- 4 5) to attend all regular and special meetings of the City Council, unless excused, and
5 answer all questions addressed to the City Manager which are related to matters under
6 the general supervision of the City Manager;
- 7 6) to have the right to take part in discussions of the City Council, but not vote;
- 8 7) to keep the City Council fully informed as to the needs of the City, and to
9 recommend to the City Council for adoption, such measures requiring action by them
10 as the City Manager deems necessary or expedient;
- 11 8) to make recommendations to the City Council concerning the affairs of the City and
12 facilitate the work of the City Council in developing policy;
- 13 9) to ensure that complete and full records of the financial and administrative activity
14 of the City are maintained and to render reports to the City Council and finance
15 committee as may be required;
- 16 10) to be responsible for the rental, use, maintenance and repair of all City facilities;
- 17 11) to be responsible for the purchase of all supplies, materials and equipment and
18 approve the award of all contracts;
- 19 12) to develop and maintain a full and complete inventory of all City-owned real and
20 personal property;
- 21 13) to administer personnel policies, practices or rules and regulations, any
22 compensation plan and related matters for all City employees and to administer all
23 collective bargaining agreements entered into by the City;
- 24 14) to fix the compensation of all City employees and officers appointed by the City
25 Manager within the limits established by appropriation and applicable compensation
26 plan;
- 27 15) to be responsible for the negotiation of all contracts with City employees over
28 wages, and other terms and conditions of employment. The City Manager may employ
29 special counsel to assist in the performance of these duties. Insofar as they require
30 appropriations, contracts shall be subject to the approval of the City Council.

- 1 16) to prepare and submit an annual operating budget, capital improvement program
2 and a long term financial forecast as provided in Article VI;
- 3 17) to ensure that the Council President is kept fully informed of and fully involved in
4 the City's emergency preparedness planning and preparation;
- 5 18) to keep the City Council fully informed as to the financial condition of the City and
6 to make recommendations to the City Council as the City Manager determines
7 necessary or expedient;
- 8 19) to effectively engage with the City Council to develop long-term goals for the City
9 and strategies to implement these goals;
- 10 20) to investigate or inquire into the affairs of any City department, agency or office;
- 11 21) to delegate, authorize or direct a subordinate or employee of the City to exercise
12 any power, duty or responsibility which the office of City Manager may exercise;
13 provided, however, that all acts that are performed under the delegation shall be
14 considered to be the acts of the City Manager;
- 15 22) to perform such other duties as necessary or as may be assigned by this Charter,
16 by ordinance, order or by majority vote of the City Council;
- 17 23) to provide staff support services for the Council President and City Council
18 members;
- 19 24) to serve as the City's liaison to any regional entity of which the City is a member
20 and to explore opportunities for intergovernmental cooperation;
- 21 25) to promote partnerships by engaging in regular 2-way effective communication in
22 multiple formats, among City Council, staff, appointed and/or standing committees,
23 citizens and businesses in developing public policy and building a sense of community;
24 and
- 25 26) to conduct, no less than quarterly, informational sessions with departments and
26 community-based organizations, to promote continuous collaboration .
- 27 (B) With the consent of the City Council, the City Manager may serve as the head of one or
28 more departments, offices or agencies or may appoint one person as the head of two or more
29 of them.
- 30

1 **Section 4-3. Powers of Appointment**

2 **(a) Department Heads** - Except as otherwise provided by this Charter, the City Manager shall
3 appoint, based upon merit and fitness alone, all department heads. All appointments of
4 department heads, as defined within the Administrative Code, shall be subject to the
5 ratification of the City Council. The City Manager shall also appoint officers, subordinates and
6 employees for whom no other method of selection is provided in this Charter; provided,
7 however, that the City Manager shall not appoint employees of the regional school district and
8 persons serving under officers elected directly by the voters of Bridgewater. In accordance
9 with the procedures set forth in section 5-2, the City Manager may be required to consult with
10 or engage in a joint recruitment and selection process with multiple member bodies, before
11 the appointment of department heads or employees who perform tasks under the jurisdiction
12 of the multiple member bodies.

13 **(b) Boards, Committees, and Agencies** - Except as otherwise provided by this Charter, the
14 City Manager shall appoint all boards, committees and agencies. Members of all appointed
15 boards and committees shall be residents of the City. All appointments of boards, committees
16 and agencies, as defined within the Administrative Code, shall be subject to the ratification of
17 the City Council. The City Manager shall form a citizen's advisory committee to help in
18 evaluating and selecting those individuals for appointment. The number and terms of office of
19 the committee shall be established by ordinance.

20 **Section 4-4. Powers of Suspension, Removal**

21 The City Manager shall have the authority to suspend or remove department heads and
22 appointive administrative officers provided for by or under this Charter, except as otherwise
23 provided by-law, collective bargaining agreements, this Charter or personnel rules adopted
24 pursuant to this Charter. The City Manager may authorize an administrative officer subject to
25 the manager's direction and supervision to exercise these powers with respect to subordinates
26 in that officer's department, office or agency.

27 **Section 4-5. Compensation**

28 The City Manager shall receive such compensation for services as the City Council shall
29 determine, but such compensation shall be within the limits of available appropriations.

30 **Section 4-6. Vacancy in Office**

31 A vacancy in the office of City Manager shall be filled as soon as possible by the City Council.
32 Pending appointment of the City Manager or the filling of any vacancy, the City Council shall
33 forthwith appoint some other qualified person to perform the duties of the City Manager. The

1 appointment of the acting City Manager shall be for a term not to exceed six months;
2 provided, however, that a renewal, not to exceed an additional three months may be
3 provided.

4 **Section 4-7. Temporary Absence**

5 The City Manager may appoint the Assistant City Manager or a person from the department
6 heads to act when the City Manager is absent for 30 calendar days or less. The City Council will
7 appoint a person to act for the City Manager in the event the City Manager is absent for more
8 than 30 calendar days. No person appointed by the City Manager to act shall serve more than
9 21 calendar days without approval by the City Council.

