

**ARTICLE 2.  
LEGISLATIVE BRANCH**

**SECTION ~~Sec-~~2-1. Composition; Eligibility; Election and Term.**

(a) Composition—There shall be a city council of 12~~24~~ members which shall exercise the legislative powers of the city. Sixteen~~Eight~~ of ~~these the council~~ members, to be known as councilors-by-ward-at-large, shall be domiciled in the ward from which elected but shall be nominated and elected by the voters at large throughout the city, 1 councilor to be elected from each of the 8 wards of the city,~~2 such councilors at large to be elected from each of the 8 wards of the city.~~ The other 4~~8~~ members, to be known as ward-councilors-~~at-large~~, shall be nominated and elected by and from the voters of each ward, 1 ward councilor to be elected from each of the 8 wards of the city. The city council shall be the judge of the election and qualification of its members.

(b) Eligibility— Only voters shall be eligible to hold the office of councilor-~~by-ward or councilor-at-large~~. A candidate for the office of counciloror-by-ward ~~or~~ shall be a resident of the ward from which the candidate seeks election as of ~~the date that the election commission makes available blank forms for the nomination of candidates for office. In order to hold the office of councilor~~July 1 of the year in which a regular election is held,~~a candidate shall have continuously been a resident of the ward from which the candidate is elected from the date that the election commission made the blank forms available until and including the first day of the term for which the candidate is elected.~~ A candidate for the office of councilor-~~at-large~~ shall be a resident of the city as of July 1 of the year in which a regular election is held.

No member of the city council shall hold any other elected office.

(c) Removal of Residency — A member of the city council~~council member~~ shall, notwithstanding the member's removal from one~~4~~ ward of the city to another, continue to serve and to perform the member's official duties during the member's term of office. The removal from residency within the city by a council member shall create a vacancy in the councilor's office.

~~The removal from residency within the city shall create a vacancy in such office.~~

(~~d~~e) Election and Term—The terms of council members~~ors~~ shall be 2 years beginning on the first ~~secular~~ day of January after their election continuing and until their successors are qualified. No person shall be eligible for election to the city council for a ninth consecutive term.

(e) Compensation — City councilors shall receive such salary as the city council shall determine by ordinance, but no change in such salary shall take effect during the current term of the city council in office at the time of the adoption of the ordinance making such change.

Subject to appropriation and to prior authorization by the council, council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties. Allowable expenses shall be established by ordinance.

**SECTION~~Sec.~~ 2-2. President and Vice-President of the City Council.**

After the mayor-elect and a majority of the councilors-elect have been sworn, the city council shall be called together by the mayor who shall preside. The city council shall then elect, from among its members, a president and vice-president to serve at the pleasure of the city council. The president shall preside at meetings of the city council and perform such other functions as may be assigned by the charter, by ordinance or by vote of the city council. The vice-president shall act as president during the absence or disability of the president.

**SECTION~~Sec.~~ 2-3. General Powers and Duties.**

Except as otherwise provided by law or this charter, all powers of the city shall be vested in the city council which shall provide for the exercise ~~thereof~~ of those powers and for the performance of all duties and obligations imposed on the city by law.

**SECTION~~Sec.~~ 2-4. Prohibitions.**

(a) Appointment After Expiration of Term—No former council ~~member~~ shall hold any compensated appointive city office or city employment until 1 year after the expiration of the former council ~~member's~~ service on the city council. This provision shall not prohibit a former city employee or city officer from resuming the duties of a city officer or city employee at the conclusion of such service as a council member.

(b) Interference in Administration—No member or committee of the city council shall directly or indirectly take part in the conduct of the executive or administrative business of the city.

**SECTION~~Sec.~~ 2-5. Filling of Vacancies.**

(a) If a vacancy occurs, by failure to elect, removal from residency in the city, death, resignation or otherwise, on the city council at any time before the final 9 months of the term for which the council member was elected, the city council shall at its next regular meeting call a special election to fill the vacancy. The election shall be by the voters of the city.

(b) If a vacancy occurs within the final 9 months of the term for which a councilor-by-ward is elected, no special election shall be held to fill the vacancy and the person elected at the next regular city election to the seat in which the vacancy exists shall immediately be sworn and

shall, in addition to the term for which the person was elected, serve for the balance of the then-unexpired term.

If a vacancy occurs within the final 9 months of the term for which a councilor--at-large is elected, no special election shall be held to fill the vacancy and the person not then serving as a councilor--at-large who receives the highest number of votes to be a councilor--at-large, at the next regular city election, shall immediately be sworn and shall, in addition to the term for which the person was elected, serve for the balance of the then-unexpired term.

(c) Notwithstanding 2-1(b), a candidate to fill a vacancy in the office of councilor by-ward shall be a resident of the ward from which the candidate seeks office as of the date on which the city council calls the special election and a candidate to fill a vacancy in the office of councilor--at-large shall be a resident of Newton as of the date on which the city council calls the special election.

~~(a) Special Election—If there be a vacancy, by failure to elect or otherwise, on the city council within the first 15 calendar months of the term for which councilors are elected, the city council shall forthwith call a special election to fill the vacancy. The election shall be by the voters of the whole city in the case of councilors at large or by the voters entitled to such representation in the case of ward councilors.~~

~~(b) After Regular City Election—If a vacancy shall occur after 15 calendar months of the term for which councilors are elected, no special election shall be held. In the case of a vacancy in the office of ward councilor, the person elected at the next regular city election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which that person was elected, serve for the balance of the then unexpired term. In the case of a vacancy in the office of councilor at large, the person elected at the next regular city election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which that person was elected, serve for the balance of the then unexpired term. If no incumbent councilor at large from the ward in which the vacancy exists is elected at the election for such office, the candidate who receives the highest number of votes shall be deemed to be elected to the seat in which the vacancy exists and shall serve as aforesaid.~~

#### **SECTION ~~Sec.~~ 2-6. Exercise of Powers; Quorum; Rules of Procedure.**

(a) Exercise of Powers—Except as otherwise provided by law or this charter, the legislative powers of the city council may be exercised in a manner determined by the city council†.

