



Programs & Services Committee Agenda

City of Newton In City Council

Wednesday, March 6, 2019

Please note early start time

6:30PM - Room 204/7:00PM - Room 211

Item Scheduled for Discussion:

Note: *The Programs & Services and Public Facilities Committees will meet jointly at 6:30pm in Room 204 to discuss the following item:*

Referred to Programs & Services, Public Facilities, and Finance Committees

#101-19 **Authorization to submit an SOI to the MSBA for Countryside School**
SUPERINTENDENT OF SCHOOLS requesting authorization to submit a Statement of Interest (SOI) – Core Program to the Massachusetts School Building Authority (MSBA) for consideration of funding for a renovation/addition of Countryside Elementary School, designated as the highest priority for a major project after Cabot Elementary School and Lincoln–Eliot Elementary School and Newton Early Childhood Program.

Note: *The Programs & Services Committee will reconvene in Room 211 at 7:00pm to discuss the remaining items:*

#92-19 **Reappointment of Brooke Foucault Welles to the Human Rights Commission**
HER HONOR THE MAYOR reappointing BROOKE FOUCAULT WELLES, 9 Williams Street, West Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire February 25, 2021. (60 days: 05/03/19)

Note: *The Chair will be taking public comment on the following item:*

#76-19 **Home Rule Legislation to amend City Charter**
PROGRAMS & SERVICES COMMITTEE requesting that the City Council seek Home Rule Legislation to amend the City Charter based on a review of the 2019 recommendations of the Charter Subcommittee of the Programs & Services Committee except for those relating to City Council composition and term limits for the Council and the Mayor.

Respectfully Submitted,

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

John B. Rice, Chair

DRAFT Proposed Schedule for Countryside SOI by April 12, 2019

- February 11, 2019 Vote of School Committee votes that, after Cabot Elementary School, Countryside Elementary School is designated the district's highest priority for a major project to be submitted to the MSBA for its FY19 SOI process. The School Committee receives the draft SOI for review prior to the March 4, 2019 vote.
- February 22, 2019 Docket request by Superintendent is sent to David Olson with SOI Draft attached to meet docket deadline of February 25, 2019.
- March 4, 2019 Vote of School Committee to approve the Draft SOI
- March 4, 2019 On Docket of City Council – referred to Programs & Services and Public Facilities.
- March 6, 2019 Programs & Services meets jointly with Public Facilities to vote to approve SOI.
- March 11, 2019 Finance Committee
- March 18, 2019 Vote of City Council on resolution authorizing submittal of SOI to MSBA.
- April 12, 2019 MSBA Deadline for SOI submittal.

Alternate schedule if necessary for any reason including weather or other cancellations:

- March 20, 2019 Programs & Services meets jointly with Public Facilities to vote to approve SOI.
- March 25, 2019 Finance Committee
- April 1, 2019 Vote of City Council on resolution authorizing submittal of SOI to MSBA.
- April 12, 2019 MSBA Deadline for SOI Submittal

2019 Countryside SOI - CORE PROGRAM – DRAFT 2/7/19

SOI MAIN TAB

Is this part of a larger facilities plan? Please provide an overview of the plan including as much detail as necessary to describe the plan, its goals, and how the school facility that is the subject of this SOI fits into that plan (maximum of 5000 characters)? Yes

HMFH Architects, Inc. (2007, 2011); Self-prepared 2012 - present

In a context of significant enrollment growth, Newton has been engaged in long-range planning since the early 2000's. Over this time, a significant growth trend occurred that has resulted in a K12 population increase from 11,267 to 12,685 students, or 13% growth. The K5 population had the steepest increase from 4,938 to 5,824 students by 2017-18, or 17% growth, and has now stabilized. After this sustained 13-year growth period, every grade cohort has experienced growth that is now fully integrated in all grade levels. In the next five years, overall district enrollment is projected to remain stable around 12,700 students, with elementary growth projected to decrease slightly in the next five years while high school enrollment continues to grow.

A formal master plan was initiated in 2007, and conducted by HMFH Inc. The plan provided facility conditions assessment, space needs and long-range utilization plans using both engineering/facility and educational standards for its evaluation. HMFH completed an update of the plan in 2011 with the launch of Newton's current long-range plan to correct facilities deficiencies by sequencing major and mid-sized projects at 15 elementary schools, which at that time included two of the oldest schools in the state in the worst condition (Angier, Cabot).

Newton continues to update its long-range plan annually since 2012 and has developed consensus for the elementary facilities plan that provides critically needed modernization of school buildings and capacity expansion. The plan is fully coordinated with the city's capital plan which outlines multi year financial support. The plan is based on detailed enrollment projections that document the capacity needed to address classroom shortages for both regular education as well as the needs of special populations. Significant progress has been made on the long-range plan which identified Angier and Cabot as Newton's top priorities due to age, condition and overcrowding. A 2013 debt exclusion funded the Angier, Zervas and Cabot school buildings plus ten modular classrooms to address short term severe crowding. In partnership with the MSBA, a newly constructed Angier was reopened in January 2016 and Cabot will open in September 2019. Zervas was Newton's second school to be rebuilt since its location and site offered an opportunity to expand capacity, and was funded locally. Zervas reopened in September 2017 with six additional classrooms and has an enlarged school district. Cabot will open in September 2019 with four additional classrooms. The Angier, Zervas and Cabot projects will have added capacity for approximately 200 students and, through two phases of redistricting, will have eased crowding at other schools. Five of Newton's 15 elementary school will still have enrollment above capacity in 2019-20, so local enrollment pressure points continue require careful management.

Although enrollment has stabilized recently, Newton is studying the potential impact of 1,785 additional units of housing in two large and two small residential developments in Newton. One of the proposals has already filed its special permit application for an 822-unit development located in the Countryside district, and is under city council committee review. There is a potential enrollment impact at Countryside, currently estimated at 70 students, for a total enrollment of 449 students in ten years (2028-29). Countryside's recommended enrollment capacity is 20 classrooms and 440 students.

Countryside Elementary School was constructed in 1953 as a small neighborhood school. In the decades since it opened the neighborhood has grown tremendously adding enrollment pressures that led the Newton to add an annex only five years later in 1958. In the past 60 years enrollment pressures continued not only from increases in single family residences but also from large scale apartment development, e.g. the Avalon Bay project on Needham Street. All of this growth resulted in the building of modular classroom adjacent to the annex. The modular construction has created very inefficient circulation. The modulars were installed over two decades ago.

A properly reconstructed Countryside School is the next highest priority, after Cabot, on Newton's long-range plan due to facility condition issues, the facility's failure to support the educational program and the extensive reliance upon inferior quality short-term annex construction as well as modular classrooms. Further, the district has had recent periods of enrollment crowding (enrollment above 500 students) at the facility which required the drastic action of relocating of an entire kindergarten class to different schools. The district also recognizes that there is considerable future residential development in the planning stages and there are no longer any intermediate actions, such as the installation of modular building, available on the school's very constrained and wet site. The school is adjacent to the Needham Street Area for which the City has developed a "Vision Plan." That plan includes adding diverse residential options including multi-unit housing including affordable units. A proposal for a mixed use project in the Countryside district by Northland Investment Corporation is under review by the City and could add over 800 residential units with a potential to generate close to 150 additional public school age students. As a result, enrollments at Countryside could exceed its current capacity. The MSBA's 2016 School Survey determined that Countryside is "overcapacity" in utilization of general space.

Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? YES

Newton has developed Education Plans in conjunction with the Angier, Zervas and Cabot school building projects that document Newton's educational plan for modern school buildings that support standards for teaching and learning in the 21st century. Standards promote the education, health and well-being of all students; highly effective teaching environments, efficient operations, and anticipate future programmatic change while maintaining standards of performance and reliability.

Is there overcrowding at the facility? No

Please provide a description of the local budget approval process for a potential capital project with the MSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school committee meeting dates). Provide, if applicable, the District's most recent budget approval process that resulted in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities (maximum of 2000 characters).

The FY19 School Committee Approved Budget is \$227,560,263, and includes an \$8.4 million increase, 3.8% over the FY18 budget of \$219,436,486. The budget process began in November 2017 with the approval by the School Committee of the District wide Goals which directs budget priorities. The budget process involves a comprehensive review by district and school administrators of existing and proposed school functions, planning for adjusted costs and future changes or new educational initiatives. The budget process culminates in a public presentation by the Superintendent, public meetings to review specific areas of the budget, public hearings, a school committee straw vote and a final vote of approval. Following the Newton Public Schools' process, the budget is presented to the City Council, reviewed and voted by that body in conjunction with the approval of the city of Newton's operating and capital annual budgets. The FY19 budget continues to support Newton Public Schools core mission to meet the diverse

educational, social and emotional needs of all students while narrowing the achievement gap, promoting critical thinking skills, providing mental health supports, and sustaining teacher professional development and collaboration. FY19 budget also expands the ongoing maintenance of buildings and expands in-district special education facilities.

General Description

BRIEF BUILDING HISTORY: Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).

Countryside School was constructed in 1953 as a small neighborhood school. It was one of five new elementary schools built to accommodate the post-WWII enrollment boom in Newton between 1950-1955. The original building was 35,910 gross square feet and consisted of 13 classrooms, a gym, library, auditorium, main office, two sets of girls and boys restrooms, and a pair of staff bathrooms. A 6 classroom annex addition was constructed in 1958 to address the rising school enrollment. A single bathroom with one fixture was added as part of this project. In 1986, two additional annex classrooms were constructed on the north end of the annex. In 1991, 1999, and 2000 a total of four modular classrooms, smaller than regular classrooms, and two offices were constructed. With the five additions, the number of classrooms, staff, and students were doubled with no increase in support spaces such as restrooms, offices, storage, small group instruction, or special education. The total square footage including the original building, the additions and modular space is 65,000 gsf.

The school had as many as 25 classrooms at one time and 500 students (during enrollment peaks in 1998 and 2010), but currently 19 classrooms are being used for individual grades and a total enrollment of 413 students. In addition, one classroom was divided into two classrooms to allow for ELL, Inclusion, and Special Education spaces which also occupy two modulares. A modular classroom is currently being repurposed for use as an Art Room, as the art program had been offered “on a cart” for a number of years due to lack of space for the program, and recently in a former storage location behind the gymnasium. The music program does not have its own space, and currently occupies the stage in the cafetorium. Currently there are 10 individual grade classrooms in the 1953 building, and 9 individual grade classrooms in the annex and modulares. The library, gym, and auditorium are all sized for a school population approximately half the size of the current enrollment. Overall, the entire school is about half the square footage it should be based on the enrollment. The quantity of classrooms is adequate, but conditions are severely lacking. Support spaces are minimal and undersized throughout the school. There is only one breakout space for small group instruction. Many of the Special Education spaces either don’t exist or are inadequate. OT/PT has a small office space. Offices for support staff either don’t exist, or have been placed in areas that should not be occupied, The auditorium was converted to a cafetorium 2009 by removing the seating and evening out the floor. The warming kitchen is across the corridor and very small and inadequate for healthy and nutritious lunch service. The HVAC system is steam by natural gas with classroom unit ventilators with supplemental radiation. The annex and modular classrooms are substantially colder in the winter months than the original wing. Two boilers were replaced in 2007 and 2012. The 2007 boiler has been completely submerged at least twice due to flooding n the school. The boiler room has experience flood levels as high as 12 feet which has taken its toll on all of the mechanical, electrical and plumbing equipment.

A vertical lift was installed in 2010. This lift was allowed at the time but is no longer allowed to be constructed as a permanent means of vertical accessible travel. The cab of the lift is approximately 3 ft. by 4 ft. A school building security project was implemented, funded through a Homeland Security Grant. Electronic access card readers were installed on two exterior doors. All appropriate staff has electronic

access via key fob device. Access to the building is much more secure and records of access by individuals is monitored via a live database.

TOTAL BUILDING SQUARE FOOTAGE: Please provide the original building square footage PLUS the square footage of any additions.

original bldg 35,910

modulars 5,653

additions (annex) 23,437

SITE DESCRIPTION: Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

Countryside School sits on a 322,065 square foot parcel (7.39 acres), which is comprised of approximately 65,000 sf of wetlands, 120,000 square feet of school and parking, and 137,065 square feet of open space currently used as a baseball field and playground. Approximately 2/3 of the site sits within the 200 foot Riverfront Protection Act area, including half of the existing building. The water table is close to grade throughout most of the eastern portion of the site, including the areas where the annexes and modular classrooms are sited. The Department of Public Works completed a storm water project in 2012 that addressed chronic flooding in the courtyard of the school, which often resulted in flooding of the school itself. Site grading at the perimeter causes standing water accumulation at the main entry and creates a safety risk.

ADDRESS OF FACILITY: Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

191 Dedham Street, Newton Highlands, Massachusetts

BUILDING ENVELOPE: Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

The flat roof on the 1953 portion of the original building was replaced in 2012. The roofs on all of the annexes and modular classrooms are beyond their useful life and need to be replaced. Water regularly pools on these roofs. Exterior walls of the 1953 building are load bearing and made of masonry with concrete sills and polished granite at the main entries, all in good condition with some staining at the sills.

