

## ARTICLE 3.

### EXECUTIVE BRANCH

#### SECTION 3-1. Mayor; Election; Term; Compensation

(a) There shall be a mayor, who shall be elected by and from the voters of the city.

~~(b)~~ -The mayor shall be the chief executive officer of the city. The mayor shall devote full time to the office and shall not hold any other elective public office, nor actively engage in any other business, occupation or profession during the term of office as mayor. The mayor shall hold office for the term of 4 years from the first ~~secular~~ day of January following the election and until the mayor's successor is qualified.

~~(b)~~(c) No person shall be eligible for election to the office of mayor for a fourth consecutive term.

~~(c)~~(d) —The mayor shall receive such salary as the city council shall ~~by ordinance from time to time~~ determine by ordinance, but no change in such salary shall take effect during the current term of the mayor in office at the time of the adoption of the ordinance making such change.

#### SECTION 3-2. Executive Powers; Enforcement of Ordinances; Assistants

(a) In General—The executive and administrative powers of the city shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several city agencies under the mayor's general supervision and control. The mayor shall ~~cause enforce~~ the laws, ordinances, and orders for the government of the city ~~to be enforced~~, and shall ~~cause~~ keep a record of all official acts as mayor ~~to be kept~~. To aid the mayor with official mayoral duties, the mayor may appoint ~~1 or more assistants~~staff, fix their salaries and define their duties.

~~(b) Citizen Assistance Officer—The mayor shall appoint a citizen assistance officer in accordance with section 3-3 and fix the officer's salary. The citizen assistance officer shall be responsible for processing citizen complaints and inquiries that are directed or referred to the officer. The citizen assistance officer shall establish and maintain procedures for the examination and appropriate referral of requests for information or assistance on any municipal matter. The citizen assistance officer shall maintain a central file, open to the public, of all inquiries and complaints together with their resolutions. The citizen assistance officer shall analyze data on citizen complaints and inquiries and shall regularly submit reports as directed by the mayor.~~

(b) The mayor shall appoint a chief administrative officer to coordinate and direct the operations of the various departments and functions of municipal government. The chief administrative officer shall serve at the pleasure of the mayor and be appointed on the basis of

having strong administrative and executive qualifications or such other qualifications and shall be especially fitted by education, training and experience to perform the duties of the office.

### **SECTION 3-3. Appointments by Mayor**

(a) —(a) The mayor shall appoint all city officers, department heads and all volunteer members of city boards, commissions, committees and agencies for whom no other method of appointment is provided by this charter or by law.

(b) Appointments by the mayor of city officers and department heads shall become effective 30 days from the date of the first regularly scheduled city council meeting after notice of the proposed appointment is filed with the city clerk, unless the city council within said 30 days shall reject ~~such the~~ appointment.

(c) All officers and city agencies shall, subject to the civil service laws of the commonwealth, appoint their subordinates and employees to hold office until they are removed by the officer or city agency under whom they serve; but the mayor shall approve all appointments in the police and fire departments, and the mayor shall have the power of removal in the police and fire departments.

~~(a)~~ Appointments by the mayor of volunteer members of city boards, commissions, committees and agencies shall take effect 60 days from the date of the first regularly scheduled city council meeting after the notice of the proposed appointment is filed with the city clerk, unless the city council ~~within said 60 days shall reject~~ the such appointment within those 60 days. Rejection by the city council shall require a 2/3 vote. Appointments to boards, commissions, committees and agencies may include city employees; provided that, unless otherwise required by law, such employees shall not serve as chair of the board, commission, committee or agency and such city employees shall not comprise more than 1/3 of the full membership of the board, commission, committee or agency.

(d)

~~(b) —(b) The mayor shall appoint a collector treasurer for a term coterminous with the mayor's term and until a successor for the position of collector treasurer is qualified unless removed by the mayor prior to the expiration of such term. The mayor shall submit the proposed appointment to the city council as soon as possible after the mayor's term commences or as soon as possible after a vacancy occurs in the collector treasurer's office. The city council must approve this appointment by majority vote of the full council within 90 days from the date on which notice of the proposed appointment is filed with the city clerk as provided in section 3-4, or the proposed appointment shall not take effect. Removal of the collector treasurer by the mayor prior to expiration of the~~

~~collector treasurer's term in office shall not take effect until approved by majority vote of the full city council.~~

~~(c) The collector treasurer shall receive and pay out all money belonging to the city according to the order of its authorized officers. No other person shall have authority to pay any bill of any municipal department. The collector treasurer shall have such other powers and perform such other duties as the mayor may prescribe in addition to such duties as may be prescribed by law.~~

~~(e)~~—(c) The question on rejection of any appointment made by the mayor shall not be subject to charter objection as provided in subsection (c) of section 2-9.

~~(d)~~(f) The mayor shall regularly, but not less frequently than annually, provide a listing of all vacancies on city boards and commissions, along with an indication of the appointing authority responsible for filling the vacancy, to the city clerk and the city council. The city clerk shall make the listing available to the public electronically.