10 **Section 4-8. Removal of City Manager**

11 The City Council, by affirmative vote of a majority of the full City Council, may vote to
12 terminate, remove or suspend the City Manager from office in accordance with the following
13 procedure:

14 (1) Before removal or termination of the City Manager, the City Council shall adopt a
15 preliminary resolution of removal by the affirmative vote of a majority of the full City Council.
16 The preliminary resolution may suspend the City Manager for a period not to exceed 30
17 calendar days. A copy of the resolution shall be delivered to the City Manager forthwith. If so
18 requested by the City Manager, the City Council shall provide a written statement setting forth
19 the reasons for the removal or termination.

20 (2) Within five business days after the receipt of the preliminary resolution, the City Manager
21 may request a public hearing by filing a written request for such hearing with the City Council.
22 If such a hearing is requested, the hearing shall be held at a meeting of the full City Council not
23 later than 20 calendar days from the date of request. At such hearing the City Manager shall be
24 entitled to address the City Council and make comments related to the preliminary resolution.

25 (3) If a public hearing has not been requested by the City Manager, the City Council may
26 adopt a final resolution of removal, which may be effective immediately, by the affirmative
27 vote of a majority of the full City Council at any time after 10 calendar days following the date
28 of delivery of a copy of the preliminary resolution to the City Manager.

29 (4) If the City Manager requests a public hearing, the City Council may, at the conclusion of
30 the hearing or within five business days of the conclusion of the hearing, adopt a final
31 resolution of removal by an affirmative vote of majority of the full City Council.

1 (5) The City Council may suspend by an affirmative vote of the majority of the full City
2 Council, the City Manager, pending and during any public hearing as requested by the City
3 Manager.

4 (6) The City Manager shall continue to receive a salary until the final date of removal becomes
5 effective.

6 (7) The action of the City Council in terminating, removing or suspending the City Manager
7 shall be final.

8 **Section 4-9. Annual Review of the City Manager**

9 Annually, the Council President shall cause the City Council to prepare and deliver to the City
10 Manager a written evaluation of the City Manager's performance. The evaluation shall be
11 conducted in accordance with any applicable general or special law.

12

13

14 **ARTICLE V- ADMINISTRATIVE ORGANIZATION**

15

16 **Section 5-1. Organization of City Agencies; Adoption of Administrative Code**

17

18 The organization of the City into operating agencies for the provision of services and the
19 administration of government may, under charter powers granted in section 20 of chapter 43B
20 of the General Laws, be accomplished through either of two methods provided in this section.
21 For the convenience of the public, the Administrative Code and any amendments thereto shall
22 be printed as an appendix to, but not an integral part, of the ordinances of the City.

23

24 (a) **Ordinance** - Subject only to the express prohibitions in any general or special law or the
25 provisions of this Charter, the City Council may by ordinance, reorganize, consolidate,
26 create, merge, divide or abolish any City agency, in whole or in part, establish such new
27 City agencies as it deems necessary or advisable, determine the manner of selection, the
28 term of office and prescribe the functions of all such agencies.

29

30 (b) **Executive Reorganizations** - The City Manager may from time to time prepare and submit
31 to the City Council a plan of organization or reorganization which establishes operating
32 divisions for the orderly, efficient or convenient conduct of business of the City.

33

34 (1) Whenever the City Manager prepares such plan, the City Manager must hold one or
35 more public hearings on the proposal giving notice by publication in a local
36 newspaper, if required by state law, and on the City's official website. The notice
37 must describe the scope of the proposal and the time and place at which the public
38 hearing will be held, not less than five business days nor more than 14 calendar
39 days following the date of the publication.

- 1 (2) Following the public hearing, the proposal, which may be amended by the City
2 Manager subsequent to the public hearing, shall be submitted to the City Council.
3 (3) An organization or reorganization plan shall become effective 60 calendar days
4 following the date of submission of the proposal to the City Council, unless the City
5 Council, by a majority vote of the full council, vote to disapprove the plan.
6 (4) The City Council may vote only to approve or disapprove the plan and no vote to
7 amend or alter it shall be deemed in order.
8 (5) The City Manager may propose reorganization plans, and subject only to express
9 prohibitions of any general or special laws or this Charter, reorganize, consolidate
10 or abolish in whole or in part City agencies, or establish such new City agencies as is
11 deemed necessary, in subsection (1) of section 5-1, for ordinances; and for such
12 purpose may transfer the duties and powers and so far as is consistent with the use
13 for which the funds were voted by the City Council, transfer the appropriation of
14 one City agency to another.
15 (6) Whenever a reorganization proposal becomes effective, whether under the
16 provisions of subsection (a) or (b), no proposal to again reorganize which deals with
17 substantially the same subject matter shall be acted upon within 18 months
18 following the first reorganization, except on the petition of the City Manager.
19

20 Section 5-2. Personnel Administration

21
22 The City Manager shall adopt rules and regulations establishing a personnel system. The
23 personnel system shall make use of modern concepts of personnel management and may
24 include, but not be limited to, the following elements:
25

- 26 1) a method of administration;
- 27
- 28 2) personnel policies indicating the rights, obligations and benefits of employees;
- 29
- 30 3) a classification plan;
- 31
- 32 4) a compensation plan;
- 33
- 34 5) a method of recruiting and selecting employees based upon merit principles;
- 35
- 36 6) a centralized record keeping system;
- 37
- 38 7) a merit based performance evaluation system;
- 39
- 40 8) disciplinary procedures; and
- 41
- 42 9) other elements that are determined necessary.
- 43

1 All City agencies and positions shall be subject to the rules and regulations adopted under this
2 section; provided, however, that this must not include employees of the regional school
3 departments.

4
5 Department heads shall have the authority to appoint, suspend and remove based upon merit
6 and fitness alone, all department subordinates and employees, except as otherwise provided
7 by law, collective bargaining agreements, this Charter or personnel rules adopted under this
8 Charter. Employees of the Regional school departments and persons serving under officers
9 elected directly by the voters of the City are excluded.

10
11 **Section 5-3. City Attorney**

12
13 (a) Appointment - There shall be a legal officer of the City appointed by the City Council to a
14 maximum 3 year renewable term.