The windows in the 1953 original portion of the building were replaced in 1990, while the windows in the annexes and modular classrooms are original and mostly beyond their useful life. They are aluminum with thermal break and thermal glazing, fixed and single hung. These are difficult to operate and have metal louvers in poor condition. Other windows are steel frame, single-pane glazing with metal louvers that are original and in poor condition. The connection from the main building to the additions is comprised of single pane hollow metal steel framed curtain wall, which is the same system for the windows in the annex classrooms. The thermal efficiency of these systems is extremely low. Cold temperatures in this connection are a challenge during heating season. The modular classrooms are a combination of single and double pane vinyl replacement windows, single pane metal windows, and storm windows. Some doors are inaccessible and original to the building and in very poor condition.

Newer doors are in good condition. Areaways are brick/CMU with metal grates in good condition. The exterior steps are concrete as are stoops and ramps with; metal handrails and guardrails, in good condition, but rails are rusting. Canopies are metal-edged, flat roofed with brick piers and metal panel soffits. The metal is worn and faded. There are no structural concerns. Flooding at the basement level may cause a health risk.

Has there been a Major Repair or Replacement of the EXTERIOR WALLS? YES

Year of Last Major Repair or Replacement:(YYYY) 1990

Description of Last Major Repair or Replacement:

Exterior masonry wall system replaced in 1990

Roof Section A 1953 original building

Is the District seeking replacement of the Roof Section? No

Area of Section (square feet) 26,790 s.f.

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))
EPDM

Age of Section (number of years since the Roof was installed or replaced) 7

Description of repairs, if applicable, in the last three years. Include year of repair: N/A

Roof Section B 1958 Annex

Is the District seeking replacement of the Roof Section? Yes

Area of Section (square feet) 14,376 s.f.

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))
Rubber

Age of Section (number of years since the Roof was installed or replaced) 12

Description of repairs, if applicable, in the last three years. Include year of repair: 2009-2018

This roof section has had over 40 requests for repairs since the beginning of 2009. Major and minor repairs have been made over the years.

Window Section A

Is the District seeking replacement of the Windows Section? NO

Windows in Section (count) 176

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe)) Double Pane/Thermopane

Age of Section (number of years since the Windows were installed or replaced) 29

Description of repairs, if applicable, in the last three years. Include year of repair: None

Window Section B

Is the District seeking replacement of the Windows Section? Yes

Windows in Section (count) 219

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))
Thermopane in modular classrooms and single pane in 1958 and 1986 Annex Additions

Age of Section (number of years since the Windows were installed or replaced)

19 (modular classrooms) / 60 years (1958 annex)

Description of repairs, if applicable, in the last three years. Include year of repair: None

MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).

HVAC: The HVAC system is steam by natural gas with classroom unit ventilators with supplemental radiation. The steam boilers were replaced in 2007 and 2012. The 2007 boiler has been completely submerged at least twice due to flooding in the school. The boiler room itself has seen flood levels as high as 12 feet which has taken its toll on all of the mechanical, electrical, and plumbing equipment. The heating system was converted to natural gas in 2011, and the underground oil storage tanks were removed the same year. Some of the classroom unit ventilators and rooftop hvac equipment has been replaced over the years, but most of the distribution system is original, beyond its useful life, and in poor condition. There is very limited control over the heating systems, and with the exception of some of the modular classrooms, the school is not air conditioned. Two of the 9 RTU's were replaced in 2018 but the remaining 7 RTU's (roof top units) that are part of the HVAC systems in the annexes and modulares are beyond useful life, failing, failed, and/or in poor condition. With exposed ductwork and mechanical systems, the acoustical performance negatively impacts the learning environment. Dual range actuators for the outside air dampers have been installed in the classrooms.

Plumbing: Most of the plumbing in the building is original although some bathroom fixtures have been replaced. Due to elevation challenges throughout the site, the sewage lines cannot pitch adequately to allow for gravity drainage. This means that there are sewage ejector pumps in the small crawl spaces throughout the building. These are no longer allowed by the plumbing code. These pumps have failed numerous times, resulting in sewage flooding throughout the school. One example of this is the sewage ejector pump directly below the nurse's office. The smell of sewer gases always exists, but this ebbs and flows based on the operation of these pumps. There are two very large sump pumps in the boiler room that never stop running. The basement sits 6 feet below the water table, and the boiler room sits 12 feet below the water table. When the pumps fail the basement floods within a few hours, which is catastrophic as the only storage for curriculum materials, gym equipment, and custodial supplies and equipment is in the basement. The basement area is chronically damp, and by all records has never been dry. Piping is original in fair to poor condition with limited accessibility. Repairs to any of the failed sewer ejector pumps require crawling 50-100 feet through the sewage. This also means that when these pumps fail, sewage sits beneath the first floor classrooms. Domestic hot water is not available at all sinks. The domestic water circulator is in poor condition.

Fire Protection and Detection: The fire alarm panel was replaced in 2016, but only a small portion of the devices are addressable. Therefore, responses are likely only to the building, and not to a specific area within the building. The fire alarm distribution system is in poor condition and needs to be replaced. The school has no fire suppression systems. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box.

Accessibility: A vertical lift was installed in 2010, which provides programmatic access to the 2nd floor of the building. This lift was allowed at the time, but is no longer allowed to be constructed as a permanent means of vertical accessible travel. The "cab" of the lift is approximately 3' by 4', which means that it can only accommodate one child and an adult, and in some cases an adult cannot fit. A few restrooms have had minor investments made to improve accessibility, but currently there are no girls restrooms that have the clearances needed to allow for wheelchair access, and once in there are no accessible restroom stalls exist. The boys restrooms have accessible stalls, but clearances are not sufficient for wheelchair access. The ramp leading from the 1953 building, to the annexes is not ADA or MAAB compliant. The

playground is not programmatically accessible. The door hardware is not accessible, and the signage throughout the building is not ADA compliant.

Electrical: Lighting and lighting controls were replaced in 2017, but the vast majority of the electrical distribution is original. The entire building was converted to LED lighting including the exterior lighting. The main electrical switch gear is in poor condition and resides in an area prone to flooding. Electrical service equipment is 400A, 3 phase, 4 wire, 120/208V in fair condition, but without sufficient working clearances. The distribution system consists of circuit breaker panel boards with conduit and wire feeders and is 50+ years old. There is a 150kW diesel exterior generator that serves corridor and stair lighting and boilers, but it is not in a 2 hour fire-rated room for life safety system equipment. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box. As part of the proposed Renovation/Addition project electrical systems are to be updated to meet current codes.

Boiler Section 1 2007 Boiler

Is the District seeking replacement of the Boiler? Yes as part of the renovation/addition project

Is there more than one boiler room in the School? No

What percentage of the School is heated by the Boiler? 100%

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other) (Maximum of 250 characters) Natural Gas

Age of Boiler (number of years since the Boiler was installed or replaced): 12

Description of repairs, if applicable, in the last three years. Include year of repair: (Maximum of 1500 characters)

While only 12 years old, the 2007 boiler has been submerged in flood waters twice decreasing its useful life.

Boiler Section 2 2012 Boiler

Is the District seeking replacement of the Boiler? Yes as part of the renovation/addition project

Is there more than one boiler room in the School? No

What percentage of the School is heated by the Boiler? 100%

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other) (Maximum of 250 characters) Natural Gas

Age of Boiler (number of years since the Boiler was installed or replaced) 7

Description of repairs, if applicable, in the last three years. Include year of repair: (Maximum of 1500 characters) No repairs, only routine maintenance

Has there been a Major Repair or Replacement of the HVAC SYSTEM? NO

Year of Last Major Repair or Replacement:(YYYY) 1958

Description of Last Major Repair or Replacement: (Maximum of 1500 characters)

Some classroom unit ventilators have been replaced over the years. Repaired minor steam leaks 2010 and completed a steam trap survey and implemented all of the recommendations of that survey. Installation of 2 new RTU's (rooftop units) in Annex portion of the building in 2018.

Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM? NO

Year of Last Major Repair or Replacement:(YYYY) 1958/1999 electrical modifications to accommodate modular classrooms; 2107

Description of Last Major Repair or Replacement: (Maximum of 1500 characters)

The vast majority of the electrical distribution system is original. The main electrical switch gear is in poor condition and resides in an area prone to flooding. In 2017, lighting controls were replaced and the entire building was converted to LED lighting including the exterior lighting. As part of the renovation/addition project all electrical systems are to be upgraded to current code.

BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).

Partitions are glazed CMU at the corridors, painted plaster walls are typical with 1x1 ACT at the upper walls, and painted gypsum board, in good condition, but there is no acoustic privacy in some sensitive spaces. Door surrounds are not accessible. There is VAT, VCT, carpet, and terrazzo in fair condition throughout the building. Ceilings are 1x1 ACT, painted plaster; 2x2 ACT and 2x4 ACT. There are wood solid core doors; some painted, with metal and wood frames in fair condition, some are original. Doorways are not accessible, hardware is not accessible either. Built-in furnishings are made of wood, metal, and laminate and are in poor shape, original to the building. Two classrooms do not have sinks, other sinks are not accessible. Lockers are metal, single-tier, 15x60 for 2 students. There are also wooden cubbies that are open. Rolling shades are typical and in good condition. Adult bathrooms are CMU, ceramic tile, VCT, and have wood/metal partitions. They are in poor condition, not accessible, and are too few in quantity and are poorly distributed. Student bathrooms are original and are in poor condition, are not accessible, too few in quantity, and are poorly distributed. They are glazed CMU full height, 2x2 terrazzo tile, painted plaster ceilings, and half have painted steel partitions. In 2008 half of the partitions were replaced with high-density PVC and the floors were refinished with epoxy. The stairs are painted concrete with steel nosing, with wood/metal handrails and guardrails. Railings and stair nosing are not accessible. There is no elevator and there is no signage. In the gymnasium there is a wood athletic floor and backstops are in good condition. Walls are glazed CMU, full height with 2x2 ACT, but there is a major vertical crack. The cafeteria has VAT and a poured concrete floor; painted plaster, and acoustic treatments at the ceiling, in good condition. There is wood paneling at the platform surround and wainscot and painted plaster with acoustic treatments at the walls. The wood platform is not accessible and is in poor condition. The auditorium was converted to a cafeteria in 2009 with a new flat floor installed. The stage is used for music instruction. There are floor to ceiling folding wall panels that can divide the space into lunch areas separate from the music area. The kitchen is for warming only and is small but is functional. The telephone system is good with multiple outside lines. Lighting is generally 2x2 and 2x4 recessed fluorescent; surface wrap around in classrooms and some corridors. Receptacles are generally standard type and are over 50 years old. There are key fob operated devices at specific doors. Motion detectors are in corridors and stairs that notify UL Central Station. There is a push button video access device at two front doors and a buzzer in the office area. The sound and intercom system consist of privacy switches and surface speakers in classrooms; corridor speakers, and exterior speakers. The classrooms and offices have battery clocks. Corridor speakers have bell tone. There is data in classrooms and office areas and some wireless. A vertical lift was installed, summer 2010. Interior finishes are to be updated as part of the proposed Renovation/addition project. The vast majority of the electrical distribution system is original. In 2017 the entire building was converted to LED lighting including the exterior lighting.

PROGRAMS and OPERATIONS: Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).

The grade structure at Countryside Elementary School is Kindergarten through Grade 5. The Newton Public Schools has articulated specific instructional time allotments for elementary core subjects, which

include reading, writing, mathematics, science, social studies and social curriculum. Specialist programs both enhance the core program and provide contractual preparation time for classroom teachers.

Programs offered include:

Regular education classrooms for grades K-5

Full neighborhood inclusion

One co-taught classes taught jointly by regular and special education teachers.

Special Education programs including, occupational/physical therapy, speech, applied behavioral analysis

English Language Learners programs/sheltered English instruction, and the STRIDE program.

After school program

The district has been required to take measures so that every available space within each building can be utilized to support teaching and learning and to meet the needs of students. The Countryside building does not accommodate small group instruction associated with an inclusive education practices adopted by Newton, as required by special education laws.

EDUCATIONAL SPACES: Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).

