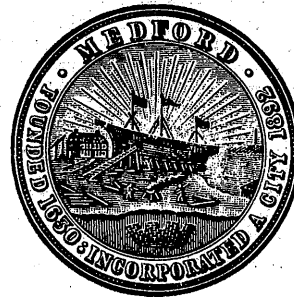


FINAL REPORT
of
THE CHARTER COMMISSION
of
MEDFORD, MASSACHUSETTS

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Submitted
to
THE MEDFORD CITY COUNCIL
on
September 8, 1978

MEDFORD CHARTER COMMISSION
BALLOT QUESTION AND SUMMARY

BALLOT QUESTION:

"Shall the city approve the new Charter recommended by the Charter Commission, summarized below"?

| | |
|-----|--|
| YES | |
| NO | |

BALLOT SUMMARY:

City Council would consist of nine members, six elected from districts into which the city would be divided and three at large; the school committee would consist of seven members elected at large throughout the city (no member of the city council shall serve on the school committee in any capacity); other changes include (1) new procedures governing the adoption of budgets by the school committee and the city council which provide greater opportunity for citizen participation, (2) streamlined procedures for the reorganization of city administration, (3) a uniform set of procedures governing all multiple member bodies, (4) a financial advisory committee to help and assist the budget appropriations, (5) a liberalization of the procedures for citizen access through the use of initiative, referendum and recall, (6) yearly audits conducted by independent, outside C. P. A. firms and (7) a capital outlay program.

September 8, 1978

Mr. Joseph P. McGonagle
City Clerk
City of Medford
Medford City Hall

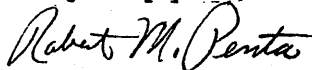
Dear Mr. McGonagle;

Pursuant to the guidelines contained within the Massachusetts Home Rule Procedures Act, I am submitting a copy of the Medford Charter Commission's proposed charter in its full text. I am also submitting a copy of the Commission's majority report and a copy of a minority statement as allowed by this statute.

At some time in the near future, I shall request to be put on the City Council agenda so as to finalize the formality of having the City Council be in receipt and acceptance of the Charter Commission's report in its complete entirety. Also at that time if any questions are to be entertained I and any of my fellow Charter Commissioners would be most willing to answer them.

Thanking you and your office personnel for their assistance during our working months in developing this charter text, I remain

Very truly yours,



ROBERT M. PENTA, CHAIRMAN
MEDFORD CHARTER COMMISSION
ROOM 314
MEDFORD CITY HALL

INTRODUCTION

I. Purpose of Charter Commission

The voters of Medford on November 8, 1977 exercised their individual right/s to decide whether or not a Charter Commission would be established. Its purpose would be confined to the drafting of a city charter for subsequent submission to the voters of Medford in the annual election of 1979. The Charter Commission referendum was substantially discussed, debated and considered by the voters in advance of the 1977 election. The voters established the Charter Commission in that election and concurrently elected nine (9) citizens among them to be, in the aggregate, the Charter Commission Commissioners.

II. Background Material — Home Rule Charter

Suffice it to say that the present Plan E Charter subsequently amended in part, governing our City was established by an election in 1949. The citizens did not then have an opportunity to establish a Commission which would produce a new charter but were required to accept or not accept a Plan E Charter which the Legislature of Massachusetts (General Court) had provided for them. The Legislature then exclusively created our Plan E Charter with no input from the citizens of Medford. During recent years our citizenry and the voters of Massachusetts, calling for substantially more input and control over their local government succeeded in attaining the significantly important impact of Home Rule self-government. Consequently, another major benefit of the Charter Commission exists in the fact that - should the voters in 1979 select the new charter then it shall have for the first time a Home Rule charter and the umbrella of protection that Home Rule establishes. It will have the local city power thereafter, with some exceptions which require the creation of another Charter Commission, significantly to amend its charter. Today we cannot. Our charter is the creation of the Legislature which alone can change it, for better or for worse. Acceptance in 1979 of this charter would provide the citizens of Medford with its own Home Rule charter, separate and distinct from the present charter created for us by the General Laws of the Commonwealth.

It is clear, however, that acceptance of the new proposed charter is not accomplished by the Commission and its membership but solely by the voters of Medford in November, 1979. They decide what is best for the City of Medford exclusively.

III. Charter Commission: Procedure, Process and Resolution

Upon receipt of the voters' decision in 1977 to establish the Charter Commission, the Commissioners met initially to structure the Commission with a Chairperson, Vice-Chairperson and Secretary. The rules and regulations governing the organization, meeting and voting rights were promptly established. In due course in the early stages of the Commission's development subcommittees were appointed by the Chairperson to analyze and review, among other things, the separate and distinct structures of government within Massachusetts. Oral and written materials were prepared by these subcommittees and the Commission as a whole discussed in detail the information accumulated. Although the Commission by law was required only to have two (2) public hearings, the Commissioners established initially five (5) public hear-

ings in different sections of the city to obtain as much citizen input as possible. At such hearings, some sparsely attended and other with significant attendance, the Commission listened to the oral comments, recommendations, and suggestions of interested citizens and accepted for its review written material provided by a number of citizens.

In addition to the public hearings, more than twenty-five (25) public business meetings (working sessions) were conducted by the Commission prior to the sixth (6th) public hearing on July 13, 1978 at which time the Preliminary Report for a Medford City Charter was presented to the voters as required by law. For the first time the voters were afforded an opportunity to review in part what the Commission was tentatively proposing as a charter.

Because the Commissioners had not come completely to grips with certain provisions of the new proposed charter and because others had not been fully and completely determined, the Commission inserted in the tentative Preliminary Report alternative proposals concerning the particular structure of government and city council numbers and method of representation.

Subsequent to the July 13, 1978 public hearing the Commission met continuously from week to week (once or twice per week) so that by August 10, 1978, the Commission had held 4 public business meetings (working sessions) since July 13.

During these working sessions, open to the public, the Commissioners received the recommendations obtained from the public on the last hearing date and thereafter at the working sessions. On August 10, 1978, the Charter Commission finalized the basic structure of the new proposed Charter which it had to accept by the 8th of September, 1978, which by law was the final date for submission of the FINAL REPORT of the Commission.

The Commissioners were ably assisted in the technical drafting of the Charter language by Michael Curren, Esquire who put into language the intent and meaning of the Commission members. The Commission acknowledges his invaluable assistance and advice and his ability to let the Commission exclusively decide the substantive questions which it had before them.

The vote of the Commission members on August 10, 1978, was 7 to 2 to accept the format of the proposed charter question.

IV. Full and Complete Discussion - Commission Responsibility

No person familiar with the work effort of the Commission is not aware of the fullest and complete discussion given each topic considered by the Commission. No topic was under-discussed. In reality there are those who feel that the Commission spent too much time on some or all topics under review. In light of the fact that the Charter Commission and its membership were entrusted with the most responsible functions of establishing a proposed new charter, with its significant impact on our city and its citizens, the Commission felt that anything less than total review might be harmful.

In fact, the Commissioners afforded each Commissioner the courtesy of reconsideration even when parliamentary rules would and did provide otherwise. The Commission believes that although additional time and repetitive debate was the necessary consequence of such action, the Commission and the citizens affected by its recommendation required such courtesies. The result of

the Commission thus afforded each commissioner his or her fullest participation; each citizen his or her fullest opportunity for participation or representation and culminated in a proposed new charter which received the votes of 6 of the 9 commissioners on August 29, 1978. No significant changes were made in the charter by the working session on August 29, 1978, which was devoted to provisions for the transition period from government to government from 1979 to 1980 should the electorate decide to accept the Commission's proposed new charter.

The Commission did unanimously accept many provisions in the proposed new charter but for other provisions the Commissioners adopted them with majority vote or better but less than unanimous support. Compromises were inevitable although compromises in principle did not occur. The net result of the deliberate and knowledgable effort of the Commissioners to finalize by a 6 vote majority of 9 proposed new charter provides a firm basis upon which all of our citizens can find the new proposed charter provisions a balance which provides a stronger and more representative form of government and greater availability of citizen input into their local governmental affairs. What was in the best interests of all our citizens was evermost in the mind and deliberations of the Commission. It was entrusted with the grave responsibility of representing all of the voters and citizens in its deliberations and providing for them, as their duly elected representatives, their best efforts.

The New Proposed Charter - Substantial Changes

This report is designed not to specifically detail each provision of the proposed charter with its necessarily precise language (an impossible and impractical task), but is designed to demonstrate the significant and/or innovative new changes which the Charter incorporates.

1. Form of Government: Home Rule Plan E Charter

Comment: As indicated earlier, the new proposed charter is a Home Rule charter not the skeletal Plan E charter accepted by the City in 1949. Review of the charter from citizen input, from treatises and the like made it clear to the Commission that substantial changes should be proposed.