15
16 (b) Role - The legal officer shall serve as chief legal advisor to the City Council, the City
17 Manager and all City departments, offices and agencies. The legal officer shall represent
18 the City in all legal proceedings and shall perform other duties prescribed by any general or
19 special law, by this Charter or by ordinance.

20
21
22
23 **ARTICLE VI- FINANCIAL MANAGEMENT**

24
25 **Section 6-1. Annual Budget Policy**

26
27 The Council President shall call a joint meeting of the City Council, the Regional School
28 Committee chair, or the chair's designee, the Finance Committee, the City Manager and any
29 other committee established for the budget process, before the commencement of the budget
30 process to review the financial condition of the City, revenue and expenditure forecasts and
31 other relevant information in order to develop a coordinated budget.

32
33 The fiscal year of the City shall begin annually on the first day of July and end on the last day of
34 June of the following year.

35
36 **Section 6-2. Submission of Budget; Budget Message**

37
38 Not later than February 1st of each year, the City Manager shall submit to the City Council a
39 preliminary budget for the ensuing fiscal year and an accompanying message

40
41 Within the period prescribed by any general or special law, but no later than April 1, the City
42 Manager shall file with the City Council Clerk a proposed operating budget and budget
43 message for all City agencies and Regional school district. The budget message submitted by
44 the City Manager shall include content as explained in section 6-2(b) of this charter.

1
2 The City Manager may request a time extension. The extension may be granted at the
3 discretion of the City Council, but must provide for a reasonable and timely review of the
4 proposed budget.
5

6 (a) **Budget** - The budget shall provide a complete financial plan of all City funds and activities
7 for the ensuing fiscal year and, except as required by law or this Charter, shall be in the
8 form as the City Manager deems desirable or the City Council may require for effective
9 management and an understanding of the relationship between the budget and the City's
10 strategic goals. The budget shall be realistic and based on a forecast of those scenarios
11 most likely to occur in the coming year. The budget shall begin with a clear general
12 summary of its contents, shall show in detail all estimated income, indicating the proposed
13 property tax levy and all proposed expenditures, including debt service, for the ensuing
14 fiscal year and shall show comparative figures for actual and estimated income and
15 expenditures of the current fiscal year and actual income and expenditures of the
16 preceding fiscal year. At a minimum, it shall indicate in separate sections:
17

- 18 1) The proposed goals and expenditures for current operations during the ensuing fiscal
19 year, detailed for each fund by department or by other organization unit, and program,
20 purpose or activity, method of financing such expenditures and methods to measure
21 outcomes and performance related to the goals;
22
- 23 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,
24 detailed for each fund by department or by other organization unit when practical, the
25 proposed method of financing each such capital expenditure and methods to measure
26 outcomes and performance related to the goals; and
27
- 28 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing
29 year for each utility or other enterprise fund or internal service fund operated by the
30 City and methods to measure outcomes and performance related to the goals;
31 provided, however, that for any fund, the total of proposed expenditures shall not
32 exceed the total of estimated income plus carried forward fund balance exclusive of
33 reserves.
34

35 (b) **Budget Message** - The City Manager's message shall explain the budget both in fiscal terms
36 and in terms of the work programs, linking those programs to organizational goals and
37 community priorities. It shall outline the proposed financial policies of the City for the
38 ensuing fiscal year and the impact of those policies on future years. It shall describe the
39 important features of the budget, indicate any major changes from the current year in
40 financial policies, expenditures and revenues together with the reasons for such changes,
41 summarize the City's debt position, including factors affecting the ability to raise resources
42 through debt issues and include such other material as the City Manager deems desirable.
43
44

1 **Section 6-3. Action of the Budget**

2
3 (a) **Public Hearing** - The City Council shall publish in a newspaper of general circulation in the
4 City, if required by law, and the City's official website, the proposed operating budget as
5 submitted by the City Manager. The City Council shall identify a date, time and place not
6 less than 14 calendar days after the publication, when a public hearing on the proposed
7 budget will be held by the City Council. For the purpose of this section, the summary of the
8 proposed operating budget that is required to be published shall contain proposed
9 appropriations, funding sources and any narrative summary deemed necessary by the City
10 Council. City

11
12 (b) **Adoption of the Budget** – The City Council shall adopt the budget, with or without
13 amendments, within 45 calendar days following the date the budget is filed with the City
14 Council Clerk. In amending the budget, the City Council may delete or decrease any
15 programs or amounts, except expenditures required by law or for debt service. The City
16 Council shall not increase any line item without a corresponding decrease in an identified
17 line item and the total proposed budget may not be increased from what was proposed,
18 unless otherwise authorized by any general or special law. If the City Council fails to take
19 action with respect to any item in the budget within 45 calendar days after receipt of the
20 budget, the amount shall, without any action by the City Council become a part of the
21 appropriations for the year and be available for the purposes specified. The adopted
22 budget will be published on the City's official website not less than 14 calendar days
23 after adoption.

24
25 (c) **Budget to Actual Assessments** - The City Manager shall conduct a mid-year budget to
26 actual comparison, showing significant variances, for review and presentation to the City
27 Council. The mid-year assessment will be conducted on or before January 1, and published
28 on the City's official website, not less than 14 calendar days after review with the City
29 Council.

30
31 **Section 6-4. Supplementary Budgets and Appropriations**

32
33 Whenever the City Manager submits to the City Council a request for an appropriation of any
34 sum of money, whether as a supplement to the annual operating budget or for an item not
35 included therein, the City Council shall not act upon the request until it has given notice by
36 publication in a newspaper of general circulation in the City, if required by state law, and the
37 City's official website of the request and held a public hearing concerning the request. The
38 publication and the public hearing shall be in conformity with the provisions of subsection (a)
39 of section 6-3 concerning the proposed annual operating budget.

40
41 (a) **Supplemental Appropriations** - If during or before the fiscal year begins, the City
42 Manager certifies that there are available for appropriation, revenues in excess of
43 those estimated in the budget, the City Council by ordinance may make supplemental
44 appropriations for the year up to the amount of the excess.