Countryside has 24 core academic spaces:

19 instructional classrooms (1 of these is in modular classroom)

1 literacy/ELL classroom (Rm 1)

1 inclusion classroom (in a modular),

1 small group instruction/breakout classroom (in a modular),

1 ELL room (½ classroom) and 1 special education room (½ classroom)

Special Services

1 District Wide SPED - STRIDE classroom and one Art classroom (in a modular.)

The average size of classrooms is 811 nsf

Room 1 - 770 nsf, Literacy/ELL

Room 2 - 770 nsf, Gr.1

Room 3 - 770 nsf, co-taught Gr. 4

Room 4 - 770 nsf, Gr.1

Room 5 - 770 nsf, Gr. 1

Room 6 - 770 nsf, divided in two each 385 nsf., special education & ELL

Room 10 - 667 nsf - Gr. 5

Room 11 - 770 nsf, Gr. 5

Room 12 - 770 nsf, Gr. 5

Room 13 - 770 nsf, Gr. 4

Room 14 - 770 nsf, districtwide sped program

Room 15 - 770 nsf, Gr. 4

Room 16 - 770 nsf, Gr. 4

Room 1a - 783 nsf, Annex, Gr. 3

Room 2a - 783 nsf, Annex, Gr. 3

Room 3a- 810 nsf, Annex, Gr. K

Room 4a - 810 nsf, Annex, Gr. K

Room 5a - 810 nsf, Annex, Gr. K

Room 6a - 810 nsf, Annex, Gr. 2

Room 7a - 810 nsf, Annex, Gr. 2

Room 8a - 810 nsf, Annex, Gr. 2
 Room 9a - 728 nsf, 1991 Modular, Inclusion
 Room 10a - 728 nsf, 1991 Modular, Art room
 Room 11a - 812 nsf, 2000 Modular, Gr. 3
 Room 12a - 812 nsf, 2000 Modular, Small Group Instruction
 Music - Stage, area included in Cafetorium nsf
 Library - 1032 nsf;
 Cafetorium, 4080 nsf (includes 916 sf stage/music area)
 Gym 2400 nsf
 CASP aftercare, 1102 sf (behind the gym)

CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).

Countryside School has a current enrollment of 413 students. The facility constraints at Countryside to deliver the full education program have been addressed to the extent possible by utilizing modular structures and adapting spaces with the building to maximize space available for the programs. Spaces have been subdivided for teachers and programs to share them. Twenty-five percent of the classrooms, the library and music classroom are undersized when compared to MSBA guidelines for elementary schools. Spaces have been converted from their intended use, the former kindergarten classroom is now the library. Larger specialist spaces have been partitioned off to create multiple small specialist rooms and a storage room has been converted to a tutorial space. Along with creative reassignment of spaces, capacity issues have been addressed at Countryside by adding four modular classrooms.

The MSBA capacity rating for the Countryside School is noted as “overcapacity” in the 2016 MSBA School Survey Report. Without reliance on the outdated aging temporary classrooms, Countryside would be overcrowded. These modular classrooms are located at both ends of a 1958 six classroom annex wing where issues of condition, temperature and humidity are significant, and are exacerbated in the modular classrooms. While overcrowding on Newton’s southside has been relieved with the completion of Angier and Zervas, the Northland Investment Corporation has filed an application for a special permit to develop a mixed use project in the Countryside district which proposes 822 housing units, 123 of which will be affordable units. If approved it would be expected to generate student growth. A recently updated school enrollment forecast model was completed by the district, City staff and a consultant funded by a MassHousing grant to develop fiscal impacts from the project. This model has forecasted a net 142 new public school students (about half at elementary school) in the from the project which, depending on when the housing unit construction is phased, is likely to affect capacity after 2023.

MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district’s current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).

Regular maintenance and preventative maintenance programs are funded annually by the district in accordance with the City of Newton's Charter Maintenance Ordinance with a funding requirement of up to 2% of the prior fiscal year budget. The schools have followed and exceeded this requirement in order to maintain its aging building stock. In addition, capital repairs are undertaken in conjunction with funding from the City of Newton's Capital Improvement Program (CIP) with financing from bonding and/or the use of free cash for one-time expenses. No capital repair projects at the Countryside Elementary School have required override or debt exclusion votes.

Preventative maintenance (PM) and regular repair and maintenance work orders are processed in a web-based electronic system enabling efficiency and data gathering. Custodians receive annual training on PM procedures. The district's PM program includes: 1) Asbestos inspection every 3 years, 2) Boiler cleaning annually, 3) Elevator inspections, 4) Emergency generator inspections monthly, 5) Fire suppression testing annually, 6) Replacing carpet with vinyl tile, 7) HVAC maintenance including duct cleaning, 8) Infrared roof inspection, 9) Steam trap replacement, 10) Unit vent filter changes 3x/year.

The district's Summer Projects program customizes repairs and improvements to each building, including items as painting, flooring, bathroom upgrades and space re-organization to meet enrollment/programmatically demands.

The City's Capital Improvement Program funds larger construction or repair projects from a plan formulated jointly with the Public Buildings Department and include includes the following types of projects district-wide: 1) Construction/additions/renovations, 2) Accessibility improvements, 3) Communication system upgrades, 4) Large-scale masonry repairs/waterproofing, 5) Generators, 6) HVAC system, including replacement of boilers, roof top units, univents, 7) Energy efficient lighting installation, 8) Roof/gutter replacements, and 9) Building-wide window/door replacements.

The following capital projects were implemented at Countryside and funded by the City's capital improvement program and operations budget. Installation of modularity, replacements of roof top ventilation units, major replacements of wall and window systems. In 2017 lighting controls were replaced and the entire building was converted to LED lighting including the exterior lighting. As part of the renovation/addition project all electrical systems are to be upgraded to current code.

The current capital improvement program includes the replacement of doors and windows and to set aside \$30,000,000 in funds toward a renovation/addition project. The source of these funds is 'alternate funding', contingent upon local approval.

Priority 5

Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

Guidance for Priority 5

Districts should only check Priority 5 if a major building system is in need of replacement, renovation, or modernization in order to extend the useful life of the building. Districts selecting Priority 5 must provide all requested information in the appropriate spaces provided at the bottom of the page.

*** The determination of whether something qualifies as a Priority 5 rests solely with the MSBA, and the MSBA shall not be bound by the opinions or judgments of the district.**

Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.

Roof: The flat roof on the 1953 portion of the original building (Roof Section A) was replaced in 2012 and is in good condition. The roofs on all of the annexes and modular classrooms are beyond their useful

life and need to be replaced. Water pools on them. This roof section over the annex (Roof Section B) has had over 40 requests for repairs since the beginning of 2009. Major and minor repairs have been made over the years.

Boilers and HVAC: The HVAC system is steam by natural gas with classroom unit ventilators with supplemental radiation. The steam boilers were replaced in 2007 and 2012. The 2007 boiler has been completely submerged at least twice due to flooding in the school. The boiler room itself has seen flood levels as high as 12 feet which has taken its toll on all of the mechanical, electrical, and plumbing equipment. The heating system was converted to natural gas in 2011, and the underground oil storage tanks were removed the same year. Some of the classroom unit ventilators and rooftop hvac equipment has been replaced over the years, but most of the distribution system is original, beyond its useful life, and in poor condition. With the exception of some of the modular classrooms, the building is not air conditioned. A complete steam trap survey was conducted and the district implemented all of the recommendations of that survey. Two of the 9 RTU's were replaced in 2018 but the remaining 7 RTU's (rooftop units) that are part of the HVAC systems in the annexes and modulares are beyond useful life, failing, failed, and/or in poor condition. With exposed ductwork and mechanical systems, the acoustical performance negatively impacts the learning environment. . Dual range actuators for the outside air dampers have been installed in the classrooms. As part of the proposed Renovation/addition project all HVAC systems are to be updated.

Plumbing: Most of the plumbing in the building is original although some bathroom fixtures have been replaced. Due to elevation challenges throughout the site, the sewage lines cannot pitch adequately to allow for gravity drainage. This means that there are sewage ejector pumps in the small crawl spaces throughout the building. These are not allowed by the plumbing code. These pumps have failed countless times, resulting in sewage flooding throughout the school. One example of this is the sewage ejector pump directly below the nurse's office. The smell of sewer gases always exists, but this ebbs and flows based on the operation of these pumps. There are two very large sump pumps in the boiler room that never stop running. The basement sits 6 feet below the water table, and the boiler room sits 12 feet below the water table. When the pumps fail the basement floods within a few hours, which is catastrophic as the only storage for curriculum materials, gym equipment, and custodial supplies and equipment is in the basement. The basement area is chronically wet, and by all records has never been dry. Piping is original in fair to poor condition with limited accessibility. Repairs to any of the failed sewer ejector pumps require crawling 50-100 feet through the sewage. This also means that when these pumps fail, sewage sits beneath the first floor classrooms. Domestic hot water is not available at all sinks. The domestic water circulator is in poor condition. As part of the proposed Renovation/addition project all plumbing systems are to be updated.

Fire Protection and Detection: The fire alarm panel was replaced in 2016, but only a small portion of the devices are addressable. Therefore, responses are likely only to the building, and not to a specific area within the building. The fire alarm distribution system is in poor condition and needs to be replaced. The school has no fire suppression systems. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box. As part of the proposed Renovation/addition project all Fire Protection and Detections Systems are to be updated.

Accessibility: A vertical lift was installed in 2010, which provides programmatic access to the 2nd floor of the building. This lift was allowed at the time, but is no longer allowed to be constructed as a permanent means of vertical accessible travel. The "cab" of the lift is approximately 3' by 4', which means that it can only accommodate one child and an adult, and in some cases an adult cannot fit. A few restrooms

have had minor investments made to improve accessibility, but currently there are no girls restrooms that have the clearances needed to allow for wheelchair access, and once in there are no accessible restroom stalls exist. The boys restrooms have accessible stalls, but clearances are not sufficient for wheelchair access. The ramp leading from the 1953 building, to the annexes is not ADA or MAAB compliant. The playground is not programmatically accessible. The door hardware is not accessible, and the signage throughout the building is not ADA compliant. As part of the proposed Renovation/Addition project Accessibility issues are to be updated to meet current ADA standards.

Electrical: Lighting and lighting controls were replaced in 2017, but the vast majority of the electrical distribution is original. The entire building was converted to LED lighting including the exterior lighting. The main electrical switch gear is in poor condition and resides in an area prone to flooding. Electrical service equipment is 400A, 3 phase, 4 wire, 120/208V in fair condition, but without sufficient working clearances. The distribution system consists of circuit breaker panel boards with conduit and wire feeders and is 50+ years old. There is a 150kW diesel exterior generator that serves corridor and stair lighting and boilers, but it is not in a 2 hour fire-rated room for life safety system equipment. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box. As part of the proposed Renovation/Addition project electrical systems are to be updated to meet current codes.

Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.

The roofing system over the original 1953 section of the building was replaced with an EPDM roof in 2012. The roofing system over the 1958 annex building has had major repairs numerous times over the years and should be replaced.

Based on current best practices and Newton's education mission, educational and building standards that address the reduction of energy consumption have been established as part of the facilities operations plan. In recent years, energy efficient lighting has been installed throughout the district by partnering with the NSTAR Lighting Rebate Program. The City has hired an energy specialist to oversee the implementation of measures and policies that have a direct impact on reduced energy consumption while improving equipment operation and occupant comfort. The district has clear policies and procedures for reducing energy use throughout the day and evening. Heat is not turned on within school buildings until October 15 of each year. During the school day thermostats are kept at the lowest required temperatures. Staff are encouraged to arrange classroom furnishing to maximize distribution of heat. Policies are in place to turn off lights and use natural lighting whenever possible. The district periodically sends out reminders regarding these energy conservation policies.

In 2012, the City of Newton entered into a contract with Thielsch Engineering. This company has conducted an energy audit of the Countryside School and has reviewed the historic consumption of all utilities and the available energy cost savings that will result from recommended energy conservation projects that will deliver those savings.

Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

Teaching and Learning at Countryside is highly impacted by the facility due to its age and condition, and the reliance on the 9-classroom annex/modular wing built with temporary construction methods, and also due to the fact that the facility severely lacks adequate support spaces. The condition of building systems create environmental conditions that do not support teaching and learning: The vast majority of mechanical, electrical, and plumbing systems at Countryside are original and not up to current code. The HVAC distribution system is mostly original to the buildings creating uneven heating conditions. Ventilation is below standard and lacking in some spaces. Increased levels of humidity are present throughout the building. The school has too few toilet rooms for both students and staff.

The difficult layout of the building that results in navigation through multiple levels and a lengthy breezeway dividing the facility impedes access to instruction for students including a general lack of ADA accessibility. The building is not accessible or ADA compliant in many ways, reliant upon an inadequate lift for programmatic accessibility. While there is a cafetorium it is not near the warming kitchen.

The facility relies on undersized spaces for instruction and lacks small instructional spaces required with current educational practices and the full inclusion of students with a spectrum of needs. When built, Countryside did not have SPED and ELL programs, children went home for lunch, kindergarten was a half-day double session, no after school programs existed, nor was there dedicated space for art and music instruction. SPED programs require self-contained classrooms and ancillary spaces for speech and language, OT and PT, ABA space (for autism spectrum disorders) and small group tutorial spaces. The impact of substandard spaces on teachers and student learning is significant. Many of the classrooms are undersized.

Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility that is the subject of this SOI and how it will improve your district's educational program.