SIGNIFICANT CHANGES PROPOSED:

1. Council Membership: 6 councilors from City Districts 3 councilors at Large

Comment: Substantial work effort by the Chairperson established several districts within the city makeup which would provide the constitutionality of district/voter representation. Apart from the questioned validity of the constitutionality of the make-up of the present seven (7) wards, the Commission selected six (6) districts that provided for traditional geographic, size and homogenous population groupings. No precinct boundaries were changed and the six (6) districts (not wards) were successfully established and accepted.

Three at large councilors would be elected so that the total number of councilors would be nine (9). The advantages of district representation were joined with the

advantages of at large representation in the final vote of the Commission. Total compensation for the nine (9) councilors could not exceed the present total of dollar compensation provided the presently structured seven (7) at large councilors.

2. The School Committee shall consist of seven (7) members with all seven members being elected at large.

Comment: This provision changes the present charter in that presently the seventh (7th) member of the School Committee is the Mayor of the City who is automatically its chairperson. The Commission considered several options but reached this conclusion in light of other provisions of the charter; the educational policy need for at large election of school committee members; the reluctance to have a councilor automatically on the Committee and the desire to have the Committee elect its own Chairperson.

3. That the City Council will elect from its membership a Chairperson

Comment: The term Mayor with its traditional image was changed to read Chairperson to more reasonably reflect what is the function of a Mayor in the Plan E Home Rule Charter. It is, as in the present charter a ceremonial title, where the executive power is vested in the Manager and the legislative power is vested in the City Council.

4. The City Council shall have the power to reject certain executive appointments by the City Manager by a two-thirds vote of the Council within thirty (30) days of notification of the appointment

Comment: This is a change from the present structure in that the present Council has no power whatsoever to reject the City Manager's appointment of personnel. This power given to the City Council obviously does not relate to appointments subjected to Civil Service law and regulations, collective bargaining agreements and the like.

The Commission found that if two-thirds of the City Council membership desired to reject the appointment such an action should be persuasive of the merit of their action.

5. That the City Council as a body should have the power to investigate the conduct of the Administration or departments within the Administration

Comment: The ambiguous language of the present skeletal legislation which structures our present government may preclude such a power. The Commission felt that such right should be exercisable by the Council to fulfill its responsibilities.

6. That appointments to multi-member agencies, boards or commissions within the city structure will have limited terms of duration

Comment: The Commission found that limiting the multi-member board officer to a term of office of not more than two con-

secutive terms or six (6) years whichever is less would be a reasonable restraint and would still afford continuity of board effort. The Board member could be re-appointed only after an intervening period of not less than one full term.

7. All candidates for the School Committee and City Council shall obtain his or her ballot position in the primary and final municipal elections determined by drawing by lot.

Comment: This is a new provision which the Commission believed needed to establish a fairer system of placing candidates on the ballot. The present system it felt may have unfairly benefited the incumbents who were listed first on the ballot.

8. The City Council may by ordinance (or other wise):

- (a) establish a central purchasing division within the City for both the School Committee and City purchases;
- (b) establish a residency requirement for city appointees;
- (c) establish a contractual arrangement with the city manager or hire at will

Comment: These provisions are all new and are intended to provide the Council with additional power exercisable because of the city charter itself.

9. Provision for Capital Outlay programs to be developed each five years

Comment: New to the extent provided in the proposed charter. This program is to be revised and extended annually.

10. Finance Committee (Advisory) to be established to review and advise School Committee, City Council and Manager with respect to the city economic program, municipal finances, capital outlay program, bonded indebtedness and like responsibilities and to make recommendations thereon

Comment: New provision consisting of citizens with certain background in accounting, banking, business or investment preferred to review and analyze the budget and like financial responsibilities. Certain opportunities selected by Manager, Council and School Committee separately.

11. School Committee and City Council required to submit preliminary budget to initial public hearing and further within ten (10) days of final submission of either budget a public hearing must be afforded the citizens of Medford

Comment: New provisions providing citizen input and comments to public officials of each body prior to budget appropriation or submission deadline.

12. Independent or State audit of city books and accounts annually

Comment: New provision to the extent provided by the new proposed charter.

13. Recall Petition Procedure now available

Comment: This is a new provision not found in the present legislative charter which the Commission found should be afforded the citizens. Provisions providing for the method of recall are detailed in the proposed new charter.

14. Initiative and Referendum Petitions now available

Comment: These are new provisions not expressly found in the present legislative charter which the Commissioners found should be afforded the citizens. Provisions providing for Initiative and Referendum petitions are detailed in the proposed new charter.

15. Updated, defined and strengthened the mandated requirements imposed upon the Manager in fulfilling the duties of that office

Comment: The ambiguous, weak and vague language of the present charter provisions concerning the duties of the Manager were substantially revised and affirmatively worded, including operating budget.

16. Q) Updated the requirements of qualification to positions for appointment by the Council or the Manager

Comment: New to the extent provided in the new proposed charter.

17. R.) Interference with Executive Branch

Comment: New to the extent that improper interference by City Councilors in the duties of the Manager now provide for administrative remedies, including reprimand, suspension or expulsion from office, rather than only the criminal sanctions of the present charter. The criminal sanctions have never been exercised to the knowledge of the Commission in any Plan E chartered city.

18. Limitation on Office Holding - No person shall coterminously hold more than one city office or if an employee of the city, hold any city office

Comment: New to the extent provided by the terms of the proposed charter.

19. Periodic Review of Charter (every year ending in four (4))

Comment: The City Council shall provide every ten years for a review of the charter by a special or standing committee of the council. It shall be required within the year to file a written report of necessary or desirable revisions or amendments.

20. Re-Enactment and Publication of Ordinances

Comment: New as proposed by new proposed charter to extent that each five year interval ordinances must be published. Citizens pay purchase for cost of actual reproduction and such ordinance compilation shall be made available for review by citizens.

21. Rules and Regulations of any City Agency, Board or Commission

Comment: New as proposed by new charter to extent that such will be on display in city clerk's office for review by citizens.

There are, of course, additional provisions which are incorporated into the charter which may be of significant interest to individual citizens but the Commission in this report has attempted to refer to some of the more general and important contributions.

Conclusion

This Commission has undertaken its responsibility over the past ten (10) months with much work, zeal and enthusiasm. It has tried to represent each citizen to the best of our individual and collective efforts in reaching its final report and presents its FINAL REPORT for your future consideration.

We cannot detail the analysis, the debate, the information supplied, the compromises needed nor the individual positions each Commissioner took, but we do believe that this FINAL REPORT on balance provides a substantially different charter which would closely reflect the individual citizens' considerations were each a part of our long and exhausting deliberations.

In November of 1979, the citizen voters of Medford will determine whether this proposed charter will be accepted or not. That responsibility, in our local democracy is rightfully vested in each of them.

THE UNDERSIGNED MEMBERS OF THE MEDFORD CHARTER COMMISSION DO OFFICIALLY APPROVE THE PROPOSED NEW CHARTER AS SET OUT IN THE FINAL REPORT APPENDED AND INCORPORATED HEREIN AND SUBMITTED HERewith AND DO RESPECTFULLY RECOMMEND ITS APPROVAL, ADOPTION AND PASSAGE.

AUGUST 29, 1978

Respectfully submitted,

Brian T. Colburn

Michael F. Morrissey

Stephen B. Roux

Robert P. Doherty

William J. Sullivan

James P. Ciampi

ARTICLE 1 INCORPORATION: DISTRIBUTION OF POWERS POWERS OF THE CITY

Section 1-1 Incorporation

The inhabitants of the City of Medford within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Medford."

Section 1-2 Short Title

This instrument shall be known, and may be cited as the Medford Home Rule Charter.

Section 1-3 Distribution of Powers

The administration of the fiscal, prudential and municipal affairs of the City, with the government thereof, shall be vested in an executive branch to consist of a chief executive officer, and a legislative branch, to consist of a city council. The legislative branch shall never exercise any executive power and the executive branch shall never exercise any legislative power.

Section 1-4 Powers of the City

Subject only to express limitations on the exercise of any power or function by a city in the constitution or general laws of the Commonwealth, it is the intent and the purpose of the voters of the City of Medford, through the adoption of this charter, to secure for their city government all the powers it is possible to secure under the constitution and general laws of the commonwealth, as fully and as completely as though each such power were specifically enumerated herein.

Section 1-5 Construction

The powers of the City under the charter are to be construed liberally in favor of the City, and the specific mention of any particular powers is not intended to limit in any way the general powers of the City as stated in Section 1-4.

ARTICLE 2 LEGISLATIVE BRANCH

Section 2-1 Composition; Eligibility; Term of Office

(a) Composition - There shall be a city council which shall consist of nine members which shall exercise the legislative powers of the city. Three of these members, to be known as councillors at large, shall be nominated and elected by and from the voters of the city at large. Six of these members, to be known as district councillors, shall be nominated and elected by and from the voters of the six districts into which the city is to be divided, one such district councillor to be elected from each such district.

(b) Eligibility - Any voter shall be eligible to hold the office of councillor at large; a district councillor shall be at the time of his election a resident of the district from which he is elected, provided however, a district councillor may, notwithstanding his removal from one district in the city to another during the term for which he was elected continue to serve until the expiration of the term for which he was elected.