1 (b) **Emergency Appropriations** - To address a public emergency affecting life, health,
2 property or the public peace, the City Council may make emergency appropriations as
3 provided under M.G.L. ch.44 §31. The appropriations may be made by emergency
4 ordinance in accordance with Article II. To the extent that there are no available
5 unappropriated revenues or a sufficient fund balance to meet the appropriations, the
6 City Council may by an emergency ordinance authorize the issuance of emergency
7 notes, which may be renewed from time to time, but the emergency notes and
8 renewals of any fiscal year shall be paid or refinanced as long-term debt not later than
9 the last day of the fiscal year next succeeding that in which the emergency
10 appropriation was made.

11 (c) **Reduction of Appropriations** - If at any time during the fiscal year it appears probable
12 to the City Manager that the revenues or fund balances available will be insufficient to
13 finance the expenditures for which appropriations have been authorized, the manager
14 shall report to the City Council without delay, indicating the estimated amount of the
15 deficit, any remedial action taken by the City Manager and recommendations as to any
16 other steps to be taken. The City Council shall then take the further action as it deems
17 necessary to prevent or reduce any deficit and for that purpose it may by ordinance
18 reduce or eliminate one or more appropriations.

19
20 (d) **Transfer of Appropriations** - At any time during or before the fiscal year, the following
21 may occur:

22
23 1) The finance director, with concurrence of the City Manager, may transfer up to
24 a maximum of an amount cited in M.G.L. ch.30B §5 of the unencumbered
25 appropriation balance from one department, fund, service, strategy or
26 organizational unit to the appropriation for other departments or organizational
27 units or a new appropriation. The City Manager shall report the transfers to the
28 City Council in writing within a 14 calendar day period.

29
30 2) The finance director may also, with concurrence of the City Manager, transfer
31 up to a maximum of an amount cited in M.G.L. ch.30B §5 among line items
32 within a department, fund, service, strategy or organizational unit. The City
33 Manager shall report the transfers to the City Council in writing within a 14
34 calendar day period.

35
36 (e) **Limitation; Effective Date** – M.G.L. ch.44 §7 & 8 regulate the purposes for which
37 municipalities may incur debt, and the maximum maturity for bonds issued for each
38 purpose. M.G.L. ch.44 §10 specifies that the debt limit for Cities is 5% of equalized
39 valuation. No appropriation for debt service may be reduced or transferred, except to
40 the extent that the debt is refinanced and less debt service is required and no
41 appropriation may be reduced below an amount required by-law to be appropriated or
42 by more than the amount of the unencumbered balance thereof. The supplemental
43 and emergency appropriations and reduction or transfer of appropriations authorized
44 by this section may be made effective immediately upon adoption.

1
2 **Section 6-5. Administration and Fiduciary Oversight of the Budget**

3
4 The **City** Council may provide by ordinance the procedures for administration and fiduciary
5 oversight of the budget.

6
7 **Section 6-6. Capital Improvements Program**

8
9 (a) **Preparation** - The **City** Manager may, in conjunction with any committee established for
10 such purpose, annually submit a five-year capital improvement program by a date
11 established by **City** ordinance.

12
13 (b) **Contents** - The capital improvement program shall include:

- 14
15 1) A clear general summary of its contents;
16
17 2) Identification of the long-term goals of the community;
18
19 3) **A list of currently approved projects and their status;**
20
21 4) A list of **new** capital improvements and other capital expenditures proposed to be
22 undertaken during the fiscal years next ensuing, with appropriate supporting
23 information as to the necessity for each;
24
25 5) Cost estimates and implementation schedules for each improvement or other capital
26 expenditure;
27
28 6) Method of financing upon which each capital expenditure is to be reliant;
29
30 7) The estimated annual cost of operating and maintaining the facilities to be constructed
31 or acquired;
32
33 8) A commentary on how the plan addresses the sustainability of the community and the
34 region of which it is a part; and
35
36 9) Methods to measure outcomes and performance of the capital plan related to the
37 long-term goals of the community.

38
39 The above shall be reviewed annually.

40
41 (c) **Public Hearing** - The **City** Council shall publish on the **City**'s official website and, if required
42 by state law, in a newspaper of general circulation in the **City**, a summary of the proposed
43 capital improvement plan as submitted by the **City** Manager. The **City** Council shall identify

1 a date, time and place not less than 14 calendar days after the publication, when a public
2 hearing on the proposed capital improvement plan will be held.

3
4 (d) **Adoption of the Capital Improvement Program** - City Council shall adopt the capital
5 improvement plan, with or without amendments, provided that each amendment must be
6 voted separately and that any increase in the capital improvement plan as submitted must
7 clearly identify and approve the method of financing proposed to accomplish the increase.
8 The proposed capital improvement plan will be published on the City's website upon
9 adoption.

10
11 **Section 6-7. Long Term Financial Forecast**

12
13 (a) The City Manager shall annually prepare a five-year financial forecast of City revenue,
14 expenditures and the general financial condition of the City. The forecast shall include, but not
15 be limited to: (1) an identification of factors which will impact on the financial condition of the
16 City; (2) revenue and expenditure trends; and (3) potential sources of new or expanded
17 revenues and any long or short-term actions which may be taken that may enhance the
18 financial condition of the City. The forecast shall be submitted to the City Council and finance
19 committee and shall be available to the public for inspection. The long-term financial forecast
20 shall be published on the City's official website and when updates occur, they shall be posted
21 in a timely manner.

22
23 **Section 6-8. Annual Independent Audit**

24
25 The City Council shall provide for an independent annual audit of all City accounts and may
26 provide for more frequent audits as it deems necessary. An independent certified public
27 accountant or firm of such accountants shall make the audits. The audits should be performed
28 in accordance with generally-accepted auditing standards and generally-accepted
29 governmental auditing standards.

30
31 The City Council shall designate no fewer than three of its members to serve as an audit
32 committee. The committee shall:

- 33
34 1) Lead the process of selecting an independent auditor;
- 35
36 2) Provide input and direction as needed, to the independent auditor to help identify any
37 matters of concern with respect to internal controls; and
- 38
39 3) Receive the report of the independent auditor and present that report to the City
40 Council with any recommendations from the committee.