The heating system of a building is a major piece of building infrastructure, and its replacement and/or modernization will extend the useful life of the facility. Since the heating system of this facility was constructed, technology has changed significantly; today there are high efficiency boilers, variable speed drives and sophisticated electronic controls for heating system management. Decreased maintenance needs for heating systems increases not only its useful life but has a positive effect on the building as a whole. Approximately one-third of our maintenance and repair budget is devoted to repairing failing heating equipment. There is an opportunity cost in this scenario whereby other facility systems must compete for dollars. Heating system emergencies take a high priority over other maintenance concerns. Heating system upgrades will reduce the operating cost and allow those dollars to be spent on preventative maintenance and other types of facility improvements. In addition, the recurrent flooding issues will only be resolved with a major reconfiguration to the site and removal of the modular buildings in a building renovation/addition.

Have the systems identified above been examined by an engineer or other trained building professional?

YES

If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters)

Josh Morse, Public Buildings Commissioner
HMFH Architects Inc. Long-Range Facilities Master Plan 2007, updated 2011

The date of the inspection

11/1/2007 HMFH; 12/01/2018 Josh Morse

A summary of the findings (maximum of 5000 characters)

See Existing Conditions Report, by Josh Morse, Public Buildings Commissioner, 2018 submitted as supplemental materials.

Summary of findings by Josh Morse in Existing Conditions Report

The fact that half of the classrooms at Countryside reside in temporary modulars or poorly designed annexes, coupled with the overall condition of the original building, yields a strong need for capital investment. It is recommended that the 12 modular and annex classrooms be demolished, the 1954 building be renovated, and an 11-classroom addition with all of the appropriate support spaces be constructed. The removal of the 12 modulars and annexes will result in the loss of 11 classrooms and the art room, but the new addition will create 11 new classrooms, as well as appropriate spaces for ELL, Inclusion, and the Specialists Offices, which will restore two original classrooms in the 1954 building. In the end, this will yield 24 classrooms with all of the appropriate support spaces, and a school capable of handling upwards of 500 students. It is expected that the addition would be approximately 30,000 square feet, which would bring the total building gross area up to 65,910 square feet.

This is a rough breakdown of the proposed addition:

- 7 classrooms at 800 square feet
- 4 classrooms at 1200 square feet
- Art Room at 1200 square feet
- Library 2500 square feet
- Special Education 4000 square feet
- Restrooms/Miscellaneous 2900 square feet

Forty percent (40%) grossing/efficiency factor applied to the above yields a 30,000 square foot addition. A full programmatic evaluation may yield variances in the space needs, but those variances will have very minimal impacts to the footprint of the proposed addition.

The general scope of the renovation of the existing facility would be as follows:

- Mechanical system replacements, including air conditioning.
- Plumbing and Restroom Upgrades
- Electrical improvements and service replacement
- Fire Suppression Installation
- Fire Alarm Replacement
- Accessibility upgrades
- Window and Door replacement
- Minor Envelope repairs
- Interior finish upgrades and FF&E

PRIORITY 7**Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.****Guidance for Priority 7**

*** The determination of whether something qualifies as a Priority 7 rests solely with the MSBA, and the MSBA shall not be bound by the opinions or judgments of the district.**

Question 1: Please provide a detailed description of the programs not currently available due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.

While the necessary education programs are currently being offered, they are being offered under constraints and in substandard spaces as described in the answer to Question 3.

Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.

In the City of Newton's CIP, Item #71, \$30,000,000, is included in the next five years to renovate/add to Countryside School starting in FY 2021, as 'alternate funding' depending upon local approval. Also in the CIP is an item for replacement of doors and windows: Item #175, \$500,000 not currently funded in the next five years.

Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

Teaching and Learning at Countryside is highly impacted by the facility due to its age and condition, and the reliance on the 9-classroom annex/modular wing built with temporary construction methods, and also due to the fact that the facility severely lacks adequate support spaces. The facility constraints at Countryside to deliver the full education program have been addressed to the extent possible by utilizing modular structures and adapting spaces with the building to maximize space available for the programs. Spaces have been subdivided for teachers and programs to share them. Twenty-five percent of the classrooms, the library and music classroom are undersized when compared to MSBA guidelines for elementary schools. Spaces have been converted from their intended use, the former kindergarten classroom is now the library. Larger specialist spaces have been partitioned off to create multiple small specialist rooms and a storage room has been converted to a tutorial space. Along with creative reassignment of spaces, capacity issues have been addressed at Countryside by adding four modular classrooms.

The facility relies on undersized spaces for instruction and lacks small instructional spaces required with current educational practices and the full inclusion of students with a spectrum of needs. When built, Countryside did not have SPED and ELL programs, children went home for lunch, kindergarten was a half-day double session, no after school programs existed, nor was there dedicated space for art and music instruction. SPED programs require self-contained classrooms and ancillary spaces for speech and language, OT and PT, ABA space (for autism spectrum disorders) and small group tutorial spaces. The impact of substandard spaces on teachers and student learning is significant. Many of the classrooms are undersized or simply not available.

REQUIRED FORM OF VOTE TO SUBMIT A STATEMENT OF INTEREST

REQUIRED VOTES

If a City or Town, a vote in the following form is required from both the City Council/Board of Aldermen **OR** the Board of Selectmen/equivalent governing body **AND** the School Committee.

If a regional school district, a vote in the following form is required from the Regional School Committee only.

FORM OF VOTE

Please use the text below to prepare your City's, Town's or District's required vote(s).

Resolved: Having convened in an open meeting on March 4, 2019 prior to the closing date, the City Council of Newton, Massachusetts in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 12, 2019 for the **Countryside School located at 191 Dedham Street which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for: replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements;** and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

DOCUMENTATION OF VOTE

Documentation of each vote must be submitted as follows:

For the vote of the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body, a copy of the text of the vote must be submitted with a certification of the City/Town Clerk that the vote was duly recorded and the date of the vote must be provided.

For the vote of the School Committee, Minutes of the School Committee meeting at which the vote was taken must be submitted with the original signature of the Committee Chairperson.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#92-19

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Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

January 31, 2019

RECEIVED
Newton City Clerk
2019 FEB 15 AM 10:11
David A. O'Connell, Clerk
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Brooke Foucault Welles of 9 Williams Street, West Newton as a member of the Human Rights Commission. Her term of office shall expire on February 25, 2021 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

BROOKE FOUCAULT WELLES

Curriculum Vitae (abbreviated) | December 10, 2018

**Contact
Information**

Northeastern University, Department of Communication Studies
212a Lake Hall, 360 Huntington Avenue, Boston, MA 02115

**Academic
Appointments****Northeastern University**

2018-present, Associate Professor
2012-2018, Assistant Professor
2013-present, Core Faculty, Network Science Institute
2012-present, Core Faculty, NU-Lab for Texts, Maps and Networks

Education

- Ph.D. **Northwestern University**, School of Communication, 2012
Focus: Media, Technology and Society
Dissertation Advisor: Noshir Contractor
- M.S. **Cornell University**, Department of Communication, 2003
Focus: Information Science
Thesis Advisor: Geri Gay
- B.S. **Cornell University**, Department of Communication, 2001

**Select
Publications****Journal Articles**

1. **Foucault Welles, B.** and Jackson, S. (forthcoming). The Battle for #Baltimore: Networked Counterpublics and the Contested Framing of Urban Unrest. *Accepted for publication in the International Journal of Communication.*
2. **Foucault Welles, B.** and Xu, W. (2018). Network Visualization and Problem-Solving Support: A Cognitive Fit Study. *54*, 162-167.
3. Jackson, S.J., Bailey, M., and **Foucault Welles, B.** (2017). #GirlsLikeUs: Trans advocacy and community building online. *New Media and Society*, doi: 10.1177/1461444817709276.
4. Radford, J., Keegan, B., Ognyanova, K., Pilny, A., **Foucault Welles, B.**, Meleis, W., and Lazer, D. (2016). Volunteer Science: An Online Laboratory for Social Psychology Experiments. *Social Psychology Quarterly*, *79*(4), 376-396.
5. Forbush, E. and **Foucault Welles, B.** (2016). Social Media Use and Adaptation Among Chinese Students Beginning to Study in the United States. *International Journal for Intercultural Relations*. *50*(1), 1-12.
6. **Foucault Welles, B.** (2016). Computational CAM: Studying Children and Media in the Digital Age. *Journal of Children and Media*. *10*(1), 72-80. Reprinted in Lemish, D., Jordan, A. and Rideout, V. (2017). *Children, Adolescents, and Media: The Future of Research and Action*. New York, NY: Routledge.

7. Jackson, S. J. and **Foucault Welles, B.** (2016). #Ferguson is Everywhere: Initiators in Emerging Counterpublic Networks. *Information, Communication and Society*. 19(3), 397-418.
8. Jackson, S. J. and **Foucault Welles, B.** (2015). Hijacking #myNYPD: Social Media Dissent and Networked Publics. *Journal of Communication*. 65(6), 932-952.
9. **Foucault Welles, B.** and Contractor, N. (2015). Individual Motivations and Network Effects: A Multi-Level Analysis of the Structure of Online Social Relationships. *ANNALS of the American Academy of Political and Social Science*. 659(1), 180-190.
10. **Foucault Welles, B.** and Meirelles, I. (2015). Visualizing Computational Social Science: The Multiple Lives of a Complex Image. *Science Communication*. 13(1), 35-48.
11. **Foucault Welles, B.**, Vashevko, A., Bennett, N., and Contractor, N. (2014) Dynamic Models of Communication in an Online Friendship Network. *Communication Methods and Measures*. 8(4), 223-243. ***AEJMC Communication Theory and Methodology Division Article of the Year***
12. **Foucault Welles, B.** (2014). On Minorities and Outliers: The Case for Making Big Data Small. *Big Data & Society*, 1(1), 2053951714540613.
13. **Foucault Welles, B.**, Rouse, T., Merrill, N. and Contractor, N. (2014). Virtually Friends: An exploration of Friendship Claims and Expectations in Immersive Virtual Worlds. *Journal of Virtual Worlds Research*, 7(2), article 7024, ISSN 1941-8477.

Books

14. **Foucault Welles, B.** and González-Bailón, S., eds. (in press). *Handbook of Communication in the Networked Age*. Oxford, UK: Oxford University Press.
15. Jackson, S. J., Bailey, M. and **Foucault Welles, B.** (forthcoming). *#Hashtag Activism: Race and Gender in America's Networked Counterpublics*. Cambridge, MA: MIT Press.

Book Chapters

16. **Foucault Welles, B.** (2018). The Imaginary Board of Directors: A Resource for Introducing Social Capital Theory and Practice. In Cramer, C., Porter, M., Sayama, H., Sheetz, L., and Uzzo, S.M., (eds) *Network Science in Education: Transformational Approaches in Teaching and Learning*. New York, NY: Springer.
17. **Foucault Welles, B.** (2015). Big Data, Big Problems, Big Opportunities. In Hargittai, E. and Sandvig, C. *Digital Research Confidential*. Cambridge, MA: MIT Press.

Conference Proceedings (Archival)

18. Covert, J., Stefanone, M., **Foucault Welles, B.**, Yue, Z. and Toh, Z. (2018). #thankstheinvite: Examining Attention to Social Exclusion Signals Online. *Proceedings of the International Conference on Social Media and Society. July 10-20, Copenhagen.* 51-63. 10.1145/3217804.3217897.
19. Radford, J., Keegan, B., Hoye, J., Karbeyaz, C., Ognyanova, K., **Foucault Welles, B.** Meleis, W., and Lazer, D. (2015) Conducting Massively Open Online Social Experiments with Volunteer Science. *Proceedings of the 9th International Conference on Web and Social Media (ICWSM15).* Oxford, UK.

Select External Grants

1. Co-PI, US Army Research Office, *Identification of Human Mobility Modes using Socio-Spatio-Temporal Predictive Models*, (2018 –2021), \$499,986.
2. Co-PI, National Science Foundation, *CHS: Small: Collaborative Research: Catalyzing Youth Civic Engagement Through Innovations in Social Computing* (2018-2021), \$496,248.
3. PI, US Army Research Office Young Investigator Award: *Measuring "Network Thinking" and its Impact on Individual and Team Performance* (2014-2017), W911NF-14-1-0672, \$150,000.
4. Co-PI, US Army Research Laboratory, Network Science Collaborative Technology Alliance Y6-7: *IPAN I4: Distributed, User-Oriented Multi-Scale Network Summarization and Online Analytical Processing* (2014-2016), W911NF-09-02-0053, \$188,236.