#### **SECTION 3-4. Notice of Appointment**

In making appointments, the mayor shall sign and file with the city clerk a notice of appointment, a copy of which shall be filed on the same day with the clerk of the council.

#### **SECTION 3-5. Removal of Officials**

~~(a)~~—(a) The mayor may remove any person appointed by the mayor by filing written notice ~~thereof of the removal~~ with the city clerk.

~~(a)~~(b) If the position of a city officer or department head becomes vacant, the mayor shall notify the clerk and the city council.

#### **SECTION 3-6. Temporary Appointments**

~~Whenever~~ If there is a vacancy in an office appointed by the mayor ~~occurs~~, whether by reason of disability, death, resignation or removal from office for any reason, the mayor may appoint the head of another city office or agency, or a city officer or employee, or some other person to perform the duties of the office for a period not to exceed 3 months. ~~Whenever~~ If a vacancy continues beyond 3 months, the mayor may make a second 3-month appointment, but no temporary appointment shall be continued beyond 6 months without the approval of the city council.

#### **SECTION 3-7. Communications to the City Council; Calling of Special Meetings of the City Council**

(a) Communications— Within 6 weeks following the start of each fiscal year, the mayor shall submit to the city council, and make available to the public, a complete report on the financial

and administrative activities of the city for the preceding fiscal year. The mayor shall not less frequently than semi-annually~~from time to time throughout the year~~, by written communications to the city council, keep it provide full disclosure of municipal revenues and all information related y informed as to the financial condition and future needs of the city and shall recommend such measures to ~~it~~ the council as the mayor ~~judges~~ determines the needs of the city require.

(b) Calling Special Meetings—The mayor may ~~at any time~~ call a special meeting of the city council by causing a notice of such meeting that specifies the matters which the mayor desires to be considered to be left at the usual place of residence of each councilor or given to in hand and public notice of the meeting to be posted at least 24 hours in advance of the time set for the meeting; or such lesser period as the mayor may determine in case of an emergency, of which the mayor shall be the judge.

### **SECTION 3-8. Adoption of Measures; Mayor's Veto**

Not sooner than 24 nor more than 96 hours after the adjournment of any meeting of the city council, the clerk of the council shall present to the mayor the record of the proceedings of the meeting and copies of all measures passed at the meeting, unless a city councilor has filed with the city clerk a motion to reconsider the measure under section 2-9(d).~~If during the 24 hours immediately following such adjournment, a motion to reconsider 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.~~

Every measure relative to the affairs of the city passed by the city council shall be presented to the mayor for the mayor's approval except: (i) any measure relating to the internal affairs of the city council; (ii) any measure relating to the election of officers whose election by the city council is authorized by law or this charter; (iii) a matter exclusively within the jurisdiction of the city council; ~~(iv)~~ (v) the budget; or (v) an action taken by the city council under section 10-2(d) or 10-3(a) in response to an initiative or referendum petition.

Within 10 days of receipt of a measure, the mayor shall return it to the clerk of the council with or without approval, or with a veto. Upon the mayor's approval of a measure it shall be considered adopted. If a measure is vetoed, the mayor shall attach a written statement explaining the reasons for the veto. Measures vetoed by the mayor shall be considered again by the city council at a meeting no sooner than 7 days after receipt of the mayor's veto. If the city council, notwithstanding such veto by the mayor, shall again pass such measure by a 2/3 vote

of the full council, it shall then be considered adopted. Every measure not approved or vetoed by the mayor shall be considered adopted 10 days after it has been presented to the mayor.

### **SECTION 3-9. Temporary Absence from the Office of the Mayor**

If by reason of sickness, absence from the city or otherwise, the mayor is unable to perform the duties of the office of the mayor, the president of the city council shall, as acting mayor, possess the powers of the mayor only in those matters requiring immediate attention, but the acting mayor shall have no power to make permanent appointments. If neither the mayor nor the president of the city council is able to perform the duties of the office of the mayor, the vice-president of the city council shall possess the powers of acting mayor.

During any period in which the president or the vice-president of the city council is serving as acting mayor, the acting mayor shall not serve as the presiding officer of the city council.

The city council, with approval of the mayor, may provide by ordinance for the handling of certain administrative duties of the mayor in the temporary absence of the mayor by other city councilors.

The restriction contained in section 3-1 relative to holding other office or actively engaging in a business, occupation or profession shall not apply to an acting mayor holding office under this section.

### **SECTION 3-10. Permanent Vacancy in the Office of the Mayor**

If a permanent vacancy occurs in the office of the mayor, at any time preceding the last 9 calendar months of the term for which the mayor was elected, the city council shall, at its next regular meeting, call a special election, to be held within 120 days, to fill the vacancy for the remainder of the unexpired term. If a vacancy occurs in the office of the mayor during the last 9 calendar months of the term for which the mayor was elected, the president of the city council shall serve as the acting mayor until the next election for mayor is held. Upon the certification of the results from the next election, the person elected to be mayor shall be immediately sworn and begin serving as mayor and the new mayor shall, in addition to the term for which the member was elected, serve for the balance of the then-unexpired term .

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