41
42 The Council's audit committee shall designate such accountant or firm which shall be ratified
43 by the City Council for a period not exceeding five years. The designation for a particular fiscal
44 year shall be made not later than 30 calendar days after the beginning of the fiscal year. The

1 auditor must be capable of exercising objective and impartial judgment on all issues
2 encompassed within the audit engagement. An accountant or firm that provides other similar
3 services to the Town of Bridgewater may not conduct the annual independent audit. If the
4 Commonwealth makes such an audit, the Council may accept it as satisfying the requirements
5 of this section.

6
7 **Section 6-9. Finance Committee**
8

9 (a) There shall be a Finance Committee, the number of members and terms of office of which
10 shall be established by ordinance. The Finance Committee shall report, in writing, its
11 recommendations on finance related matters to the City Council. Before preparing its
12 recommendations, the Finance Committee shall hold one or more public meetings to
13 permit discussion of finance matters before the City Council, except those matters subject
14 to public hearings by other multiple-member City bodies and not containing
15 appropriations. The Finance Committee shall have such additional powers and duties as
16 may be provided by the General Laws, by this Charter or by ordinance.

17
18 (b) The City Manager or designee shall have ex-officio membership, without voting rights on
19 the committee. The Finance Committee shall carry out its duties in accordance with the
20 provisions of general law, this Charter and ordinance and it shall have regular and free
21 access and inspection rights to all books and accounts of any City department or office.
22

23 **Section 6-10. Financial Management Standards**
24

25 The City Council may, by ordinance, establish reasonable standards relating to the
26 management of financial systems and practices. Any standards adopted shall conform to
27 modern concepts of financial management.
28

29 **Section 6-11. Public Records**
30

31 Copies of the budget, capital program, independent audits and appropriation and revenue
32 ordinances shall be public records and shall be published on the City's website.
33
34
35

36 **ARTICLE VII- ELECTIONS AND; RELATED MATTERS**
37

38 **Section 7-1. City Elections**
39

40 The regular City election of City officers shall be held annually on the Saturday preceding the
41 last Monday in April.
42

43 **Section 7-2. Non-Partisan Elections**
44

1 All elections for City offices shall be non-partisan and election ballots shall be printed without
2 any party mark, emblem or other designation whatsoever.

3
4 **Section 7-3. Signature Requirements; Information to Voters; Ballot Position**
5

6 (a) **Signature Requirements** - The number of signatures of voters required to place the name
7 of a candidate on the official ballot to be used at an election shall be as follows: For an
8 office which is to be filled by the voters of the whole City, not less than 100. For an office
9 which is to be filled by the voters of a district, not less than 50 from such district.

10
11 (b) **Information to Voters** - If the candidate in a regular City election is an incumbent elected
12 by the voters to the office to which the candidate seeks election, against the candidate's
13 name shall appear the phrase "candidate for re-election".
14

15 (c) **Ballot Position** - The order in which names of candidates appear on the ballot for each
16 office in a regular City election shall be determined by a drawing by lot conducted by the
17 City Clerk. At least 35 calendar days before the date of the election, the City Clerk shall post
18 in a conspicuous place in the City hall the names and residences of the candidates for
19 election who have duly qualified as candidates for election. The order of the names as to
20 appear on the ballot shall be drawn by the City Clerk. In drawing by lot for position on the
21 ballot the candidates shall have an opportunity to be present in person or by one
22 representative each.
23

24 **Section 7-4. Districts**
25

26 The territory of the City shall be divided into seven districts to establish, as nearly equal
27 number of inhabitants as possible, based on compact and contiguous territory, bounded by the
28 center line of known streets or ways, or by other well defined limits. Each district shall be
29 composed of one or more voting precincts established in accordance with general laws. The
30 City Council shall from time to time, but at least once every ten years, review such districts to
31 ensure their uniformity in number of inhabitants.
32

33 **Section 7-5. Application of State Laws**
34

35 Except as expressly provided in the Charter and authorized by any general or special law, all
36 City elections shall be governed by federal, state and local laws relating to the right to vote,
37 the registration of voters, the nomination of candidates, the conduct of elections, the
38 submission of Charter amendments and other propositions, the counting of votes and the
39 declaration of results.
40
41
42
43
44

1 **ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS**

2
3 **Section 8-1. Citizen Initiative Measures**

4
5 (a) **Commencement** - Initiative procedures shall be started by the filing of a proposed initiative
6 petition with the **City** Clerk. The petition shall be addressed to the **City** Council, and
7 contain a request for the passage of a particular measure. **The measure must be described**
8 **in full in the petition, and signed by at least 50 registered voters.** The petition **must** be
9 accompanied by an affidavit, signed by ten voters and containing their residential
10 addresses, stating they will constitute the petitioners' committee and be responsible for
11 circulating the petition and filing it in proper form. The person whose signature appears
12 first on the affidavit accompanying such petition petitioner shall be designated as clerk.

13
14 (b) **Referral to City Attorney** - The **City** Clerk shall **deliver** a copy of the petition to the **City**
15 Attorney **within one business day.** The **City** Attorney shall, within **15 calendar days**
16 following receipt of a copy of the petition, in writing, advise the **City** Clerk whether the
17 measure as proposed may lawfully be proposed by the initiative process and whether, in its
18 present form, it may be lawfully adopted by the **City** Council. If the opinion of the **City**
19 Attorney is that the measure is not in proper form, the reply shall state the reasons for
20 such opinion, in full. A copy of the opinion of the **City** Attorney shall also be mailed by the
21 **City** Clerk to the clerk of the petitioners' committee.