Select Honors

- | | |
|------|---|
| 2017 | Northeastern University Excellence in Teaching Award |
| 2017 | Northeastern University College of Arts, Media, and Design Excellence in Teaching Award |
| 2015 | Association for Education in Journalism and Mass Communication, Communication Theory and Methodology Division Article of the Year |
| 2013 | Herbert S. Dordick Dissertation Award (International Communication Association, Communication and Technology Division), Honorable Mention |

Select Invited Lectures

- | | |
|------|--|
| 2018 | <i>Network Science, Activism, and Social Change: The Rise of Networked Counterpublics.</i> University of Zürich, Institute for Communication and Media Research speaker series. |
| 2018 | <i>Network Science, Activism, and Social Change: The Rise of Networked Counterpublics.</i> Invited Lecture at NetSci18: The International School and Conference on Network Science, Paris, France. |
| 2018 | <i>#Hashtag Activism: Networked Counterpublics and Backlash Publics in Online Protest Networks.</i> University of Massachusetts, Amherst, Communication |

Speaker Series.

- 2017 *#HashtagActivism: Empowering Youth to Make Social Change.*
Brimmer and May Bissell Grogan Humanities Symposium.
- 2016 *#HashtagActivism: Networked Counterpublics in the Digital Age.* Rensselaer Polytechnic Institute, IDEA and S+TS speaker series.
- 2016 *Social Media Research: Data, Tools, and Methodologies.*
DocNow Advisory Board Meeting.
- 2016 *#HashtagActivism: Networked Counterpublics in the Digital Age.* University of Pennsylvania, Annenberg School for Communication, DiMeNet Group.
- 2015 *Building Social Capital: The Imaginary Board of Directors Exercise.* Boston Public Health Commission, Boston Area Health Education Center Summer Program.
- 2015 *Building Social Capital: The Imaginary Board of Directors Exercise.* Cambridge Science Festival.
- 2014 *I'm Just Here to Make Friends: The Implicit Effect of Networks on Online Relationship Formation.* University at Buffalo Department of Communication Speaker Series.
- 2014 *Building Social Capital: The Imaginary Board of Directors Exercise.* NetSciHigh workshop at Boston University.
- 2014 *Identity, Audience, and Affordances: Frameworks for Understanding Youth Privacy in the Internet Age.* Summer Institute at the John F. Kennedy Library.

**Teaching
and Advising****Courses Developed and Taught**

- 2015 – present *Social Networks*
Undergraduate, 19 students per section
- 2013 – present *Youth and Communication Technology*
Undergraduate, 19 students per section
- 2012 – 2013 *Methods and Research in Communication*
Undergraduate, 19 students per section

Postdoctoral Researchers Supervised

- 2015 – 2016 Weiai “Wayne” Xu
Current Appointment: Assistant Professor, UMass, Amherst

Graduate Students Supervised

- 2017 – present Advisor, Ryan Gallagher, Ph.D Student, Network Science program at Northeastern University

2017 – present Advisor, Lucas Almeida, Ph.D Student, Network Science program at Northeastern University

Select Service

Editorial Boards

2018 – present Computational Communication Research
 2017 – present Social Media + Society
 2014 – present Journal of Web Science

Conference Leadership

2019 General Chair, International Conference on Web Science (WebSci19)
 2018 Senior Program Committee, International Conference on Web and Social Media (ICWSM18)
 2017 Co-organizer, Symposium for the Society of Young Network Scientists (Doctoral Consortium), International School and Conference on Network Science (NetSci)
 2016 Program Committee Officer, International Conference on Computational Social Science
 2015 Program Co-Chair, International World Wide Web Conference track on Web Science

Professional Service

2018 Founder, Women in Network Science (WiNS)
 2017-2018 Committee Chair, Article and Book Awards, National Communication Association Human Communication and Technology Division

Intellectual Leadership and Agenda Setting

2018 Co-Author, National Academy of Sciences report on Influence
 2018 Faculty Mentor, Teams Research Incubator
 2016 Panelist, US Department of Defense Workshop on the Future of Secure and Trustworthy Social Computing
 2015 Faculty Mentor, InGroup Doctoral Consortium
 2014 Member, NetSciEd *Key Concepts in Network Science* Working Group
 2014 Participant, Web Science Trust advisory workshop on new directions in Web Science
 2013 Participant, National Science Foundation advisory workshop on Future Directions in Social Computing
 2013 Participant, OII advisory panel on Big Data in Public Policy
 2013 Faculty Mentor, InGroup Doctoral Consortium
 2013 Faculty Mentor, Sloan Foundation doctoral workshop on studying Human Behavior in Online Environments

Service to Community

2015 – present Newton, MA Human Rights Commissioner
 2013 – 2015 Faculty Mentor, Newton, MA Teen Voice Program

PREAMBLE

We, the people of Newton, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, adopt this charter with the expectation and intent that the charter will continue and enhance the city's strong traditions of active voter participation; ethical, transparent and responsive leadership; wise use of public resources; respect for all in the community; and an engaged populace. We expect and intend that our government will be welcoming and inclusive and will promote equality and respect for all people.

Definitions

Unless the context clearly requires otherwise, the following words as used in this charter shall have the following meanings:

“Charter”, the city charter and any amendments to the charter made through any of the methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts.

“City”, the city of Newton.

“City agency”, any board, commission, committee, council, department or office of the city government; provided, however, that “city agency” shall not include a neighborhood area council as provided in article 9.

“Council member”, a ward councilor or councilor-at-large.

“Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

“Full council”, the entire authorized complement of the city council notwithstanding any vacancies which might exist.

“Initiative measure”, a measure proposed by initiative procedures under the charter.

“Majority vote”, a majority of those present and voting; provided, however, that a quorum of the body shall be present.

“Measure”, an ordinance passed or which could be passed by the city council or an order, resolution, vote or other proceeding passed or which could be passed by the city council or the school committee.

“Referendum measure”, a measure that is protested by referendum procedures under this charter.

“Reorganization plan”, a plan submitted by the mayor to the city council, which proposes the abolition or consolidation of 1 or more city agencies, including the reassignment of significant functions from 1 agency to another, or the establishment of 1 or more new city agencies as deemed necessary to deliver 1 or more municipal services.

“Voters”, the registered voters of the city of Newton.

ARTICLE 1.

INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY

SECTION 1-1. Incorporation

The inhabitants of the City of Newton, within the corporate limits as now established or as hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "City of Newton."

SECTION 1-2. Form of Government

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

SECTION 1-3. Powers of the City

Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the Commonwealth, it is the intent and the purpose of the charter to confer upon the city all powers it is possible to confer under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated in this charter.

SECTION 1-4. Construction

The powers of the city under the charter shall be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in section 1-3.

SECTION 1-5. Intergovernmental Relations

Subject only to express limitations of the constitution and statutes of the Commonwealth, the city may exercise any of its powers and perform any of its functions, and may participate in the financing of any of its powers and functions, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any civil division or agency of the Commonwealth or the United States government or any agency of the United States government.

ARTICLE 2
LEGISLATIVE BRANCH

SECTION 2-1. Composition; Eligibility; Election and Term

(a) Composition — There shall be a city council of 24 members which shall exercise the legislative powers of the city. Sixteen of these members, to be known as councilors at large, shall be domiciled in the ward from which elected but shall be nominated and elected by the voters of the city. The other 8 members, to be known as ward councilors, shall be nominated and elected by and from the voters of each ward, 1 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. A candidate for the office of ward councilor shall be a resident of the ward from which the candidate seeks election as of June 1 of the year in which a regular election is held. A candidate for the office of councilor-at-large shall be a resident of the ward from which the candidate is elected of June 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 — If a councilor moves to a different ward, the councilor shall continue to serve and to perform the councilor's official duties during the councilor's term of office. The removal from residency within the city by any council member shall create a vacancy in the councilor's office.

(d) Election and Term — The term of council members shall be 2 years beginning on the first day of January after their election continuing until their successors are qualified.

(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 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, by council rules, or by vote of the city council. The vice-president shall act as president during the absence or disability of the president.

SECTION 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 of those powers and for the performance of all duties and obligations imposed on the city by law.

SECTION 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 council member's service on the city council. This provision shall not prohibit a former city employee or city officer from resuming the same position of a city officer or city employee within 1 year of 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 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 introduce a measure calling for a special election to fill the vacancy for the remainder of the unexpired term and shall, within 45 days, act on that measure. The election shall be by the voters of the city.

: If a vacancy occurs within the final 9 months of the term for which a councilor 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.

Councilor-at-large: 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 section 2-1(b), a candidate to fill a vacancy in the office of ward councilor or

councilor-at-large shall be a resident of the ward from which the candidate seeks office as of the date on which the city council votes to call the special election.

SECTION 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 shall be exercised in a manner determined by the city council.

(b) Quorum — The presence of a majority of members of the council then in office shall constitute a quorum for the transaction of business. 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 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 be held on the call of: the mayor as provided in section 3-7(b); the president of the city council; or any 7 or more members of the city council by written notice delivered to the place of residence or business of each member at least 48 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. 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.

SECTION 2-7. City Clerk; Comptroller of Accounts

As soon as practicable after the city council has been organized, it shall elect 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 a roll call vote.

A vacancy in the office 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 2-8. Clerk of the Council; Other Staff

(a) Clerk of the Council —The city council shall elect 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 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 establish by ordinance, and may 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 Assistance 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 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 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 20 days after adoption or at any later date specified in the measure. 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 to the measure shall be separately voted on and shall require the affirmative vote of 2/3 of the council then in office. An emergency measure may be

passed with or without amendments or rejected at the meeting at which it is introduced. 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 3 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 5 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 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 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 5 days 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.

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 day of January following the election and until the mayor's successor is qualified.
- (c) The mayor 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 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 enforce the laws, ordinances and orders for the government of the city, and shall keep a record of all official acts as mayor. To aid the mayor with official mayoral duties, the mayor may appoint staff, including a citizen assistance officer, fix their salaries and define their duties.
- (b) The mayor shall appoint a chief administrative or operating officer to coordinate and direct the operations of the various departments and functions of municipal government. The chief administrative or operating officer shall serve at the pleasure of the mayor and be appointed on the basis of having strong administrative and executive 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) 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 take effect 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 rejects the appointment within those 30 days.

(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.

(d) 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 rejects the appointment within those 60 days.

(e) Rejection by the city council of an appointment by the mayor under (b) or (d) shall require a 2/3 vote.

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

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

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; Vacancy Notification

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

(b) If the position of a department head, or other senior staff position including, but not limited to the positions identified in section 3.2.(b) becomes vacant, the mayor shall notify the city clerk and the city council within 72 hours.

SECTION 3-6. Temporary Appointments

If there is a vacancy in an office appointed by the mayor, 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. 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, by written communications to the city council, provide full disclosure of municipal revenues and all information related to the financial condition and future needs of the city and shall recommend such measures to the council as the mayor determines the needs of the city require.

(b) Calling Special Meetings — The mayor may 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. Public notice of the meeting shall be posted at least 48 hours in advance of the time set for the meeting, or for 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). 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) 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 not sooner than 7 days after receipt of the mayor's veto. If the city council shall again pass such vetoed 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. The city council, with approval of the mayor, may provide by ordinance for the handling of certain administrative duties of the mayor by other city councilors during the temporary absence of the 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 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. Vacancy in the Office of the Mayor

(a) If a vacancy occurs in the office of the mayor, by death, resignation, removal from office, or otherwise at any time before the final 9 calendar months of the term for which the mayor was elected, the city council shall, at its next regular meeting, introduce a measure calling for a special election to fill the vacancy for the remainder of the unexpired term and shall, within 45 days, act on a measure, subject to section 8.4. The special election shall be by the voters of the city, and shall be held within 150 days of when the election is called.

(b) 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. If the city council president is unable or unwilling to serve, the vice president of the city council shall serve as mayor. If both the council president and the council vice president are unable or unwilling to serve, the council shall elect from among its membership a councilor to serve as the acting mayor.

(c) 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 mayor's removal from residency within the city shall create a vacancy in the office.

ARTICLE 4.
SCHOOL COMMITTEE

SECTION 4-1. Composition; Eligibility; Election and Term

(a) Composition —There shall be a school committee of 9 members; 8 of whom shall be known as school committee members. The school committee members shall be nominated and elected by the voters of the city, 1 school committee member to be elected from each ward of the city. The mayor shall serve, *ex officio*, as a member of the school committee with full power to vote. The school committee shall be the judge of the election and qualification of its members.

(b) Eligibility —Only voters shall be eligible to hold the office of school committee member. A candidate for the office of school committee member shall be a resident of the ward from which the candidate seeks election as of June 1st of the year in which a regular election is held, or the date when a special election is called.

If member of the school committee moves to a different ward, the member shall 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 any school committee member shall create a vacancy in such office.

No member of the school committee shall hold any other public elected office.

(c) Election and Term —The term of each school committee member shall be 2 years beginning on the first day of January after the member's election and shall continue until a successor is qualified. No person shall be eligible for election to the school committee for a fifth consecutive full term.

(d) Compensation — School committee members 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 school committee in office at the time of the adoption of the ordinance making such change.

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

SECTION 4-2. Rules of Procedure; Posting of Policies

(a) Organization —Upon the mayor and school committee members being sworn into office, the mayor shall convene the school committee, which shall elect a chair and vice-chair from among its members. The vice-chair shall act as chair during the absence or disability of the chair. The

school committee shall appoint a secretary who shall not be 1 of its members. The chair, vice-chair and secretary shall serve at the pleasure of the school committee.