(c) Term of Office - The term of office for all city councillors shall be for two years beginning on the first Monday in January of each even numbered year, and until their successors have been qualified.

Section 2-2 Organization, Presiding Officer

The city council shall meet at ten o'clock in the forenoon on the first Monday of January following the regular city election, and the members of the city council shall severally make oath, before the city clerk or a justice of the peace, to perform faithfully the duties of their respective offices except that any member-elect not present shall so make oath at the first regular meeting of the city council thereafter which he attends. For the purposes of organization, the city clerk shall be temporary chairperson until the

chairperson or vice chairperson has qualified. Thereupon the city council shall, by majority vote of all the members elected, elect a chairperson and a vice-chairperson from its own members and the persons elected as such shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected, and they may so make oath at the same meeting at which they are so elected. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more members; provided, that a majority of all the members elected to the city council are present and have qualified. If the office of chairperson or vice chairperson become vacant, the city council shall in like manner elect one of its members to fill such office for the unexpired term provided, that no such vacancy shall be filled so long as there is any vacancy in the council.

Section 2-3 Compensation

The city council shall, by ordinance, provide an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted in the first eighteen months of the term for which city councillors are elected, and it provides that such salary is to be effective at the commencement of the term of office of the next city council to be elected.

Section 2-4 Legislative Powers

The city council shall have and exercise all the legislative powers of the City, except as such powers are reserved by law, or this charter, to the school committee and to the voters of the City.

Section 2-5 Exercise of Powers

(a) **In General** - Except as may otherwise be provided by law or this charter, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

(b) **Quorum** - A majority of the full council shall constitute a quorum. Every member of the city council may vote on any question coming before it. The affirmative vote of a majority of the full council shall be necessary for the passage of any order, ordinance, resolution or vote, except that the affirmative vote of a majority of those present shall be sufficient to adjourn a meeting.

(c) **Rules** - The city council shall, from time to time, establish rules for its proceedings.

(d) **Meetings** - Regular meetings of the city council shall be held at a time and place fixed by ordinance. The chairperson, or the vice chairperson of the city council, or any four members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and the subjects to be acted upon, and signed by the person or persons calling the same, to be delivered in hand to each member of the city council, or left at his usual dwelling place, at least forty-eight hours in advance of time set (except in case of emergency). Except as may be specifically authorized by law, all meetings of the city council, and all committees and sub-committees thereof, shall be open to the public and to the press, and the rules of the city council shall provide that citizens and employees of the City have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

(e) **Journal** - A full and accurate journal of the proceedings of the city council shall be kept. Every matter which comes before the city council shall be put to a vote, the result of which shall be included in the journal.

(f) **Roll Call Votes** - All final votes of the city council on questions involving the expenditure of fifty dollars or more, or upon the request of any member any vote of the city council, shall be by ayes and nays and shall be entered on the records.

Section 2-6 Officers Elected by the City Council

(a) **City Clerk** - The city council shall, by a majority vote, elect a city clerk to hold office for three years and until a successor is qualified. He shall have such powers and perform such duties as the city council may prescribe, in addition to such duties as may be prescribed by law. He shall be ex officio, the clerk of the city council.

(b) **City Auditor** - The city council shall, by a majority vote, elect a city auditor to

hold office for three years and until a successor is qualified. He shall keep and have charge of the accounts of the City and from time to time audit the books and accounts of all city agencies, and shall have such other powers and perform such other duties as the city council may prescribe, in addition to such duties as may be prescribed by law.

Section 2-7 Clerk of the Council

The city clerk shall be, ex-officio, the clerk of the city council, and shall keep records of its proceedings. In case of the absence or disability of the city clerk, or a vacancy in the office, the city council shall elect a temporary clerk, who shall be sworn to the faithful discharge of his duties and shall act as clerk of the city council until the city clerk resumes his duties or a new city clerk is elected.

Section 2-8 Ordinances; Other Measures

(a) **Emergencies** - No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto, separately voted on and receiving the affirmative vote of two-thirds of the full council.

No ordinance making a grant, renewal, or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided in sections seventy and seventy-one of chapter one hundred and sixty-four and in chapter one hundred and sixty-six of the General Laws, no such grant, renewal or extension shall be made otherwise than by ordinance.

Emergency measures shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a measure passed in conformity with the procedures for ordinary enactments is passed extending it, provided, however, a second emergency measure may once be used to extend an emergency measure.

(b) **In General** - No ordinance shall be amended or repealed except by another ordinance adopted in accordance with this charter.

(c) **Passage at one Session** - Any ordinance, order or resolution may be passed through all of its stages of legislation at one session, provided that no member of the city council objects thereto; but if any member of the city council objects, the measure shall be postponed for that meeting.

On the first occasion that the question of adoption of any measure is put to the city council, except an emergency measure as defined in Section 2-8(a), if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council, regular or special. If, when the matter is next brought before the city council for a vote, four or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure not withstanding any amendment to the original measure.

(d) **Publication** - Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in a local newspaper, and in any additional manner that may be provided by ordinance, at least ten days before its final passage. After such final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of emergency ordinances, which may be passed as hereinbefore provided and which shall take effect on their passage, and shall be so published at the earliest practicable moment; provided that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances, shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or pamphlet, and if so published in full at least ten days before its final passage, and thereafter, as amended and com-

pleted, again published in such bulletin or pamphlet, said publications shall be deemed sufficient without the newspaper publication as herein required.

Whenever the city council provides for the publication of materials in a bulletin or pamphlet as provided above, it shall, at least ten days before final passage, publish in a local newspaper, a notice stating the times and places where copies of the said bulletin or pamphlets are available for examination by, or distribution to the public.

Section 2-9 Inquiries and Investigations

(a) **In General** - The city council may make inquiries and investigations into the affairs of the city and into the conduct and performance of any city agency.

(b) **Representatives of City Agencies, Employees** - The city council may require any city officer, member of a multiple member body, or city employee to appear before it to give such information as the city council may reasonably require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility or performance of the said officer, member of a multiple member body or employee.

(c) **Chief Executive Officer** - The city council may at any time require the chief executive officer to provide to it specific information on any matter within its sphere of responsibility. The city council may require the chief executive officer to appear before it, in person, to respond to questions concerning any aspect of city affairs within the scope of his responsibility. The chief executive officer may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the city council. The chief executive officer shall not be required to respond to any questions not relevant to those presented to him, in advance and in writing.

(d) **Notice Requirements** - The city council shall give at least five days written notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the city council seeks information and no person called before the city council under the provisions of this section shall be required to respond to any question not relevant or related to those presented to him in advance and in writing, in such notice. Notice shall be by delivery in hand.

Section 2-10 Filling of Vacancies

(a) **Councillor at Large** - If a vacancy shall occur in the office of councillor at large in the first eighteen months of the term for which councillors are elected, the vacancy shall be filled by the candidate for the office of councillor at large at the preceding city election who received the largest number of votes without being elected, provided such person remains eligible and is willing to so serve. If the candidate who received such highest number of votes is ineligible or unwilling to serve the remaining candidates in descending order of votes received shall be offered the vacancy until one who is eligible accepts the office. The city clerk shall certify the said candidate to the office of councillor at large for the balance of the unexpired term.

(b) **District councillor** - If a vacancy in the office of district councillor shall occur in the first eighteen months of the term for which councillors are elected, the vacancy shall be filled by the same method as provided for councillor at large. If no such candidate is available, the city council shall, within thirty days following the date on which the vacancy is declared to exist, provide for a special election to be held in the district to elect a suitable person from among the voters of the district to serve for the balance of the unexpired term.

(c) **In General** - No vacancy which occurs after the first eighteen months of the term for which councillors are elected shall be filled unless such failure to act would result in less than five members serving on the city council. In that event all vacancies which exist shall be filled in the manner provided above and the city council restored to its full number.

Whenever a vacancy exists on the city council which has not been filled at the time

of the regular city election the person elected at the said city election to the seat in which the vacancy exists shall forthwith be sworn in and shall serve for the balance of the then unexpired term, in addition to the term for which he has been elected. If the vacancy is in the office of councillor at large, it shall be filled by the person receiving the highest number of votes for the office who is not then serving as a member of the city council.

ARTICLE 3 EXECUTIVE BRANCH — COUNCIL MANAGER

Section 3-1 Chairperson

The chairperson of the city council shall be recognized as the official head of the City for all ceremonial purposes and shall be recognized by the courts for the purpose of serving civil process and the governor for military purposes. In time of public danger or emergency, as determined by the city council, he may, with its consent, take command of the police, maintain order and enforce the laws; and he shall have all the authority and powers conferred upon mayors by Sections eighteen and nineteen of Chapter thirty-three of the General Laws. He shall be the chairperson of the city council. He shall have no power to veto but shall have the same powers as any other member of the city council, to vote on all measures coming before it. He shall perform such other duties consistent with his office as may be imposed upon him by the city council. During the absence or disability of the chairperson, or during the time such office is vacant, his duties shall be performed by the vice chairperson. In case, at any time, there shall be neither a chairperson or vice chairperson, the member of the city council senior in length of service, or, if more than one have so served, then the member senior both in age and length of service shall perform the duties of chairperson until a new chairperson has qualified. The chairperson shall have no power of appointment except members of his personal office staff, if any.