22
23 (c) **Submission to City Clerk** - If the opinion of the **City** Attorney is that the petition is in proper
24 form, the **City** Clerk shall provide blank forms for the use of subsequent signers and shall
25 print at the top of each blank **form** a fair, concise summary of the proposed measure, as
26 determined by the **City** Attorney, together with the names and addresses of the first ten
27 voters who signed the originating petition. **Within ten calendar days following the date the**
28 **blank forms are issued by the City Clerk, the petitions must be returned and filed with the**
29 **City Clerk, signed by at least ten percent of the total number of voters as of the date of the**
30 **most recent City election. The City Clerk shall within twenty-four hours of receipt of the**
31 **petition, submit the petition to the Board of Registrars of voters. Within ten calendar days**
32 **following the filing of the petition, the Board of Registrars of voters shall ascertain by what**
33 **number of voters the petition has been signed, and what percentage that number is of the**
34 **total number of voters as of the date of the most recent City election, and shall return the**
35 **petition, along with a certificate showing the results of the examination of the Registrars of**
36 **voters to the City Clerk. A copy of the certificate of the Board of Registrars of voters shall**
37 **also be mailed to the person designated as clerk of the petitioners' committee.**

38
39 Signatures to an initiative petition need not all be on one paper, but all such papers
40 pertaining to any one measure shall be fastened together and shall be filed as a single
41 instrument, with the endorsement thereon of the name and residence address of the
42 person designated as filing the same. With each signature on the petition there shall also
43 appear the street and number of the residence of each signer.

1 (d) **Action on Petitions** - Within 30 calendar days following the date a petition has been
2 returned to the City Clerk and after publication in accordance with section 8.1(e) of this
3 Charter, the City Council;

- 4 • may pass the measure without alteration, subject to the referendum vote
5 provided by this Charter or,
- 6 • shall call a special election to be held on a date fixed by it not less than 35 nor
7 more than 60 calendar days after the date of the certificate hereinbefore
8 mentioned and shall submit the proposed measure without alteration to a vote of
9 the voters at that election; provided, however, that if a City election is otherwise
10 to occur within 120 calendar days after the date of the certificate, the City Council
11 may, at its discretion, omit the calling of a special election and submit the
12 proposed measure to the voters at the approaching election. The ballots used
13 when voting upon a proposed measure under this section shall state the nature of
14 the measure in terms sufficient to show the substance thereof as set forth in
15 subsection (f).

16
17 (e) **Publication** - The full text of any initiative measure which is submitted to the voters shall
18 be published in a local newspaper, if required by state law, and on the City's official
19 website not less than five business days nor more than 14 calendar days preceding the
20 date of the election at which the question is to be voted upon. Additional copies of the full
21 text shall be available for distribution to the public in the office of the City Clerk and on the
22 City's official website.

23
24 (f) **Form of Question** - The ballots used when voting on a measure proposed by the voters
25 under this section shall contain a question in substantially the following form:

26
27 Shall the following measure which was proposed by an initiative petition take effect? (Here
28 insert a fair, concise summary prepared by the City Attorney.)

29
30 YES NO

31
32 (g) **Time of Taking Effect** - If a majority of the votes cast on the question is in the affirmative,
33 the measure shall be deemed to be effective immediately, unless a later date is specified in the
34 measure.

35 36 **Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage**

37
38 If within 30 calendar days after the final passage of a measure, a petition signed by voters
39 equal in number to at least five percent of the total number of voters and addressed to the
40 City Council, protesting against the measure or any part thereof taking effect, is filed with the
41 City Clerk, the same shall thereupon and thereby be suspended from taking effect and the City
42 Council, as the case may be, shall immediately reconsider the measure or part thereof and if
43 such measure or part thereof is not entirely rescinded, the City Council shall submit the same,
44 to a vote of the voters either at the next regular City election or at a special election which

1 may, in its discretion, be called for the purpose and the measure or part thereof shall forthwith
2 become null and void unless a majority of the voters voting on the same at the election vote in
3 favor thereof.

4
5 **Section 8-3. Required Voter Participation**

6
7 For a measure to be effective under the initiative procedure and for any measure to be
8 declared null and void under a referendum procedure, at least 20 percent of the voters shall
9 vote at an election upon which an initiative or referendum question is submitted to the voters.

10
11 **Section 8-4. Measures Not Subject to Initiative and Referendum**

12
13 Measures which include the following subject matter shall not be subject to initiative and
14 referendum procedures:

- 15
16 1) Revenue loan orders;
17
18 2) Appropriations for the payment of debt or debt service;
19
20 3) Internal operational procedures of the City Council;
21
22 4) Emergency measures;
23
24 5) The City budget as a whole or the School Committee budget as a whole;
25
26 6) Appropriation of funds to implement a collective bargaining agreement;
27
28 7) Procedures relating to election, appointment, removal, discharge or other personnel
29 action; and
30
31 8) Proceedings providing for the submission or referral of a matter to the voters at an
32 election.

33
34 **Section 8-5. Submission of Proposed Measure to Voters**

35
36 The City Council may, of its own motion, submit any proposed measure or a proposition for the
37 repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a
38 general or special City election. The City Council shall also allow for the submissions upon
39 request of the Regional School Committee if a measure originates with the committee and
40 pertains to the affairs under its administration. Such action of the City Council shall have the
41 same force and effect as are provided herein for submission of the measures on petition by the
42 voters.

1 **Section 8-6. Measures with Conflicting Provisions**

2
3 If two or more proposed measures passed at the same election contain conflicting provisions,
4 only the one receiving the greater number of affirmative votes shall take effect.
5

6 **Section 8-7. Free Petition**

7
8 (a) **Individual Petitions, Action Discretionary** - The City Council shall receive all petitions which
9 are addressed to them and signed by a voter, as certified by the City Board of Registrars of
10 voters, or its successor, and may take such action with regard to the petitions as they deem
11 necessary and appropriate.
12

13 (b) **Group Petitions; Action Required** - The City Council shall hold a public hearing and act by
14 taking a vote on the merits of every petition which is addressed to it and is signed by at
15 least 150 voters, as certified by the City Board of Registrars of Voters, or its successor. The
16 hearing shall be held by the City Council or by a committee or subcommittee thereof and
17 the action by the City Council shall be taken not later than 60 calendar days after the
18 petition is filed with the City Clerk. Hearings on two or more petitions filed under this
19 section may be held at the same time and place. The City Clerk shall mail and email as
20 appropriate, notice of the hearing to the ten petitioners whose names first appear on each
21 petition at least five business days before the hearing. Notice by publication shall be made
22 at least five business days before such hearings at the public expense. No hearing shall be
23 heard upon any one subject more than once in any given 12 month period. All petitions
24 with signatures shall be filed in the office of City Clerk as one instrument on one date and
25 time.
26
27
28