(b) Quorum— The presence of a majority of members of the school committee then in office shall constitute a quorum for the transaction of business.

(c) Rules of Procedure—The school committee shall establish and periodically update rules for its proceedings.

Except as otherwise authorized by the General Laws, all sessions of the school committee shall be open to the public. A full, accurate and up-to-date record of the proceedings of the school committee and policies adopted by the school committee shall be kept and:

- (i) made electronically available to the public in a timely manner;
- (ii) shall include a record of each roll call vote; and
- (iii) shall be available in such other forms and venues as the school committee determines.

SECTION 4-3. General Powers and Duties

The school committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as the city council may by ordinance from time to time assign. The powers of the school committee shall include, but not be limited to, the power to:

- (i) establish a mission statement for the Newton Public Schools and policies that align with that statement;
- (ii) select, evaluate and remove the superintendent;
- (iii) adopt all reasonable rules and regulations for the management of the public school system;
- (iv) adopt and oversee the administration of an annual operating budget for the school department, as provided in the city's budget;
- (v) oversee all school buildings and grounds including, but not limited to, furnishing all school buildings with proper fixtures, furnishings and equipment; and providing ordinary maintenance and repairs on all school buildings;
- (vi) upon the recommendation of the superintendent, establish and appoint associate or assistant superintendents who shall report to the superintendent; and

(vii) serve as the employer representative for all employment agreements and labor contracts of employees under the jurisdiction of the Newton Public Schools.

SECTION 4-4. New School Buildings

If the school committee determines that a new school building or a major renovation is required, the school committee shall send a written communication to the city council describing the determination. The city council shall not approve a new building or a major renovation unless the school committee has approved the educational specifications of the new building or major renovation that align with the best practices established by the commonwealth.

This section shall also apply to a new building or renovation on property that the city acquires to address the educational needs of the community.

SECTION 4-5. Prohibitions

No former school committee member shall be appointed to any compensated city office or employment until 1 year after the expiration of the member's service on the school committee. This section shall not prohibit a former city employee or city officer from resuming the same position of the city officer or city employee within 1 year of the conclusion of service on the school committee.

SECTION 4-6. Filling of Vacancies

(a) If a vacancy occurs, by failure to elect, removal from the city, death, resignation or otherwise, on the school committee at any time before the final 9 months of the term for which the school committee member was elected, the city council shall at its next regular meeting introduce a measure calling for a special election to fill the vacancy for the remainder of the unexpired term and shall, within 45 days, act on that measure. 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 school committee member 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 member was elected, serve for the balance of the then-unexpired term.

(c) a candidate to fill a vacancy on the school committee shall be a resident of the ward from which the candidate seeks office as of the date on which the city council votes to call the special election

ARTICLE 5.
FINANCIAL PROCEDURES

SECTION 5-1. Financial Condition of the City

The mayor shall annually prepare a forecast of city revenues, expenditures and the general financial condition of the city. The forecast shall cover at least 5 years and shall include all funds subject to appropriation. The forecast shall also include, but need not be limited to, an identification of factors with significant impact on the financial condition of the city, revenue and expenditure trends, potential sources of new or expanded revenues and long or short-term actions which may enhance the financial condition of the city. The mayor shall submit the forecast to the city council at least 6 months prior to the mayor's submission of the next fiscal year's operating budget and shall make the forecast available to the public for inspection.

SECTION 5-2. Submission of Budget; Budget Message

Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message and supporting documents.

The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall: (i) outline the proposed financial policies of the city for the ensuing fiscal year; (ii) describe the important features of the budget; (iii) indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues and the reasons for such changes; (iv) summarize the city's debt position; and (v) include such other material as the mayor deems desirable or the city council may reasonably require.

The budget shall include funding for legal assistance to the city council and an independent audit of all city accounts. The amount of funding for legal assistance to the city council may be amended by ordinance; provided however, that such an ordinance shall not take effect until the fiscal year following its adoption.

SECTION 5-3. Action on the Budget

The city council shall adopt the budget, with or without amendments, within 45 days following the day the budget is received by the city council. In amending the budget, the city council may delete or decrease any programs or amounts, except expenditures required by law or for debt service, but it may not increase any programs or amounts.

If the city council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, 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 5-4. Capital Improvement Program

(a) The City of Newton shall be an active steward of the city's capital assets.(b) Submission — The mayor shall prepare and submit to the city council a 5-year capital improvement program at least 6 months prior to receipt of the next fiscal year's operating budget. (c) Contents – The capital improvement program shall include: (i) a clear summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years with supporting data; (iii) cost estimates, method of financing and recommended time schedules for the proposed capital improvements; (iv) a capital asset description including age and condition for major categories including streets, fleet and capital equipment, public buildings and other facilities, water/sewer/stormwater infrastructure, parks and playgrounds; and (v) the estimated annual cost of operating and maintaining the facilities.. The above information shall be revised and extended each year.

(d) Public Hearing—The city council shall make the proposed capital improvement program available to the public and shall hold at least 1 public hearing, in accordance with state law, on the capital improvement program.

(e) Adoption —After the public hearing, concurrently with the passage of the next fiscal year's budget, the city council shall, by resolution, adopt the capital improvement program with or without amendments. (Referendum of 11-04-75.)

(f) Annual Report—The mayor shall annually report on the city's progress regarding the capital improvement program.

SECTION 5-5. Contracts

All contracts entered into for or in behalf of the city by any officer or city agency shall be subject to the approval of the mayor, unless otherwise provided by law.

SECTION 5-6. Independent Audit

The city council shall annually provide for an independent audit of all city funds to be conducted by a certified public accountant in accordance with generally accepted accounting principles. The city council shall establish procedures for oversight and administration of the annual audit including: (i) method of selection of an independent auditor; (ii) the scope of the audit; and (iii) receipt of the report and any recommendations from the auditor, including recommendations regarding internal controls.

ARTICLE 6.
ADMINISTRATIVE DEPARTMENTS

SECTION 6-1. Reorganization Plans

(a) The mayor may prepare and submit to the city council reorganization plans which may, subject to applicable law and this charter, reorganize, consolidate or abolish any city agency, in whole or in part, or establish new city agencies as the mayor considers necessary or expedient. The reorganization plan shall be accompanied by an explanatory memo which shall include: (i) reference to any ordinances to be repealed or modified; and (ii) a summary of proposed ordinance language changes to be put into effect by the plan.

(b) Every reorganization plan shall, upon receipt by the city council, be referred to an appropriate committee of the city council which shall, not more than 30 days after receipt of the plan, hold a public hearing on the matter and shall, not later than the second regular meeting of the city council following the hearing, report either that it approves or disapproves of the plan. A reorganization plan shall become effective 90 days after the date it is received by the city council unless the city council has prior to that date voted to disapprove the reorganization plan or unless a later effective date is specified in the plan. A reorganization plan presented by the mayor to the city council under this section shall not be amended by the city council but shall either be approved or rejected as submitted. Reorganization plans shall not be subject to charter objection as provided in section 2-9(c).

(c) The mayor shall provide notice, not later than March 1, to the city council of any reorganization plan reasonably expected to affect the budget for the ensuing fiscal year.

SECTION 6-2. Publication of Reorganization Plan

The city clerk shall maintain an up-to-date record of any reorganization plan adopted under this article and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

ARTICLE 7.
PLANNING

SECTION 7-1. Department of Planning and Development

There shall be a department of planning and development and a planning and development board. The membership and term of office of the planning and development board shall be determined by statute. The mayor shall appoint the members of the board subject to council confirmation as provided in section 3-3(a).

SECTION 7-2. Comprehensive Plan

(a) Content—There shall be a comprehensive plan containing the plan elements described in section 81D of chapter 41 of the General Laws; provided however, that the city may also undertake planning activities relating to particular services or specific geographic areas within the city.

(b) Adoption— Within 2 years of the swearing in of a new mayor, the mayor shall submit to the city council reaffirmation of the comprehensive plan or a modification of the plan, including the recommendations of the planning and development board, for the city council's approval with or without amendments.

The mayor may submit to the city council a new comprehensive plan or modifications to the comprehensive plan as the mayor deems necessary.

Upon receipt of a proposed new comprehensive plan, or a proposed modification of the comprehensive plan, and the recommendations of the planning and development board, the city council shall hold at least 1 public hearing on the proposed modification or new comprehensive plan and shall, by resolution, adopt the new comprehensive plan or modification of the comprehensive plan with or without amendments.

(c) Effect—The comprehensive plan shall serve as a guide to all future action by the city council concerning land use and development regulations, and expenditures for capital improvements.

SECTION 7-3. Implementation of the Comprehensive Plan

(a) Land Use and Development Regulations —In accordance with the General Laws, the city council may by ordinance adopt land use and development regulations including, but not limited to, an official map and zoning regulations reflecting the guidance of the city's comprehensive plan.

(b) Action by the City Council and the Planning and Development Board — If any proposed ordinance involves a matter addressed in the comprehensive plan concerning land use, development regulations, or capital improvement expenditures, the city council shall first refer the proposed ordinance to the planning and development board. The board shall report its recommendations in writing to the city council on the proposed ordinance in accordance with section 5 of chapter 40A of the General Laws.

ARTICLE 8.
NOMINATIONS AND ELECTIONS

SECTION 8-1. General Provisions for All Elections

(a) Elections of city officers shall be nonpartisan, and election ballots or ballot labels for such officers shall be printed without any party mark, emblem or designation.

(b) Signature Requirements —The number of signatures of voters in the city required to place the name of a candidate on the official ballot to be used at an election shall be:

(1) for mayor: 400 signatures; and

(2) for councilor-by-ward, councilor-at-large or school committee member: 150 signatures.

(c) Ballot Position —The election commission shall randomly draw lots to determine the order in which names of candidates shall appear on the ballot for each office.

(d) Information to Voters —The name and street address of each candidate, but not any other information regarding the candidate, shall appear on the ballot at any city election; provided, however, that if the candidate in a regular city election is an incumbent of the office to which the candidate seeks election, the phrase "Candidate for Re-election" shall appear beside the candidate's name.

SECTION 8-2. Regular City Elections

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

SECTION 8-3. Preliminary Elections: Special Elections

(a) Date—For any special election called to fill a vacancy in the office of mayor and for each regular city election, a preliminary election shall be held to nominate candidates. The city council shall set the date for each preliminary election.

(b) Conditions Making Preliminary Election Unnecessary —If at the expiration of the time for filing petitions for nomination of candidates to be voted for any preliminary election, not more than twice as many such petitions have been filed for an office as are to be elected to such office, the candidates whose petitions have been filed shall be considered nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, and the election commission shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If no names are to be printed upon the official ballot to be used at any preliminary election, no preliminary election shall be held.

Sec. 8-4. Special Elections.

The city council shall set the date for a special election to fill the office of councilor or school committee member as provided in sections 2-5 and 4-6; provided that the date shall be within 120 days after the date on which the election is called. Any election that would otherwise be scheduled to take place in July or August may be held at a date in September. Persons elected at the elections shall immediately be sworn and assume their office.

SECTION 8-5. Wards

The territory of the city shall be divided into 8 wards.

SECTION 8-6. Application of State Laws

Except as expressly provided in the charter and authorized by state law, city elections shall be governed by the laws of the commonwealth relating to the composition, powers and duties of the election commission, the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular and special elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

SECTION 8-7. Certificate of Election and Appointment

Every person who is elected, or appointed by the mayor, city council or school committee to an office, shall receive a certificate of the election or appointment from the city clerk. Except as otherwise provided by law, before performing any act under the election or appointment, the person shall take and subscribe to an oath to qualify the person to enter upon the duties of the office. A record of the taking of the oath shall be made by the city clerk. Any oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths. Records of transactions of all officers and boards shall be properly kept and shall, subject to such reasonable restrictions as the city council may prescribe, be open to the inspection of the public.

ARTICLE 9
NEIGHBORHOOD AREA COUNCILS

SECTION 9-1. Purpose

The purpose of this article is to reaffirm the existence of Newton's neighborhood area councils which provide a means for engagement at the neighborhood level. Neighborhood area councils are intended to facilitate communication between residents and city officials.

SECTION 9-2. Authorization

The city council shall, by ordinance, establish the governance of neighborhood area councils.

SECTION 9-3. Boundaries and Creation

(a) The city council shall establish guidelines for neighborhood area council boundaries and creation. The guidelines shall include a minimum and a maximum number of residents to be represented by a neighborhood area council; provided, that at the time of the establishment of a neighborhood area council, the number of residents contained within the service area shall not be greater than the average number of residents in a ward.

(b) The city council may approve resident petitions for the establishment of neighborhood area councils.

(c) Neighborhood area council boundaries shall conform to the guidelines established by the city council and be reasonably compact.

SECTION 9-4. Elections

The city council shall establish, by ordinance, the manner in which the elections for neighborhood area councils will be conducted.