Section 3-2 City Manager

(a) **Appointment** - The city council shall appoint a city manager who may be appointed for an indefinite term or who may be appointed for a term of not less than one nor more than three years. The city manager shall be sworn to the faithful performance of his duties and shall be the chief executive officer of the City and shall be responsible for the administration of all city agencies, whether established before the adoption of this charter or thereafter, except that of the city clerk, city auditor, any official appointed by the governor or other state officer, or any body elected by the voters of the City.

(b) **Qualifications** - The city manager shall be appointed solely on the basis of his executive and administrative qualifications and shall be a professionally qualified person, of proven ability and performance especially fitted by education, training and previous experience in public or private administration to perform the duties of the office. The city manager shall not have served in any elected city office for at least thirty-six months prior to his appointment.

If not a resident of the City of Medford at the time of his appointment, the city manager shall establish such residence within six months following his appointment, provided, however, the city council may, in its discretion, allow such additional time, not to exceed a second six months, as it may determine is warranted in any particular instance.

The city manager shall devote his full time to his office and shall not hold any other public office, elected or appointed, nor shall he engage directly or indirectly in any other business, occupation or profession during his term, unless such activity is approved, in advance and in writing, by the city council.

(c) **Powers and Duties** - The city manager shall be the chief executive and administrative officer of the city and shall be responsible to the city council for the proper administration of all city affairs placed in his charge by or under the charter. The powers and duties of the city manager shall include:

1) He shall supervise and be responsible for the efficient administration of all functions and activities under his control, including all officers appointed by him and their respective departments.

2) He shall appoint, and may remove subject to the state civil service law and rules where applicable, all department heads, all officers and all subordinates and employees for whom no other method of selection is provided, except persons serving under other elected city agencies and appointments made by representatives of the Commonwealth.

3) He shall be entrusted with the administration of all personnel related matters, including bargaining with municipal employees (either personally or through his designee) and shall fix the compensation of all municipal employees appointed by him within the limits established by appropriation.

4) He shall assure that all of the provisions of the General Laws of the Commonwealth, the charter, the city ordinances and other votes of the city council which require enforcement by him, or by officers or employees subject to his jurisdiction, are faithfully followed and enforced.

5) He shall prepare and submit an annual operating budget and capital outlay program as provided in Article 6.

6) He shall assure that a full and complete record of the financial and administrative activities of the City is kept and shall render a complete report to the city council within six weeks following the end of each fiscal year, as provided in Section 8-12 and at such other times as the city council may require.

7) He shall have full jurisdiction over the rental and use of all city facilities, except school buildings and grounds. He shall be responsible for the maintenance and repair of all city property, including school buildings and grounds if placed under his control by ordinance adopted in conformity with Section 4-3.

8) He may at any time inquire into the conduct of office of any officer, employee or department under his control.

9) He shall keep a full and complete inventory of all property owned by the City, both real and personal.

10) He shall keep the city council fully advised as to the financial condition of the City and of the administration of all city affairs by filing written reports with the city council not less frequently than quarterly throughout the year.

11) He shall from time to time as in his judgment the needs of the City require it, make such recommendations to the city council for actions to be taken by that body as are necessary or desirable.

12) He shall perform such other functions as may from time to time be assigned to his charge by ordinance or other vote of the city council.

(d) **Compensation** - The city manager shall receive such compensation as may from time to time be established for the office of city manager, by ordinance.

(e) **Removal**

(1) **Indefinite Term** - If the city manager has been appointed for an indefinite term the city council may suspend or remove him at any time, in its discretion and such action shall be deemed final. It is the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the city council.

(2) **Appointment for Term, or by Contract** - If the city manager has been appointed to serve for a term of years, or by contract, the city council may suspend or remove the city manager for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, including breach of any provision of a contract of employment with the city.

(3) **Public Hearing** - Before a city manager may be removed under sub-section (1) or (2) hereof, if he so demands, he shall be given a written statement of the reasons alleged for his removal and shall have a right to be heard publically thereon at a meeting of the

city council prior to the final vote on the question of his removal, but pending and during such hearing the city council may suspend him from office.

(f) **Acting City Manager** - By letter filed with the city clerk and the city council, the city manager shall designate a qualified city administrative officer or employee to exercise the powers and to perform the duties of the city manager during his temporary absence. During the absence of the city manager the city council may not revoke such designation until at least ten working days have elapsed whereupon it may appoint another qualified city administrative officer or employee to serve as acting city manager until the city manager returns. The acting city manager shall only have the powers of the city manager in matters not admitting of delay; he shall not have the power to make any permanent appointments or removals from any office.

ARTICLE 4 SCHOOL COMMITTEE

Section 4-1 Composition, Eligibility, Term

(a) **Composition** - The school committee shall consist of seven members elected by and from the voters of the city at large.

(b) **Eligibility** - Any voter shall be eligible to hold the office of school committee member.

(c) **Term of Office** - School committee members shall be elected for terms of two years each beginning on the first Monday in January in each even numbered year and until their successors have qualified.

Section 4-2 Organization, Presiding Officer

The school committee shall organize, biennially, on the first Monday in January of each even numbered year by electing from among their members a chairman, a vice chairman and a clerk. They shall be called together for the purpose of such organization by the city clerk, or in the absence of the city clerk by the member present senior in both years of service and age, who shall preside pending such organization.

Section 4-3 Powers and Duties

The school committee shall have all of the powers and duties which are conferred on school committees by general laws. Such powers and duties shall include:

(a) To elect a superintendent of the schools, and, subject to the state civil service law and rules to appoint, suspend or remove at pleasure such subordinate officers or assistants, as it may deem necessary for the proper discharge of its duties and the conduct of its business.

(b) To define the terms of service and the duties, and to fix the compensation of all officers and employees serving under it.

(c) Except as otherwise provided by any laws which limit the amount of money that may be appropriated for school purposes, the school committee may provide, when necessary, temporary accommodations for school purposes.

(d) Make all repairs the expenditures for which are made from the regular appropriation for the school department;

(e) Have the control of all school buildings and the grounds connected therewith;

(f) To make all reasonable rules and regulations, consistent with law, for the management of the public schools of the city and for conducting the business of the committee.

The city council may, by ordinance, provide for the establishment of a central city purchasing system, which may include all purchases made by or under the authority of the school committee as well as those made by or under the authority of every other city agency. The city council may also provide, by ordinance, for the establishment of a central city maintenance department which may include all maintenance of school

buildings and grounds as well as all maintenance of buildings and grounds under the jurisdiction of every other city agency.

Section 4-4 Prohibitions

(a) **Holding Other Office** - No member of the school committee shall, during the term for which he was elected, hold any other office or position in the school department the salary or compensation for which is payable out of the city treasury.

(b) **Interference in Administration** - No member of the school committee, alone or in conjunction with one or more other members of the school committee, except during the course of a duly held meeting of the school committee, shall attempt to interfere in the affairs of the school department which fall within the scope of responsibility entrusted to the superintendent of the schools. Interference shall include, but need not be limited to, the following:

1) to direct or request the superintendent to include the name of any particular candidate among the names of persons whom he recommends for appointment or promotion;

2) To direct or request the superintendent to remove, suspend, transfer, demote or discipline any employee of the school department;

3) Except for the purpose of an inquiry or an investigation duly authorized by the full committee, to deal with any employee of the school department except through the superintendent of the schools;

4) To give or attempt to give any order or instruction to any employee of the school department, either publicly or privately.

The provisions of section 6-6 providing penalties for interference by members of the city council with the operation of the executive branch shall apply to school committee members who violate the provisions of this section. In construing the provisions of section 6-6 for this purpose the words "school committee" shall be understood to replace the words "city council" and the words "superintendent of the schools" shall be understood to replace the words "chief executive officer" and words "clerk of the school committee" shall be understood to replace the words "city clerk".

(b) **Interference in Administration** - No member of the school committee, nor any committee or sub-committee thereof, shall interfere or attempt to interfere in any of the administrative business of the school department.

Section 4-5 Sites for School Buildings

No site for a school building shall be acquired by the City unless the approval of the site by the school committee is first obtained. No plans for the construction or alterations in a school building or grounds shall be accepted, and no work shall be begun on the construction or alteration of a school building or grounds, unless with the approval of the school committee and the chief executive officer of the City. The chief executive officer shall notify the school committee in writing prior to or at the time of each change in plans after work is begun.

Section 4-6 Exercise of Powers

(a) **In General** - Unless other provision is made by a general law or by the charter the powers of the school committee may be exercised in the manner determined by its own rules.