29 **ARTICLE IX- GENERAL PROVISIONS**

30
31 **Section 9-1. Conflicts of Interest**

32
33 (a) All members of city government are expected to adhere to M.G.L ch.268A and all applicable
34 state regulations concerning behavior as a public official.
35

36 (b) **Conflicts of Interest** - The use of public office for private gain is prohibited. The City Council
37 shall implement this prohibition by ordinance, the terms of which shall include, but not be
38 limited to:
39

- 40 1) acting in an official capacity on matters in which the official has a private financial
41 interest clearly separate from that of the general public;
- 42 2) the acceptance of gifts and other things of value;
- 43 3) acting in a private capacity on matters dealt with as a public official;
- 44 4) the use of confidential information; and

1 5) appearances by City officials before other City agencies on behalf of private
2 interests.

3
4 This ordinance shall include a statement of purpose and shall provide for reasonable
5 public disclosure of finances by officials with major decision-making authority over monetary
6 expenditures and contractual and regulatory matters and, insofar as permissible under state
7 law, shall provide for fines and imprisonment for violations.

8
9 **Section 9-2- Prohibitions**

10
11 (a) **Activities Prohibited** – The following activities are prohibited:

- 12
13 1) No person shall be appointed to or removed from, or in any way favored or
14 discriminated against with respect to a City position or appointive City administrative
15 office because of race, gender, age, sexual orientation, disability, religion, country of
16 origin or political affiliation;
17
18 2) No person shall willfully make a false statement, certificate, mark, rating or report in
19 regard to a test, certification or appointment under the provisions of this Charter or the
20 rules and regulations made there under or in any manner commit or attempt to
21 commit any fraud preventing the impartial execution of the provisions, rules and
22 regulations;
23
24 3) No person who seeks appointment or promotion with respect to a City position or
25 appointive City administrative office shall directly or indirectly give, render or pay any
26 money, service or other valuable thing to a person for or in connection with the
27 applicant or employee's, appointment, proposed appointment, promotion or proposed
28 promotion.
29
30 4) During working hours, no City employee shall knowingly or willfully participate in any
31 aspect of a political campaign on behalf of, or opposition to, a candidate for City office.
32 This section shall not be construed to limit a person's right to exercise rights as a citizen
33 to express opinions or to cast a vote, nor shall it be construed to prohibit a person from
34 active participation in political campaigns at any other level of government.

35
36 (b) **Penalties** - A person found to be in of a violation of this section shall be ineligible for a
37 period of five years following such conviction to hold a City office or position and, if an officer
38 or employee of the City, shall immediately forfeit the employee's office or position. The City
39 Council shall establish by ordinance such further penalties as it may deem appropriate.

40
41 **Section 9-3. Campaign Finance**

42
43 (a) **Disclosure** - The City Council shall enact ordinances to protect the ability of City residents to
44 be informed of the financing used in support of, or against, campaigns for locally-elected

1 office. The terms of the ordinances shall include, but not be limited to, requirements upon
2 candidates and candidate committees to report in a timely manner to the appropriate City
3 office: contributions received, including the name, address, employer, and occupation of each
4 contributor who has contributed \$200 or more; expenditures made; and obligations entered
5 into by the candidate or candidate committee. In so far as is permissible under general or
6 special law, the regulations shall also provide for fines and imprisonment for violations. The
7 ordinance shall provide for convenient public disclosure pursuant to M.G.L. ch.55 §26
8

9 (b) **Contribution and Spending Limitations** - In order to combat the potential for, and
10 appearance of, corruption and to preserve the ability of all qualified citizens to run for public
11 office, the City shall, in so far as is permitted by general or special law and federal law, have
12 the authority to enact ordinances designed to limit contributions and expenditures by, or on
13 behalf of, candidates for locally-elected office. Ordinances under this section may include, but
14 are not limited to: limitations on candidate and candidate committees that affect the amount,
15 time, place, and source of financial and in-kind contributions; and, voluntary limitations on
16 candidate and candidate committee expenditures tied to financial or non-financial incentives.
17

18 **Section 9-4. Charter Revision or Amendment**

19
20 (a) **In General** - The Charter may be replaced, revised or amended in accordance with any
21 procedure made available by Article LXXXIX of the Amendments to the Constitution of the
22 Commonwealth of Massachusetts and any general or special law enacted to implement the
23 constitutional amendment.
24

25 (b) **Periodic Review** - Not later than the first day of July, at six-year intervals, the City Council
26 shall provide for a review and propose revisions to the City Charter. The review shall be
27 conducted by a special committee consisting of seven residents of the City appointed by
28 the Council President with the approval of the City Council. The committee shall file a
29 report within the year recommending any changes in the Charter which it may deem to be
30 necessary or desirable, unless an extension is granted by vote of the City Council.
31

32 (c) **Continuation of Existing Laws** - All ordinances, resolutions, rules, regulations and votes of
33 the City Council which are in force at the time this Charter is adopted, not inconsistent with
34 the provisions of this Charter, shall continue in full force until amended or repealed.
35 Where provisions of this Charter conflict with provisions of City ordinances, rules,
36 regulations, orders or special acts or acceptances of laws, the Charter provisions shall
37 govern. All provisions of City ordinances, rules, regulations, orders and special acts not
38 superseded by this Charter shall remain in force.
39

40 **Section 9-5. Severability**

41
42 The provisions of this Charter are severable. If any of the provisions of this Charter are held to
43 be unconstitutional, or invalid, the remaining provisions of this Charter shall not be affected
44 thereby. If the application of this Charter, or any of its provisions, to any person or

1 circumstances is held to be invalid, the application of the Charter and its provisions to other
2 persons or circumstances shall not be affected thereby.