SECTION 9-5. Powers and Duties

Neighborhood area councils shall perform advisory and communications functions and such other functions as prescribed by ordinance. All functions allowed by ordinance shall apply equally to all neighborhood area councils.

SECTION 9-6. Additional Requirements

The ordinances that establish the governance of neighborhood area councils shall include requirements for area council bylaws providing for their structure and the conduct of their business, annual reporting, and maintenance of financial records. The neighborhood area councils shall propose bylaws conforming to the guidelines established by ordinance. Such bylaws shall require approval from the city council before implementation.

ARTICLE 10
FREE PETITION, INITIATIVE AND REFERENDUM

SECTION 10-1. Free Petition

(a) Individual, Discretionary Petitions.

The city council and the school committee shall receive all petitions addressed to either of them and may take such action with regard to the petitions as they deem necessary.

(b) Group Petitions to City Council or School Committee

If 100 or more voters sign a petition seeking the passage of a measure, and deliver the petition to the city council or the school committee, the city council or school committee shall hold a public hearing and act with respect to the petition. The hearing shall be held by the city council or the school committee, or, in either case, by a committee or sub-committee of the city council or school committee, not later than 3 months after the petition is filed with the clerk of the council or the secretary of the school committee. Hearings on 2 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 hearing to the 10 persons whose names appear first on the petition at least 7 days before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 10-2. Initiative Measures

(a) Commencement — Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure, which shall appear in full in the petition, and shall be signed by at least 200 voters. The petition shall be accompanied by an affidavit signed by 10 voters and containing each voter's residential address stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor — If the election commissioners determine that the number of signatures of voters is sufficient, the petition shall be delivered to the clerk of the council or the secretary of the school committee, who shall, immediately following receipt of such certification, deliver a copy of the petition to the city solicitor. The city solicitor shall, within 15 days following receipt of a copy of the petition, advise the city council or the school committee, in writing, whether the measure may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for such opinion. A copy of

the opinion of the city solicitor shall also be mailed to those identified on the affidavit as the petitioners committee.

(c) Additional Signatures —If the city solicitor determines that the petition is in a proper form, the city clerk shall provide blank petition forms within 10 days for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the members of the petitioners committee. The city clerk shall notify the petitioners committee that the blank petition forms are issued. Within 180 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least 10 per cent of the total number of registered voters as of the date of the most recent regular city election.

Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. The street and number of the residence of each signer shall appear with each signature on the petition.

Within 10 days following the filing of the petition, the election commissioners shall determine the number of voters that signed the petition and the percentage represented by that number of the total number of voters as of the date of the most recent regular city election. The election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the clerk of the council or the secretary of the school committee, depending on how the petition is addressed. A copy of the election commissioners' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions —Within 30 days following the date a petition and certificate has been returned to the clerk of the council or the secretary of the school committee by the election commissioners, the city council or the school committee shall pass the measure without change, pass a measure which is stated to be in lieu of the initiative measure, or reject the measure. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within 30 days following the date it is returned to either the council or school committee by the election commissioners, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee shall promptly give notice of that fact to the members of the petitioners committee by certified mail. Initiative measures shall not be subject to the charter objection in section 2-9(c).

(e) Supplemental Petitions —Within 45 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to 5 percent of the total number of voters as of the date of the most recent regular city election.

(f) Scheduling of Election —If the number of signatures to such supplemental petition is found to be sufficient by the election commissioners for petitions submitted to the school committee, the city clerk shall notify both the secretary of the school committee and the city council. For petitions submitted to the council, the clerk shall notify the city council. For either a petition addressed to the school committee or the city council, the city council shall call a special election to be held on a date fixed by it not less than 45 nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other city election is to be held within 180 days following the date of said certificate, the city council may omit the calling of such special election and cause said question to appear on the municipal election ballot at such approaching election for determination by the voters.

(g) Publication —The city clerk shall provide a Notice to Voters by mail to every household in the city with at least 1 registered voter. The notice shall contain a fair, concise summary of the initiative measure as prepared by the city solicitor and the full text of the measure which is to be submitted to the voters. Such notice shall be sent not fewer than 14 days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk, at the public library, and by electronic means as determined by the city clerk.

(h) Form of Question —The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form: Shall the following measure which was proposed by voters in an initiative petition take effect? (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the city solicitor) – YES___ NO ___

(i) Time of Taking Effect —If a majority of the votes cast on the question is in the affirmative, and participation in the election complies with section 10-5, the measure shall be effective immediately, unless a later date is specified in the measure.

SECTION 10-3. Referendum Procedures

(a) Petition, Effect on Final Vote —Within 20 days following the date on which the city council or the school committee has voted finally to approve any measure, voters may file a petition protesting the measure or any part of the measure.

If such a petition is:

(1) signed by a number of voters equal to 5 percent of the total number of voters as of the date of the most recent regular city election as certified by the election commissioners;

(2) accompanied by an affidavit signed by 10 voters and containing each voter's residential address stating those voters will constitute the petitioners committee; and

(3) addressed to the city council, or to the school committee and filed with the secretary of the school committee or the clerk of the council, the effective date of the measure shall be temporarily suspended.

The school committee or the city council shall immediately reconsider its vote on such measure or part of the measure, and if such measure or part of the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending such submission and determination, the effect of such measure shall continue to be suspended. Action by the council on referendum measures shall not be subject to the charter objection in section 2-9(c).

(b) Certain Initiative Provisions to Apply —The petition described in this section shall be termed a referendum petition and insofar as applicable section 10-2(b) providing for referral to the city solicitor for a legal opinion and section 10-2(g) providing for Notice to Voters of a summary and full text of the measure, shall apply to such referendum petitions, except that the words "measure or part of the measure protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

(c) Form of Question —At the election at which a referendum measure is referred to the voters, the ballot shall contain a question in substantially the same form as 1 of the following:

"Shall the following measure which was passed by the (City Council) (School Committee) be approved? (Here insert the full text of the proposed measure being considered for repeal, or a fair, concise summary prepared by the petitioners and approved by the city solicitor) Yes ___ No ___?"; or

“Shall the following provisions of the (describe measure in general terms and the full text or a fair, concise summary prepared by the city solicitor of the affected provision(s) being considered for repeal) which was passed by the (City Council) (School Committee) be approved Yes_____ No _____?”.

(d) Time of Taking Effect —If a majority of the votes cast on the question is in the affirmative, the measure or part of the measure shall take effect immediately, but if the majority of votes cast is in the negative and complies with section 10-5, the measure shall be null and void.

SECTION 10-4. Ineligible Measures

None of the following shall be subject to the initiative or the referendum procedures:

- (1) any emergency measure adopted in conformity with the charter;
- (2) the city budget or the school committee budget;
- (3) any revenue loan orders;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) any appropriation of funds to implement a collective bargaining agreement;
- (6) any proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, of a city officer or employee or other personnel action;
- (7) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures; and
- (8) any proceedings providing for the submission or referral of a matter to the voters at an election.

SECTION 10-5. Required Voter Participation

For any measure to be effective under initiative, or for any measure or part of a measure to be declared null and void under a referendum procedure, at least 20 per cent of the total number of registered voters as of the date of the election shall have participated in the election in which the measure proposed under the initiative or to rescind the measure protested by the referendum is on the ballot.

SECTION 10-5. Conflicting Provisions

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

SECTION 10-6. Submission of Other Matters to Voters

As authorized by chapter 127 of the acts of 2014, the city of Newton may place a non-binding public opinion advisory question on the ballot for either a regular or special municipal election under the procedures established by [section 18A of chapter 53 of the General Laws](#).

SECTION 10-7. Repeat Matters

A measure submitted to the voters through the initiative procedures as authorized by this Article and not approved by the voters shall not be resubmitted for a minimum of 2 years following such vote.

This prohibition shall also apply to any proposed initiative measure deemed by the city solicitor to: (a) be substantially the same as the defeated measure or (b) effectively repeal an adopted initiative measure.

Any measure that was the subject of a referendum and repealed by the voters shall not be the subject of an initiative procedure for a minimum of 2 years following such vote.

ARTICLE 11.
GENERAL PROVISIONS

SECTION 11-1. Public Records

All public records shall be kept and made available to the public in accordance with the General Laws.

SECTION 11-2.

SECTION 11-3. Rules and Regulations

(a) A copy of all rules and regulations adopted by any city agency shall be filed in the office of the city clerk and made available for review by any person who requests such information.

SECTION 11-4. Reenactment and Publication of Ordinances(a)The city council shall, at 5-year intervals, appoint a recodification committee of the city council to propose revisions to or recodification of all ordinances of the city. The recodification committee's proposal shall be presented to the city council for enactment. The revisions or recodification shall be prepared under the supervision of the city solicitor or, if the city council so directs, by special counsel retained for that purpose.

SECTION 11-5. Liability of City Officers and Agencies

All city officers and members of city agencies shall be deemed to be public or municipal officers or officials. Subject to appropriation, the city may indemnify any such officer or member for expenses or damages incurred in the defense or settlement of a claim against the officer or member which arose while acting within the scope of the officer or member's official duties or employment, but only to the extent and subject to the limitations imposed by the General Laws.

SECTION 11-6. Prohibition

No member of the executive or legislative branch or of the school committee shall appear as counsel before any city officer or agency.

SECTION 11-7. Construction of Public Facilities

There shall be established by ordinance a designer selection committee to comply with section 54 of chapter 7C of the General Laws regarding selection of design service professionals for

municipal building projects. The ordinance shall require the designer selection committee to be consulted and directed to make recommendations whenever a design professional is to be engaged by the city for a project that meets or exceeds the thresholds in said section 54. There shall also be established by ordinance a design review committee which shall be responsible for the coordination of the design review process on any public building for which a design service professional has been engaged. Whenever a school project is reviewed, at least 1 member of the school committee shall be included as a voting member of the design review committee.

SECTION 11-8. Severability

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

SECTION 11-9. Specific Provisions Shall Prevail

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

SECTION 11-10. References to General Laws

All references to the General Laws contained in the charter refer to the General Laws of the commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.

SECTION 11-11. Computation of Time

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. If the period of time designated is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included; if the period is 7 days or more, Saturdays, Sundays and legal holidays, shall be included.

SECTION 11-13. Periodic Charter Review

Not later than July 1, at 15-year intervals, the mayor and city council shall establish, by ordinance, a charter review committee to review the city charter. The charter review committee shall submit its report to the city clerk as specified by ordinance. The report shall be made available to the public electronically or at a cost not to exceed the actual cost of reproduction.

All members of the charter review committee shall be voters of the city.

ARTICLE 12
TRANSITIONAL PROVISIONS

SECTION 12-1: Continuation of Existing Laws

All general laws, special laws, city ordinances, resolutions, rules and regulations of or pertaining to Newton, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 12-2: Continuation of Government and Administration

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

SECTION 12-3: Continuation of Personnel

All city officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the adoption by the voters of this home rule charter.

SECTION 12-4: Transfer of Records and Property

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

SECTION 12-5: 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 this 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 otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 12-6: Disposition of Special Legislation

(a) All provisions of Article XII, section 6 as appearing in the city's Home Rule Charter adopted in 1971, identified as *Partial Repeal of Certain Special Acts*, *Special Acts Repealed Outright*, *Special Acts Repealed: Action Taken Thereunder Preserved*, and *Special Acts Specifically Retained* are hereby retained by reference.

(b) The following acts pertaining to the City of Newton are hereby retained: chapter 705 of the acts of 1975, chapter 479 of the acts of 1982, chapter 499 of the acts of 1989, chapter 73 of the acts of 2007, and chapter 127 of the acts of 2014.

(c) The following acts pertaining to the City of Newton are hereby repealed: chapter 50 of the acts of 1991, chapter 173 of the acts of 1992, chapter 174 of the acts of 1992, chapter 368 of the acts of 2002, chapter 152 of the acts of 2008, chapter 26 of the acts of 2015 and chapter 87 of the acts of 2015.

SECTION 12-7 Time of Taking Effect

The charter amendments shall be effective when approved by the general court and signed by the governor as a special act except as follows:

(a) Section 3-7(a) shall be in effect as of the close of FY2019, with the mayor submitting the close of fiscal year report within 6 weeks after the close of FY2020.

(b) The third paragraph of section 5-2 shall take effect upon the mayor's submission of the FY2021 budget; the amount appropriated for legal assistance to the city council in the FY2021 budget shall be 2 per cent of the proposed budget for the city law department.

(c) (1) Until such time as ordinances are adopted pursuant to (2) below, Neighborhood Area Councils shall continue to operate under their existing resolutions.

(2) To implement Article 9, the city council shall adopt ordinances under sections 9-2, 9-4 and 9-6 and the guidelines required by section 9-3.