(b) **Quorum** - The presence of four members shall constitute a quorum. The affirmative vote of four members shall be necessary to adopt any order, resolution or other vote, but not including a vote to adjourn to another time, except as otherwise provided by law or the charter.

(c) **Voting** - At the request of any member the vote on any measure before the school committee shall be taken by roll call.

Section 4-7 Preliminary Budget Hearing

At least thirty days before the meeting at which the school committee is to vote on the budget request which it will submit to the chief executive officer for inclusion in the budget he is required to submit, in conformity with Article 5, the school committee shall cause to be published in a local newspaper a general summary of its preliminary budget proposal. The summary shall indicate, specifically, areas of increase, if any, from the current budget and the reasons for such changes. The notice shall also state (a) the times and places where complete copies of the preliminary budget proposal are available for examination by the public, and (b) the date, not less than seven nor more than fourteen days following such publication, the time and the place at which a public hearing will be conducted by the school committee on its budget proposal.

The action of the school committee in adopting a budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the preliminary budget as may be offered shall be recorded.

Section 4-8 Final Budget Hearing

At least seven days before the school committee intends to submit its final budget request to the chief executive officer it shall hold a public hearing on its budget request as it may have been amended or revised subsequent to the preliminary public hearing. Notice shall be by publication in a local newspaper of the date, time and place of such public hearing.

Section 4-9 Vacancies

Vacancies on the school committee shall be filled in the same manner as is provided in Section 2-10 for the filling of vacancies in the office of councillor at large.

ARTICLE 5 FINANCIAL PROCEDURES

Section 5-1 Submission of Budget, Budget Message

Within the period established by general law, the chief executive officer shall submit to the city council a proposed budget for the ensuing fiscal year which shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year, an accompanying budget message and supporting documents.

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

Section 5-2 Council Hearing, Adoption

(a) **Preliminary Public Hearing** - The city council shall, within seven days following its receipt of the proposed budget, publish in a local newspaper the general summary of the proposed budget as submitted by the chief executive officer and a notice stating (1) the times and places where complete copies of the proposed budget are available for examination by the public, and (2) the date, not less than seven nor more than fourteen days following such publication, the time and the place at which a public hearing will be held by the city council on the proposed budget.

(b) **Final Public Hearing** - At least seven but not more than ten days prior to the date of the meeting at which the city council will vote finally on the budget for the ensuing fiscal year, it shall hold a public hearing on the proposed budget as it may have been amended or revised following the preliminary public hearing. Notice of such public hearing shall be by publication in a local newspaper of the date, time and place at which such public hearing will be conducted.

(c) **Adoption** - The city council shall adopt the budget, with or without amendments, within the time allowed by general law. In amending the proposed budget, the city council may delete or decrease any programs or amounts except expenditures required by law or for debt service. If the city council fails to take final action with respect to any item in the budget within the period provided by general law, such amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

Section 5-3 Independent Audit

An annual outside audit of the books and accounts of the City shall be conducted. In the event that the Commonwealth shall fail in any such period to provide for such an audit to be conducted, within sixty days following the date a written request for them to do so is made by the city council, the city council shall provide for such an audit to be conducted by a certified public accountant, or firm of such accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its financial officers.

Section 5-4 Capital Outlay Program

(a) **Submission to City Council** - The chief executive officer shall prepare and submit to the city council a five year capital outlay program at least three months prior to the final date for submission of the proposed operating budget.

(b) **Contents** - The capital outlay program, in the form submitted, shall include the following:

- 1) A clear general summary of its contents.
- 2) A list of all capital expenditures which are proposed to be made during the five fiscal years next ensuing, with appropriate financial data and data supporting the need for such expenditure.
- 3) Cost estimates, proposed methods of financing, and the time frame and schedule for each such expenditure.
- 4) The estimated annual cost to operate and to maintain any facilities to be acquired or constructed or piece of major equipment to be acquired.

The above information is to be revised and extended annually with respect to every item contained in the report.

Section 5-5 Financial Advisory Committee

(a) **Composition, Term of Office** - The financial advisory committee shall consist of seven members appointed for terms of three years each so arranged that as nearly an equal number of such terms as is possible shall expire each year.

(b) **Appointment** - The chief executive officer shall appoint three members of the financial advisory committee for terms which expire in different years; the city council shall, by vote elect two members of the financial advisory committee for terms which expire in different years; the school committee shall, by vote, elect two members of the financial advisory committee for terms which expire in different years.

(c) **Powers and Duties** - The financial advisory committee shall be responsible for advising the chief executive officer, the city council and the school committee on all matters relating to municipal finance including, but not limited to the annual operating budget, the capital outlay program, the bonded indebtedness of the city, and revenue programs.

The chief executive officer in preparing the annual operating budget proposal which he is required to submit to the city council shall consult with the members of the financial advisory committee. The city council during its review of the proposed annual operating budget as submitted by the chief executive officer shall provide an opportunity for the financial advisory committee to appear before it to obtain specific recommendations concerning the said budget request. The school committee during the time that it is preparing the preliminary budget request, on which it will hold a public hearing,

shall provide an opportunity for the financial advisory committee to meet with it in joint session to discuss the preliminary budget requests.

(d) **Qualifications of Members** - Desirable qualifications and background, but not mandatory, which might be represented by members of the financial advisory committee would include accounting, banking, finance, investment, or business. The committee shall not be considered to be invalidly constituted notwithstanding the fact that one or more of the enumerated forms of qualification and background is not represented in the membership.

ARTICLE 6 ADMINISTRATIVE ORGANIZATION

Section 6-1 Reorganization Plans by City Council

Unless prohibited by general law or by the charter, the city council may, by ordinance, reorganize, consolidate, or abolish any existing city agency in whole or in part, establish new city agencies, and may prescribe the functions of any city agency. All city agencies which are under the general supervision and direction of the chief executive officer shall be headed and administered by officers appointed by him.

Section 6-2 Reorganization Plans by Chief Executive Officer

(a) **Submission** - The chief executive officer may from time to time prepare and submit to the city council reorganization plans which may, unless prohibited by general law or the charter, reorganize, consolidate, or abolish any city agency in whole or in part, establish new city agencies, and may prescribe the functions of any city agency. A reorganization plan shall be accompanied by an explanatory message when it is submitted to the city council.

(b) **Adoption** - A reorganization plan shall, upon the receipt of the city council be referred to an appropriate standing committee. The city council shall, within thirty days following such referral, hold a public hearing on the matter, either before the full council or the committee to which it was referred. Within fourteen days following the conclusion of the public hearing the committee shall file a report stating that it approves of the plan or that it does not approve of the plan. A reorganization plan shall become effective on the nineteenth day following the date of its receipt by the city council, unless a later date is specified in the plan, or unless the city council has within said time voted to disapprove of it. A reorganization plan presented by the Chief Executive Officer to the city council under this Section may not be amended by the city council but shall either be approved or rejected as submitted to it.

Section 6-3 Appointment and Removal of Officers and Employees

(a) **Appointments** - The chief executive officer shall appoint all officers and employees of the city for whom no other manner of selection is provided by this charter, or by general law, excepting only persons serving under the school committee, persons appointed by state officers and persons serving under the city council.

The chief executive officer shall report every appointment made by him to the city council at the next meeting following such appointment. Appointments which are subject to the state civil service law and rules shall be made in accordance with the said law and rules and all other appointments shall be made on the basis of executive and administrative ability and training and training and ability in the work to be performed.

(b) **Certificate of Appointment** - In making his appointments the chief executive officer shall sign and file with the city clerk a certificate in substantially the following form:

Certificate of Appointment

I hereby appoint (name of appointee) to the position of (name of office) and certify that s/he is a person especially fitted by education, training or experience to perform

the duties of the office and to assume the responsibilities which will devolve upon him/her and that I make this appointment solely in the interest of the City of Medford.

(signed)

Chief Executive Officer

(c) **Rejection of Appointments** - The city council may, by a two-thirds vote of the full council, reject an appointment made by the chief executive officer, provided, such vote is taken not later than the second meeting of the city council held following the meeting of the council at which notice is received or thirty days after such date, whichever occurs first. Whenever the city council rejects an appointment made by the chief executive officer as provided herein the chief executive officer shall, forthwith, submit the name of some other person to fill the office.

(d) **Temporary Appointments** - Whenever a vacancy, temporary or permanent, occurs in any city office and the needs of the city require that such office be filled, the chief executive officer may designate the head of another city agency, or a city officer or city employee, or some other person, to perform the duties of the office on a temporary basis until such time as the position can be filled permanently, or the officer shall return and resume his duties. The powers of any officer appointed under this section shall be limited to those actions which will not admit of delay.

(e) **Restriction on Certain Re-Appointments** - No person who has served two consecutive full terms of office, or a total of six consecutive years, or more, as a member of a multiple member body, shall be eligible for re-appointment as a member of the same multiple member body until the expiration of a period of time equal to the term of office of members of said multiple member body. Nothing in this section shall be construed as to prevent any such person from being appointed to some other city office, or as a member of some other multiple member body, within the said time period.