(b) Quorum—A majority of the city council then in office shall constitute a quorum but a smaller number may meet and adjourn ~~from time to time~~. The affirmative vote of a majority of the full council shall be necessary to adopt any appropriation order. While a quorum is present, any other motion or measure may be adopted by a majority vote except as otherwise provided by law or this charter.

(c) Rules of Procedure—The city council shall ~~from time to time~~ establish rules for its proceedings. Regular meetings of the city council shall be held at a time and place fixed by ordinance. Special meetings of the city council ~~shall~~ may be held on the call of: the mayor as provided in subsection (b) of section 3-7; ~~on the call of~~ the president of the city council; or ~~on the call of any 47~~ or more members of the city council by written notice delivered to the place of residence or business of each member at least 24 hours in advance of the time set. Except as otherwise authorized by sections 18 to 25, inclusive, of chapter 30A of the General Laws, all sessions of the city council shall be open to the public ~~and press~~. Every matter coming before the city council for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate and up-to-date record of the proceedings of the city council, which shall include a record of each roll call vote, shall be kept and shall be open to inspection by the public. ~~It shall include a record of each roll call vote.~~

**SECTION Sec-2-7. City Clerk; Comptroller of Accounts.**

As soon as practicable after the city council has been organized, it shall elect, ~~by ballot or otherwise,~~ a city clerk and a comptroller of accounts as officers of the city to hold office for the term of 2 years and until their successors are qualified, unless they are removed by vote of a majority of the full council taken by ballot.

A ~~V~~vacancies in ~~said the~~ offices of city clerk or comptroller of accounts shall be filled for the balance of any unexpired term by the city council.

(a) City Clerk—The city clerk 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.

(b) Comptroller of Accounts—The comptroller of accounts shall keep and have charge of the accounts of the city. The comptroller shall regularly audit the books and accounts of all city agencies and shall have such powers and perform such other duties as the city council may prescribe in addition to such duties as may be prescribed by law.

**SECTION Sec-2-8. Clerk of the Council; Other Staff.**

(a) Clerk of the Council—The city council shall elect, ~~by ballot or otherwise,~~ a clerk of the council to hold office at its pleasure. The clerk of the council shall give notice of all meetings of the city council to its members and to the public, keep a record of its proceedings and perform duties as may be assigned by this charter, by ordinance or by other vote of the city council.

(b) Other Staff—The city council may by ordinance establish other staff positions, regular or special, as it shall ~~from time to time~~ deem necessary or desirable to assist the councilors in the performance of their duties.

(c) Salaries of Staff to the Council—The city council shall ~~by ordinance~~ establish by ordinance, and may ~~from time to time~~ modify, a salary schedule and a job description for the clerk of the council and such other positions as it may create to serve as staff to the council.

(d) Legal Counsel to the Council — The city council may obtain legal assistance on any issue being examined by the council relating to its duties under the charter; provided that the council rules establish a process for the selection of such assistance.

Any material produced by the attorneys for the city council, whether in document or electronic form, shall be clearly and prominently labeled as "Advisory to the Newton City Council." The same statement shall appear on any materials printed or distributed in electronic form at council meetings, other public meetings, or in any other public venues. Copies of all materials produced by the attorneys shall be provided by the council to the city law department and the mayor at the same time such materials are distributed to the council members.

**SECTION ~~Sec.~~ 2-9. Measures; Emergency Measures; Charter Objection.**

(a) In General—No measure shall be passed finally on the date on which it is introduced, except in cases of ~~special~~ emergency involving the health or safety of the people or their property. Except as otherwise provided by this charter, every adopted measure shall become effective ~~at the expiration of 210~~ days after adoption or at any later date specified in this charter. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter or as provided in the initiative and referendum procedures.

(b) Emergency Measures—An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. The emergency as declared and defined in a preamble ~~thereto to the measure~~ shall be separately voted on and shall require the affirmative vote of 2/3 of the full council. An emergency measure may be passed with or without amendments or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or any franchise or special privilege shall be passed as an emergency measure and, except as provided in sections 70 and 71 of chapter 164 of the General Laws and chapter 166 of the General Laws relating to utility lines. No such grant, renewal or extension shall be made other than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. It shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection—On the first occasion that the question on adoption of a measure is put to the city council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special. If ~~23~~ or more other members shall join the member in such objection, such postponement shall be until the next regular meeting; provided, however, that for an emergency measure, at least ~~45~~ members in all must object. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendments to the original matter.

(d) If during the 24 hours immediately following adjournment of the city council, a motion to reconsider a measure passed at that meeting of the council is filed with the clerk of the council by any member of the city council who is entitled to make such a motion, the measure shall not be presented to the mayor but shall be presented to the city council for reconsideration at its next meeting.

**SECTION ~~Sec.~~ 2-10. Delegation of Powers.**

Except to the extent otherwise prohibited by law, the city council may delegate to 1 or more city agencies the powers vested in the city council by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such city agency and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

**SECTION ~~Sec.~~ 2-11. Inquiries and Investigations.**

The city council may require any city officer or member of a city agency to appear before it and give such information as it may require in relation to the office held, its function and performance. The city council shall give at least 48 hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section. The city council may make investigations into the affairs of the city and into the conduct of any city agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.