3 4 **Section 9-6. Rules of Interpretation**

5
6 The following rules shall apply when interpreting the Charter:

7
8 (a) **Specific Provisions to Prevail** - To the extent that a specific provision of the Charter shall
9 conflict with any provision expressed in general terms, the specific provision shall prevail;

10
11 (b) **Number** - Words imparting the singular number may extend and be applied to several
12 persons or things, words imparting the plural number may include the singular;

13
14 (c) **References to General Laws** - All references to the general or special laws contained in the
15 Charter refer to the **Massachusetts General Laws** and are intended to include any
16 amendments or revisions to the chapters and sections or to the corresponding chapters
17 and sections of any rearrangement of the general laws enacted subsequent to the
18 adoption of the Charter; and

19
20 (d) **Computation of Time** - Unless otherwise specified by the **Massachusetts** General Laws, in
21 computing time under the Charter, if seven days or less, only business days, not including
22 Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day
23 shall be counted. **The first day shall begin at 12:00am the day following the triggering**
24 **event.**

25 26 **Section 9-7. Removal of Member of Multiple Member Appointed Bodies**

27
28 An official appointed by **either the City Council or City Manager** to a multiple-member body,
29 may be removed from office by the **appointing authority** if the official fails to attend regularly
30 scheduled meetings for a period of three consecutive meetings without express leave from the
31 **chair** of the multiple member body, unless the **appointing authority** shall determine otherwise.
32 The appointed official shall be automatically removed from office if the official is convicted of a
33 felony or if the official is absent from the duties for the period of six months, notwithstanding
34 the permission from the Council President to be absent.

35
36 A removal shall be accomplished in accordance with the following procedures:

37 38 **Appointing Authority is the City Manager**

39
40 1) A written notice of the intent to remove and a statement of the reasons therefore shall be
41 delivered by registered mail to the last known address of the appointed official sought to be
42 removed.
43

- 1 2) Within 14 calendar days of delivery of the notice, the appointed official may submit a
2 written request for a public hearing before the appointing authority;
3
- 4 3) If the appointed official fails to request a public hearing, then the appointed official shall be
5 discharged forthwith;
6
- 7 4) The appointed official may be represented by private counsel at the hearing and shall be
8 entitled to present evidence, to call witnesses and to examine any witness appearing at the
9 hearing;
10
- 11 5) Within 14 calendar days after the public hearing is adjourned, the appointing authority
12 may, remove the appointed official for good cause;
13
- 14 6) A notice of a decision to remove the appointed official and the reasons therefore shall be
15 delivered by registered mail to the last known address of the appointed official;
16
- 17 7) Within 14 calendar days of delivery of the notice, the appointed official may submit a
18 written request for a public hearing before the City Council;
19
- 20 8) If the appointed official fails to request a public hearing, then the appointed official shall be
21 discharged forthwith;
22
- 23 9) The appointed official may be represented by private counsel at the hearing and shall be
24 entitled to present evidence, to call witnesses and to examine any witness appearing at the
25 hearing; and
26
- 27 10) Within 14 calendar days after the public hearing is adjourned, the City Council may, by a
28 two-thirds vote, reinstate the appointed official, but the appointed official shall otherwise be
29 removed.
30

31 **Appointing Authority is the City Council**

32

- 33 1) A written notice of the intent to remove and a statement of the reasons therefore shall be
34 delivered by registered mail to the last known address of the appointed official sought to be
35 removed.
36
- 37 2) Within 14 calendar days of delivery of the notice, the appointed official may submit a
38 written request for a public hearing before the appointing authority;
39
- 40 3) If the appointed official fails to request a public hearing, then the appointed official shall be
41 discharged forthwith;
42

1 4) The appointed official may be represented by private counsel at the hearing and shall be
2 entitled to present evidence, to call witnesses and to examine any witness appearing at the
3 hearing;

4
5 5) Within 14 calendar days after the public hearing is adjourned, the appointing authority
6 may, by a majority vote, remove the appointed official for good cause;

7
8 6) A notice of a decision to remove the appointed official and the reasons therefore shall be
9 delivered by registered mail to the last known address of the appointed official

10
11 Nothing in this section shall be construed as granting a right to a hearing when an appointed
12 official who has been appointed to a fixed term, is not reappointed when the appointed
13 official's original term expires.

14
15 **Section 9-8. Posting of Public Documents**

16
17 The City Council and City Manager shall ensure that all pertinent, public City documents be
18 posted to the City's official website. Examples of these documents include, but are not limited
19 to, the following: Administrative Code, audit results, budget, financial management policies,
20 ordinances and personnel policies and procedures.

21
22 **Section 9-9. Enforcement of Charter Provisions**

23
24 It is the responsibility of all elected officials to ensure the enforcement of and compliance with
25 this charter. In the event there is an allegation of a violation of the charter or failure to follow
26 its provisions, such allegation must be referred to the City Council president who shall in
27 writing, cause notice to be given to such agency or employee via the City Manager, directing
28 compliance with the Charter.

29
30 In the event such review does not resolve the matter, the City Council president may refer the
31 allegation to the City Attorney who must report findings on the allegation to the City Council
32 president within 90 calendar days

33
34 If a violation is found to have occurred, the City Council president must direct such action or
35 changes in procedure as to ensure compliance with this charter. This provision will consist of
36 administrative procedures to remedy alleged violations of this charter.

37
38 If it appears to a member of the City Council, that the Council president is not following the
39 provisions of the Charter, the City Council member must present a resolution to the City
40 Council for a vote, directing the attention of the City Council president to those areas in which
41 the Council members believe there is a failure to comply with Charter provisions.

42
43 The City Council will, through ordinances, establish metrics for the enforcement of this charter
44 as well as establish penalties of any sub-part above.

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The procedures made available in M.G.L. ch. 231A may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

ARTICLE X- TRANSITIONAL PROVISIONS

Section 10-1. Time of Taking Effect

This Charter shall become fully effective upon ratification by the voters as provided for by the Massachusetts General Laws.