(f) **Removals** - The chief executive officer may remove any officer appointed or employed by the chief executive officer. The chief executive officer shall report every such removal to the city council at its next meeting following such removal.

(g) **Delegation of Authority** - The chief executive officer may authorize the head of any city agency for whose administration he is responsible to appoint and to remove subordinates in such city agency.

Section 6-4 City Residence

The city council or the school committee may, by ordinance or by other regulation, require employees serving under their jurisdiction to establish and to maintain a residence in the city during such employment.

Section 6-5 Grounds for Removals

Officers and employees of the City, appointed by or under the authority of the chief executive officer, shall perform the duties required of them by the chief executive officer under general regulations of the city council. Any violation of this Section shall constitute sufficient grounds for removal of any such officer or employee.

Section 6-6 Interference with Executive Branch

Neither the city council nor any of its committees or members shall:

a) direct or request the appointment of any person to, or his removal from, office by the chief executive officer or any of his subordinates.

b) in any manner take part in the appointment or removal of officers and employees in that portion of the service of the City for whose administration the chief executive officer is responsible.

c) except for the purpose of inquiry or investigation as provided in Section 2-9, deal with that portion of the service of the City for whose administration the chief executive officer is responsible, except through the chief executive officer.

d) give orders to any subordinate of the chief executive officer either publicly or privately.

Any member of the city council who violates, or participates in the violation of, any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

The chief executive officer or any of his subordinates who know of a violation of the provisions of this section shall, forthwith, file with the city clerk a statement under the pains and penalties of perjury, which shall detail the circumstances to the best of their knowledge and belief. The city clerk shall cause the said statement to be placed upon the agenda for the next meeting of the city council. The city council at said meeting shall provide for an inquiry to be made concerning the circumstances by a special committee appointed for that purpose. A public hearing shall be held in accordance with the procedures described for city council inquiries generally, under Section 2-9. If the city council finds that there has been a violation of this section they shall take such action with respect thereto as seems necessary and desirable, which may include censure, the temporary suspension of a member of the city council from the performance of his duties, or his expulsion from the city council.

ARTICLE 7 NOMINATIONS AND ELECTIONS

Section 7-1 City Elections, General and Preliminary

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

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

Section 7-2 Nonpartisan Elections

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

Section 7-3 Preliminary Elections

(a) **Signature Requirements** - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows:

For the office of councillor at large or school committee member not less than two hundred such signatures, not more than fifty of which shall be from any one district; for the office of district councillor not less than one hundred such signatures from the district.

(b) **Ballot Position** - The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the registrars of voters which shall be open to the public.

(c) **Determination of Candidates for Election** - The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office, the several persons equal in number to twice the number of persons so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall appear on the official ballot to be used at the regular general city election.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a candidate receiving the same to have his name printed on the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the said

official ballot, although in consequence there will be printed names of candidates exceeding twice the number to be elected.

A preliminary election shall be held in the city and in every district thereof notwithstanding circumstances under which fewer candidates have filed papers requesting their names appear on the ballot for nomination than there are places to fill. Write-in or sticker candidates receiving votes at any such preliminary election must receive not fewer votes at such preliminary election than is required of candidates to have their names appear on such preliminary election ballot, under Section 7-3 (a) in order to qualify for any vacant position on the ballot for the regular general city election.

Section 7-4 Ballot Position, Regular Election

The order in which the names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of registrars of voters which shall be open to the public.

Section 7-5 Special Election

Whenever a special election is held to fill a vacancy as provided in Section 2-10 no preliminary election shall be held. All candidates who file nomination papers which are certified by the board of registrars of voters to contain the number of signatures of voters required by Section 7-3 (a) shall be entitled to have their names appear on the ballot to be used at the special election. The candidate who receives the highest number of votes shall be deemed to be elected.

Section 7-6 Councillor Districts

The territory of the city shall be divided into six districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voting precincts otherwise established in accordance with law. The city council shall from time to time review such districts to insure their uniformity in number of inhabitants.

Section 7-7 Application of State Laws

Except as expressly provided in the charter and as authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular and special elections, the submission of charters and charter amendments and other propositions to the voters, the counting of votes, recounts of votes, and the declaration of results.

Section 7-8 Limitation of Office Holding

No person shall co-terminously hold more than one city office, or if an employee of the city, hold another city office.

Section 7-9 Recall Petitions

(a) Who can be recalled - Any person holding an elected city office, with more than eight months remaining of his term of office, may be recalled from such office by the voters as provided in this section.

(b) Recall Petition - Any twenty-five voters may file with the city clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The city clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which he shall keep available. The blanks shall be issued by the city clerk with his signature and the official seal attached thereto. They shall be dated, shall be addressed to the city council and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a

record book to be kept in the office of the city clerk. The recall petition shall be returned and filed with the city clerk within twenty days after the filing of the affidavit, and shall have been signed by at least fifteen percent of the voters of the city, in the case of an officer elected at large, or twenty percent of the voters of the district, in the case of a district councillor. The number of voters shall be determined as of the most recent city election. Each person signing such a petition shall add to their signature the street and number, if any, of their residence.

The city clerk shall within twenty four hours of receipt submit the petition to the registrars of voters and the registrars shall forthwith certify thereon the number of signatures which are names of voters.

(c) City Council's Action on Receiving Petition - If the petition shall be found and certified by the city clerk to be sufficient he shall submit the same with his certificate to the city council without delay, and the city council shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by it not less than twenty-five nor more than thirty-five days after the date of the city clerk's certificate that a sufficient petition is filed; provided, however, that if any other city election is to occur within sixty days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(d) Nomination of Candidates - An officer sought to be recalled may not be a candidate to succeed himself. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless other wise provided in this section.

(e) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of his office until the recall election. If not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section. If recalled in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall there-upon be deemed removed and the office vacant.

(f) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer) Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said proposition. Under the proposition shall appear the word "Candidates", the directions to voters required by section 42 of Chapter 54 of the general laws, and beneath this names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted.

(g) Repeat of Recall Petition - No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

(h) Appointment of a Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any city office within two years after such recall or such resignation.

ARTICLE 7

FREE PETITION: INITIATIVE: REFERENDUM

Section 7-10 Free Petition

(a) **Individual Petition, Action Discretionary** - The city council and the school committee shall receive all petitions signed by one or more voters and addressed to either of them and may, in their discretion, take such action in regard to such petitions as they deem necessary and advisable.

(b) **Group Petitions, Action Required** - The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it and which is signed by at least one hundred voters. The hearing shall be held by the city council or the school committee, or in either case, by a committee or subcommittee thereof, and the action by the city council or school committee shall be taken not later than three months after the petition is filed with the clerk of the council or secretary of the school committee. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearings to the ten petitioners whose names first appear on each petition at least seven days before the hearing. The city council or the school committee shall publish in one or more local newspapers a general summary of the subject matter of such petitions and a notice stating:

(1) the times and places where copies of the citizen petitions are available for inspection by the public, and

(2) the date, time, and place not less than two weeks after such publication, when a public hearing on said petitions will be held by the city council or school committee.

Section 7-11 Citizen Initiative Measures

(a) **Commencement of Proceedings** - Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or secretary of the school committee as may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for passage of a particular measure set forth in the petition, and shall be signed by not less than ten percent of the total number of voters as of the most recent city election. Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the registrars of voters as one instrument, with the endorsement thereon of the name and address of the person designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

Within five days after the filing of said petition, the registrars of voters shall ascertain by what number of voters the petition is signed, and what percentage that number is of the total number of voters, and shall attach thereto their certificate showing the result of such examination.

The registrars of voters shall hold the petition and their certificate available for public inspection during ordinary office hours for two full days, and unless written objections to the certificate of the registrars of voters are filed by a voter within said period, the registrars of voters certificate shall be deemed conclusive. If objections are so filed, they shall be disposed of forthwith in the manner provided by General Laws, Chapter 53.

If no objections are so filed, the registrars of voters shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to the person designated on the petition as filing the same.

(b) **Referral to City Solicitor** - If the registrars of voters determine that a sufficient number of the signers are voters, the clerk of the council or the secretary of the school committee shall transmit a copy of the petition to the city solicitor within fifteen days after his receipt of the petition. The city solicitor shall advise the clerk

of the council or the secretary of the school committee in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, he shall state his reason or reasons therefor in his reply. The clerk of the council or the secretary of the school committee shall furnish a copy of the solicitor's opinion to the person designated on the petition as filing the same and to the first ten petitioners.

(c) **Action on Petition** - Within thirty days after an initiative petition is presented to the city council or the school committee, and after publication and a public hearing, in the same manner as provided in section 2-8 (d) for ordinances and loan orders, the city council or the school committee shall act with respect to the initiative measure by passing it without change, or by rejecting, it, or by passing some other measure stated to be in lieu thereof. The passage of a measure in lieu of an initiative measure shall be deemed a rejection of the initiative measure. If the city council or the school committee fails to act with respect to the initiative measure as required by this section within thirty days after presentation, the measure shall be deemed to have been rejected on the thirtieth day after presentation. If an initiative measure is rejected, the clerk of the council or secretary of the school committee shall promptly give written notice of that fact to the first ten petitioners. Initiative measures shall not be subject to charter objection as provided in section 2-8 (c).

(d) **Supplemental Petitions** - Within forty-five days after notice of the rejection of an initiative measure has been given by the clerk of the council or secretary of the school committee, a supplemental initiative petition addressed to the city council or the school committee may be filed in the office of the registrars of voters. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five percent of the total number of voters, as of the most recent city election. If the number of signatures to a supplemental initiative petition is deemed sufficient by the registrars of voters, the city council shall provide for submission of the initiative measure to the voters at the next regular city election. The provisions of section 7-II shall apply insofar as applicable to such petition.

(e) **Immediate Submission to Voters** - If the supplemental initiative petition is signed by a number of additional voters which is at least equal to ten percent of the total number of voters as aforesaid, the city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided that if any city election is otherwise to occur within one hundred and twenty-five days after the date of said certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

(f) **Publication** - The full text of the measure shall be published in at least one local newspaper at least seven days before the election at which the question is to appear on the ballot.

(g) **Form of Ballot** - The ballots used when voting upon a proposed measure under this section shall contain a question in substantially the following form:

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

(Text of measure or a fair, concise summary prepared by the city solicitor and approved by the registrars of voters) Yes No

(h) **Time of Taking Effect** - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

Section 7-12 Citizen Referendum Procedures

(a) **Referendum Petition, Effect on Final Approval** - If, within thirty-one days after

ARTICLE 8 GENERAL PROVISIONS

Section 8-1 Charter Changes

(a) **In General** - This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

(b) **Periodic Review** - The city council shall provide, in each year ending in a four, for a review of the charter, by a special or standing committee of the city council, which shall file a report within said year recommending any amendments or revisions which may be necessary or desirable.

Section 8-2 Severability

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 8-3 Specific Provision to Prevail

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

Section 8-4 Rules and Regulations

A copy of all rules and regulations adopted by any city agency shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any city agency shall become effective until five days following the date it is so filed.

Section 8-5 Reenactment and Publication of Ordinances

The city council shall, at five year intervals, cause to be prepared a proposed revision, recodification or republication of the ordinances of the city, which shall be submitted to the city council for action. The city council shall adopt the proposed recodification or revision, with or without amendment, or shall approve the text of the republication, prior to the expiration of the calendar year in which it is submitted to them. Revision, recodification or republication shall be under the supervision of the city solicitor, or if the city council shall so direct by special counsel engaged for that specific purpose. Copies of the compilation shall be made available for public distribution, provided, however, a charge not to exceed the actual cost of reproduction may be charged.

In each year between such reenactments, an annual supplement shall be compiled by the city clerk which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

Section 8-6 Uniform Procedures Governing Multiple Member Bodies

(a) **Meetings** - All multiple member bodies of the city, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple member body shall be held on the call of the chairman or by one-third of the members thereof by written notice delivered in hand or to the place of residence of each member at least forty-eight hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the said notice shall also be posted on the city bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public and the press.

Regular meetings of all multiple member bodies shall be held in public buildings of the City of Medford.

the final approval of any measure by the city council or by the school committee, a petition signed by voters equal in number to at least ten percent of the total number of voters, as of the most recent city election and addressed to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, is filed in the office of the registrars of voters, the same shall thereupon and thereby be suspended from taking effect. The city council or the school committee, as the case may be, shall forthwith reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular city election or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b) **Certain Initiative Procedures to Apply** - The petition described in this section shall be termed a referendum petition and, insofar as applicable, section 7-11 (a), (b) and (f) shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

Section 7-13 Initiative and Referendum: Ineligible Measures

None of the following measures shall be subject to initiative or referendum procedures: (1) proceedings relating to the organization or operation of the city council or school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriations for the payment of the city's debts or obligations, (6) appropriations of funds necessary to implement a written agreement executed under collective bargaining, (7) any proceedings, or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee, (8) any proceedings repealing or rescinding a measure, or a part thereof, which is protested by referendum procedure and (9) any proceeding providing for the submission or referral of a matter to the voters at an election.

Section 7-14 Submission of Proposed Measure to Voters

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

Section 7-15 Measures with Conflicting Provisions

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

Section 7-16 Advisory Questions to Voters

At each regular city election there may appear on the election ballots up to three non-binding advisory questions to determine voter sentiment on issues of municipal concern. Such questions may be submitted by the city council, in which case they shall deal with the affairs of the city generally, or they may be submitted by the school committee, in which case they shall deal with affairs under its jurisdiction.

Within three months following the organization of the city government following the submission of any such questions, the city council, or the school committee, as the case may be, shall consider the results of any such questions so submitted to the voters. Neither the city council or the school committee shall be required to take any particular action as a result of any such vote.

Special meetings, for special purposes, may be held at other places within the city (but not including any private residence), provided that the public and the press have a free and convenient access to any such place during any such meeting and for a reasonable time before and following the said meeting.

The rules of all multiple member bodies shall provide that residents and employees of the city have a reasonable opportunity to be heard at any of its meetings and in regard to any matter which comes before it at its meetings.

(b) **Rules and Journals** - Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record and certified copies shall be placed on file in the office of the city clerk and in the Medford Public Library.

(c) **Voting** - If requested by any member, any vote of any multiple member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, if the vote is unanimous, only that fact need be recorded.

(d) **Quorum** - A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 8-7 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

Section 8-8 References to General Laws

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

Section 8-9 Definitions

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

(a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.

(b) **City** - The word "city" shall mean the City of Medford.

(c) **City Agency** - The words "city agency" shall mean any board, commission, committee or other multiple member body, department, division or office of the City.

(d) **City Officer** - The words "city officer" when used without further qualification or description shall mean a person in charge of a department of the City who in the exercise of the duties of his office exercises some portion of the sovereign power, whether great or small.

(e) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(f) **Full Council** - The words "full council" shall mean the entire authorized complement of the city council notwithstanding any vacancies which might exist.

(g) **general laws** - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities or to a class of cities and towns of which the City of Medford is a member.

(h) **General Laws** - The words "General Laws" (initial letter of each word in capital letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(i) **Initiative Measure** - The words "initiative measure" shall mean a measure proposed by initiative procedures under this charter.

(j) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within the City of Medford.

(k) **Majority Vote** - The words "majority vote" shall mean a majority of the full complement of the city council or other multiple member body.

(l) **Measure** - The word "measure" shall mean an ordinance adopted or which could be adopted by the city council, or an order, resolution, vote or other proceeding adopted or which could be adopted by the city council or the school committee.

(m) **Multiple Member Body** - The words "multiple member body" shall mean any body consisting of two or more members, whether elected, appointed or otherwise constituted, but not including the city council or school committee.

(n) **Referendum Measure** - The words "referendum measure" shall mean a measure protested by the referendum procedures under this charter.

(o) **Voters** - The word "voters" shall mean registered voters of the City of Medford.

Section 8-10 Certificate of Election or Appointment

Every person who is elected, including those elected by the city council, or appointed to an office of the City shall receive a certificate of such election or appointment from the city clerk.

Except as otherwise provided by law, before performing any act under his appointment or election, he shall take and subscribe an oath to qualify him to enter upon his duties. A record of such oath shall be kept by the city clerk.

Section 8-11 Organization of City Government, Certain Years

Whenever the first Monday of January in an even numbered year is also New Year's Day, the organization of the city council, as provided in section 2-2, and the organization of the school committee, as provided in section 4-2, shall occur on the day following such holiday.

Section 8-12 Annual Report of the City

An annual report of the city shall be published which shall contain a general summary of the activities of the principal city agencies. The annual report shall contain a report of the chief executive officer, the city council, the school committee, the city treasurer, the city auditor, and such other city agencies as may be required, by ordinance, to file such reports. The annual report shall be published in a local newspaper, for the convenience of the inhabitants, and additional copies shall be made available in the office of the city clerk for distribution, upon request.

ARTICLE 9 TRANSITIONAL PROVISIONS

Section 9-1 Continuation of Existing Laws

All General Laws, special laws, ordinances, votes, rules and regulations of or pertaining to the city which are in force when this charter takes effect and which are not specifically or by implication repealed hereby, shall continue in force and effect until amended or rescinded by due course of law or expire by their own limitation.

Section 9-2 Continuation of Government

All city agencies shall continue to perform their duties in the same manner as previously performed until reappointed, re-elected, or until successors to their respective duties are duly appointed or elected or their duties have been transferred to and assumed by some other city agency.

Section 9-3 Continuation of Personnel

Any person holding a city office or city employment on the date this charter is

adopted shall retain such office or employment and shall continue to perform his duties until provision shall have been made or may be made, in accordance with the provisions of the charter, for the performance of the said duties by another person or agency; provided, however, that no person in the full time service of the city shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practicable and any reductions in the personnel needs of the city shall be accomplished through attrition for transitional purposes.

Section 9-4 Transfer of Records and Property

All records, property and equipment whatsoever, of any city agency or part thereof, the powers and duties of which are transferred or assigned to another city agency shall be transferred forthwith to the city agency to which such powers and duties are transferred and assigned.

Section 9-5 Effect on Obligations, Taxes, Etc.

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

Section 9-6 Time of Taking Effect

This charter shall become fully effective upon the installation of officers in January in the year following the year in which it is approved by the voters, except as is otherwise provided below:

(a) The provisions of section 2-1 providing for a city council partly chosen from districts and partly chosen at large shall become effective at the next city election following the election at which the charter is adopted.

(b) Unless another provision is made by the city council, in accordance with law, at the first city election at which members of the city council are chosen from districts the districts shall be as follows:

District A - District A shall consist of precinct one and two of ward seven, and precinct one and two of Ward One which presently exist for the purpose of electing certain state officers.

District B - District B shall consist of precinct three of ward one, and precinct three and four of ward two, and precinct four of ward three which presently exist for the purpose of electing certain state officers.

District C - District C shall consist of precinct one and two of ward two, precinct one, two and five of ward three which presently exist for the purpose of electing certain state officers.

District D - District D shall consist of precinct three of ward three, and precinct one, three and four of ward six which presently exist for the purpose of electing certain state officers.

District E - District E shall consist of precinct two of ward six, and precinct one, two and three of ward four which presently exist for the purpose of electing certain state officers.

District F - District F shall consist of precinct one, two, three, four and five of ward five which presently exist for the purpose of electing certain state officers.

(c) Until such time as another salary is established in accordance with the procedures of section 2-3 the compensation to be received by the members of the nine member city council shall be four thousand dollars per annum for each member of the city council and an additional one thousand dollars per annum shall be paid to the chairperson of the city council.

(d) Nothing in section 2-6(a) or (b) shall be construed as to interrupt the term of office of the incumbent city clerk or city auditor. When the term of office of the incumbents of such offices shall expire successors shall be chosen as provided in the said sections.

(e) Until such time as the compensation to be paid to the chief executive officer (the city manager) shall be changed in accordance with the procedures of section 3-3 (d) the salary to be paid to the city manager shall be thirty-five thousand dollars per annum.

(f) The chairperson of the city council shall serve as a member, ex-officio of the school committee until the installation of city officers following the election of city officers at the city election after the election at which the charter is adopted. At the said next regular city election held following the election at which the charter is adopted seven members of the school committee shall be elected by the voters at large, as provided in section 4-1.

(g) The provisions of section 5-4 providing for the submission of a capital outlay program shall not be applicable in the year following the year in which the charter is adopted.

(h) As soon as may be practicable following the installation of officers in the year following the year in which the charter is adopted, but not later than February 1st in said year, the chief executive officer shall appoint three members of the financial advisory committee, one for the term of one year, one for the term of two years and one for the term of three years, one of whom he shall designate as chairman pro tem for the purpose of organizing the said committee; the school committee shall by vote elect one member of the financial advisory committee to serve for a term of one year and one member to serve for a term of three years; and the city council shall by vote elect one member of the financial advisory committee to serve for a term of two years and one member to serve for a term of three years. As the several terms thereafter expire the successors shall be chosen for terms of three years each. Vacancies shall be filled in the manner of original appointments for the balance of then unexpired terms.

(i) For the purpose of section 6-3 (e) only terms of office served after the effective date of this charter shall be counted.

(j) All rules and regulations of city agencies in force when the charter becomes effective shall remain in effect provided copies of any such rules and regulations not then on file in the office of the city clerk, as provided in section 8-4, are so placed on file within sixty days following the installation of city officers in the year following the year in which the charter is adopted.

(k) The city council shall, forthwith, following its organization in the year following the year in which the charter is adopted provide for the review of all city ordinances in order to bring them into conformity with the provisions of the charter. It shall, not later than June 30th of the year in which the next regular city election will be held, provide for the enactment or re-enactment of the city ordinances as provided in section 8-5.

(l) All multiple member bodies shall forthwith provide for compliance with the provisions of section 8-6 (b).

MINORITY STATEMENT

We, the undersigned members of the Medford Charter Commission, firmly believe that the proposed, updated modifications found within the inner structure of this charter far improves upon the Plan-E structure that our City presently operates under. Also, if adopted, the working of this charter would serve in the best interest of our City. Let there be no doubt about that.

Our objection to this charter proposal is not to the specifics of the charter contents, but rather to the way in which it was decided upon. Our reason for filing this minority statement is quite simple; it was the refusal by the majority to give to the voters of Medford the opportunity to choose between a Mayor or City Manager as the chief executive officer of our City.

Since this was the biggest issue this Commission had to decide, we felt the voters of Medford should be the final judge. We also feel that the vote taken by this Commission in not allowing our Medford voters to decide upon their chief executive officer is tantamount to saying that they do not trust you, the voters of Medford, to make this choice which in essence is an insult to your voting intelligence.

It should be no secret that those members who voted in the majority were at one time Plan-E endorsed candidates, members of the Plan-E Civic Association or endorsed Plan-E charter commission candidates running solely to retain the Plan-E form of government. On two separate occasions this Commission had the majority votes necessary to place the Mayor/Manager question proposal on the 1979 City election ballot. But the final votes taken did not uphold these prior votes.

Consequently, we were grievously concerned about the motives of those who voted to place only the Manager proposal as the ballot question. We, and you the voters, must judge whether their support of this proposed charter in the months and weeks before the 1979 general City election will serve to indicate whether they had solely the best interests of our City in mind.

If those majority members of the Commission who went on record in support of this proposed charter go before the Medford voters and publicly urge them to vote for this proposal, and if they follow a logical and consistent pattern of providing support and endorsement for such proposal, our concern will be alleviated.

If on the other hand, the members of the Commission majority stand by and permit the "Plan-E" supporters and/or others to mount campaigns to defeat this charter proposal, and if such Commission members fail personally to publicly advocate adoption of such charter proposal which they have voted to put before you, then we and you, the voters of Medford, should draw the conclusion that their actions were based on personal self-interest and self-service rather than the public interest or its trust.

By reason of many votes taken after ten months of discussion and debate, the thesis behind our charter work was to accomodate an interchangeable working structure that would be operative for either a Mayor or Manager as chief executive. Along with our other members, we worked for providing these

inner structure changes with the goal of making our City a sound, efficient, effective and responsive municipal structure for the future. No member of the Commission voted with the majority on every issue that came before us. On some issues each of us lost our first choice; but, in the give and take of our weekly meetings on virtually all issues but one, we worked to compromise and accomodate differing points of view. As a matter of fact, we, the minority writers, actually proposed (12 of the 21) and voted for all 21 major changes outlined in the majority report because they are an improvement over the inner working structure that our city presently operates under.

At our preliminary report stage we told the people of Medford we were then submitting the charter in an alternative to permit them to decide if their chief executive officer should be elected or appointed. We, as members in the minority, feel that from the responses we received at all our 6 public hearings and 31 business meetings and otherwise, there was a fair room for doubt as to what you, the public, would prefer.

Over 6,900 people signed petitions in 1977 wanting a charter commission to be established. Many of those who signed in fact wanted a change, and some actually thought they were getting a change. However, at final meetings of the Medford Charter Commission wherein the decision had to be made whether to let the voters of Medford decide between a Mayor or Manager as the ballot question, the decision was made by the majority signers to allow only the modified councilor-manager plan to be put forth to the Medford voters.

We, in support of letting you the voters decide this issue, strongly believe in the one man one vote principal and felt that is should have been maintained. We did not want to preclude you, the Medford voter, from making your own decision. In this regard we wish to emphasize that the Plan-E advocates cannot lose. If the proposed charter is defeated, the existing Plan-E stays in effect. If the modified council-manager plan is adopted, the Plan-E form is still in effect. Therefore, in reality, what the majority members of the Medford Charter Commission are offering to the community of Medford is the same as the old addage . . . "dammed if you do and dammed if you don't."

IN CONCLUSION, WE AGAIN RE-EMPHASIZE THAT THE UPDATED INNER STRUCTURE OF THE NEW CHARTER WOULD SERVE IN THE BEST INTERESTS OF OUR CITY, IF ADOPTED. BUT, WE RESPECTFULLY DISAGREE WITH THE MAJORITY OF OUR COMMISSION MEMBERS WHO DID NOT HAVE ENOUGH FAITH AND TRUST IN OUR PEOPLE OF MEDFORD TO PERMIT THEM TO DECIDE WHO THEIR CHIEF EXECUTIVE OFFICER SHOULD BE.

Respectfully written,


EDWARD M. CIRIGLIANO


MICHAEL A. LUONGO


ROBERT M. PENTA, CHAIRMAN