(d) Any petitions for initiative and referendum pursuant to section 10-4 and 10-10 of the charter adopted in 1971, as amended, filed with the city clerk prior to adoption of these charter amendments shall proceed and be completed as provided in the charter adopted in 1971, as amended; provided, however, that the requirement for voter participation appearing in section 10-5 shall be in effect for such initiative or referendum elections scheduled to be held after adoption of these charter amendments.

~~Sec. 11-13. PREAMBLE~~

We, the people of Newton, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, adopt this charter with the expectation and intent that the charter will continue and enhance the city's strong traditions of active voter participation; ethical, transparent and responsive leadership; wise use of public resources; respect for all in the community; and an engaged populace. We expect and intend that our government will be welcoming and inclusive and will promote equality and respect for all people.

Definitions.

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

— “Charter”, the city charter and any amendments to the charter made through any of the methods provided under Article LXXXIX of the Amendments to the ~~State~~ Constitution of the Commonwealth of Massachusetts.

— “City”, the city of Newton.

— “City agency”, any board, commission, committee, council, department or office of the city government; provided, however, that “city agency” shall not include a neighborhood area council as provided in article 9.

— “Council member”, a ward councilor or councilor-at-large.

“Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

“Full council”, the entire authorized complement of the city council notwithstanding any vacancies which might exist.

— “Initiative measure”, a measure proposed by initiative procedures under the charter.

— “Majority vote”, a majority of those present and voting; provided, however, that a quorum of the body shall be present.

— “Measure”, an ordinance passed or which could be passed by the city council or an order, resolution, vote or other proceeding passed or which could be passed by the city council or the school committee.

— “Referendum measure”, a measure that is protested by referendum procedures under this charter.

— “Reorganization plan”, a plan submitted by the mayor to the city council, which proposes the abolition or consolidation of 1 or more city agencies, including the reassignment of significant functions from 1 agency to another, or the establishment of 1 or more new city agencies as deemed necessary to deliver 1 or more municipal services.

— “Voters”, the registered voters of the city of Newton.

ARTICLE 1.***INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY*****See. SECTION 1--1. Incorporation.**

—The inhabitants of the City of Newton, within the corporate limits as now established or as hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "City of Newton."

See. SECTION 1--2. Form of Government.

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

See. SECTION 1--3. Powers of the City.

—Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the Commonwealth, it is the intent and the purpose of the charter to confer upon the city all powers it is possible to confer under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated ~~herein~~in this charter.

See. SECTION 1--4. Construction.

—The powers of the city under the charter shall be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in ~~Section~~section 1--3.

See. SECTION 1--5. Intergovernmental Relations.

—Subject only to express ~~requirements~~limitations of the constitution and statutes of the Commonwealth, the city may exercise any of its powers and perform any of its functions, and may participate in the financing ~~thereof~~of any of its powers and functions, jointly or in

cooperation, by contract or otherwise, with the Commonwealth or any civil division or agency ~~thereof~~of the Commonwealth or the United States government or any agency ~~thereof~~of the Unites States government.

ARTICLE 2.
LEGISLATIVE BRANCH

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

—(a) Composition — There shall be a city council of 24 members which shall exercise the legislative powers of the city. Sixteen of these members, to be known as councilors at large, shall be ~~nominated and elected by~~ domiciled in the voters at large, 2 such councilors at large to be elected ward from ~~each of the 8 wards~~ which elected but shall be nominated and elected by the voters of the city. The other 8 members, to be known as ward councilors, shall be nominated and elected by and from the voters of each ward, ~~1 ward,~~ 1 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. A candidate for the office of ward councilor shall be a resident of the ward from which the candidate seeks election as of the date that the June 1 of the year in which a regular election commission makes available blank forms is held. A candidate for the nomination of candidates for office. In order to hold the office of councilor, a candidate at-large shall have continuously been be a resident of the ward from which the candidate is elected of June 1 of the year in which a regular election commission made the blank forms available until and including the first day of the term for which the candidate is elected. A held.~~

No member of the city council shall, ~~notwithstanding the member's removal from 1 ward of the city to another,~~ hold any other elected office.

(c) Removal of Residency — If a councilor moves to a different ward, the councilor shall continue to serve and to perform the ~~member's~~ councilor's official duties during the ~~member's~~ councilor's term of office. The removal from residency within the city by any council member shall create a vacancy in ~~such~~ the councilor's office.

—(d) Election and Term — The ~~term~~ term of ~~councilors~~ council members shall be 2 years beginning on the first ~~secular~~ day of January after their election ~~and continuing~~ until their successors are qualified. ~~(Referendum of 11-04-75; Acts of 2002, Chap. 368.)~~

~~See~~ (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 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, by council rules, or by vote of the city council. The vice-president shall act as president during the absence or disability of the president.

See SECTION 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.

See SECTION 2-4. Prohibitions.

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

See SECTION 2-5. Filling of Vacancies.

(a) Special Election— ~~If there be~~ a vacancy occurs, by failure to elect, removal from residency in the city, death, resignation or otherwise, on the city council ~~within~~ at any time before the ~~first 15 calendar~~ final 9 months of the term for which ~~councilors are~~ the council member was elected, the city council shall ~~forthwith call at its next regular meeting introduce a measure calling for~~ a special election to fill the vacancy. for the remainder of the unexpired term and shall, within 45 days, act on that measure. The election shall be by the voters of the ~~whole city in the case of councilors at large or city.~~

(b) After Regular City Election—: If a vacancy ~~shall occur after 15 calendar~~ occurs within the final 9 months of the term for which ~~councilors are~~ a councilor is elected, no special election shall be held. In to fill 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, 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 that the 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.~~

See Councilor-at-large: 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 section 2-1(b), a candidate to fill a vacancy in the office of **ward councilor or councilor-at-large** shall be a resident of the ward from which the candidate seeks office as of the date on which the city council **votes to** call the special election.

SECTION 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 shall be exercised in a manner determined by ~~the~~ the city council.

—(b) Quorum—~~A~~—The presence of a majority of members of the city council then in office shall constitute a quorum but a smaller number may meet and adjourn from time to time for the transaction of business. 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 may shall be held on the call of: the mayor as provided in subsection (b) of section 3-7, on the call of (b); the president of the city council; or ~~on the call of~~ any 7 or more members of the city council by written notice delivered to the place of residence or business of each member at least 2448 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.~~

See SECTION 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~~. ~~Vacancies in said offices shall be filled for the balance of any unexpired term by the city council~~ a roll call vote.

—A vacancy in the office 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. ~~(Acts of 1991, Chap. 50.)~~

See SECTION 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 establish by ordinance ~~establish~~, 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.

See (d) Legal Assistance 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 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 20 days after adoption or at any later date specified in ~~this charter~~the measure. 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 then in office. 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 3 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 5 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.

~~See.~~(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 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.

See SECTION 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~~ 5 days 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.

ARTICLE 3.
EXECUTIVE BRANCH

See 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.

(c) The mayor shall receive such salary as the city council shall determine by ordinance ~~from time to time determine,~~ 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.

See 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, including a citizen assistance officer, 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.~~

~~Sec.~~(b) The mayor shall appoint a chief administrative or operating officer to coordinate and direct the operations of the various departments and functions of municipal government. The chief administrative or operating officer shall serve at the pleasure of the mayor and be appointed on the basis of having strong administrative and executive 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~~take effect 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 rejects the appointment within ~~said~~those 30 days.

(c) ~~All officers and city agencies shall reject such appointment.,~~ 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.

(d) 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 rejects the appointment within ~~said~~those 60 days ~~shall reject such appointment. Rejection by the city council shall require a 2/3 vote.~~

~~—(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. 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) — (e) Rejection by the city council of an appointment by the mayor under (b) or (d) shall require a 2/3 vote.

(f) 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. (Acts of 1991, Chap. 50; Acts of 1992, Chap 173.)~~ section 2-9(c).

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

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.

See: SECTION 3-5. Removal of Officials; Vacancy Notification

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

(b) ~~See.~~ If the position of a department head, or other senior staff position including, but not limited to the positions identified in section 3.2.(b) becomes vacant, the mayor shall notify the city clerk and the city council within 72 hours.

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.

~~See.~~

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 ~~from time to time throughout the year~~ not less frequently than semi-annually, by written communications to the city council, ~~keep it fully informed as~~ provide full disclosure of municipal revenues and all information related to the financial condition and future needs of the city and shall recommend such measures to ~~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.~~ Public notice of the meeting ~~to~~ shall be posted at least ~~24~~ 48 hours in advance of the time set for the meeting; ~~or~~ for such lesser period as the mayor may determine in case of an emergency, of which the mayor shall be the judge.

~~See.~~ **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. ~~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.~~

—, unless a city councilor has filed with the city clerk a motion to reconsider the measure under section 2-9(d). 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; ~~or (iii) the budget.~~ (iii) a matter exclusively within the jurisdiction of the city council; (iv) 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 ~~not~~ 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 vetoed 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.

See:

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

—~~Whenever~~ if by reason of sickness, absence from the city or ~~other cause~~ otherwise, the mayor ~~shall be~~ is unable to ~~attend to perform~~ the duties of the office of the mayor, the president of the city council ~~or the vice president of the city council in the event of the president's disability through sickness or absence~~ shall, as acting mayor, possess the powers of the mayor only in those matters ~~not admitting of delay~~ 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. The city council, with approval of the mayor, may provide by ordinance for the handling of certain administrative duties of the mayor by other city councilors during the temporary absence of the 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 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.

See:

SECTION 3-10. Vacancy in the Office of the Mayor.

(a) If a vacancy occurs in the office of the mayor, by death, resignation, removal from office, ~~failure to elect~~ or otherwise at any time ~~preceding before~~ the final last 9 calendar months of the term for which the mayor was elected, the city council shall, at its next regular meeting, introduce a measure calling for ~~forthwith call~~ a special election to fill the vacancy for the remainder of the unexpired term and shall, within 45 days, act on a measure, subject to section 8.4. The special

election shall be by the voters of the city, and shall be held within 150 days of when the election is called.

(b) 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 clerk of the council shall forthwith call a special meeting of the city council and the city council shall by majority vote of the full council elect 1 of its members as acting mayor for the remainder of the unexpired term. If the city council fails to elect an acting mayor as aforesaid within 30 days of the date of the meeting called by the clerk of the council, the president of the city council shall become acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful performance of the duties of the office. Upon the election and qualification of any member of the city council as acting mayor under this section, a vacancy shall exist in the member's council seat. president of the city council shall serve as the acting mayor until the next election for mayor is held. If the city council president is unable or unwilling to serve, the vice president of the city council shall serve as mayor. If both the council president and the council vice president are unable or unwilling to serve, the council shall elect from among its membership a councilor to serve as the acting mayor.

~~(c) 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.~~ 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 mayor's removal from residency within the city shall create a vacancy in the office.
(Referendum of 11-04-75.)

ARTICLE 4.
SCHOOL COMMITTEE

See SECTION 4-1. Composition; Eligibility; Election and Term.

———(a) Composition —There shall be a school committee of 9 members, ~~which shall exercise control and management;~~ 8 of the public schools of the city. Eight of these members, whom shall be known as school committee members; The school committee members shall be nominated and elected by the voters ~~at large of the city,~~ 1 school committee member to be elected from each of the 8 wards ward of the city. The mayor shall serve, *ex officio*, as a member of the school committee with full power to vote. The school committee shall be the judge of the election and qualification of its members.

———(b) Eligibility —Only voters shall be eligible to hold the office of school committee member. A candidate for the office of school committee member 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 school committee member, 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 such blank forms available until and including the first day of the term for which the candidate is elected. A member of the school committee shall, notwithstanding the member's removal from 1 ward of the city to another,~~ June 1st of the year in which a regular election is held, or the date when a special election is called.

If member of the school committee moves to a different ward, the member shall 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 any school committee member shall create a vacancy in such office.

———No member of the school committee shall hold any other public elected office.

(c) Election and Term —The ~~term~~ term of each school committee ~~members~~ member shall be 2 years beginning on the first ~~secular~~ day of January after ~~their~~ the member's election and shall continue until ~~their successors are~~ a successor is qualified. No person shall be eligible for election to the school committee for a fifth consecutive full term. (~~Referendum of 11-04-75; Acts of 2002, Chap. 368.~~)

Sec.(d) Compensation — School committee members 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 school committee in office at the time of the adoption of the ordinance making such change.

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

SECTION 4-2. Organization; Quorum; Rules of Procedure; Posting of Policies

———(a) Organization—~~After~~ Upon the mayor ~~elect~~ and ~~a majority of the~~ school committee members ~~elect have been~~ being sworn, ~~the school committee shall be called together by~~ into office, the mayor ~~who~~ shall preside. The ~~convene the~~ school committee, ~~which~~ shall ~~then~~ elect a chair and vice-chair from among its members ~~a chair and a~~. The vice-chair, ~~who~~ shall act as chair during the absence or disability of the chair. The school committee shall ~~also elect~~ appoint a secretary who shall not be 1 of its members. The chair, vice-chair and secretary shall serve at the pleasure of the school committee.

———(b) Quorum—~~A~~ The presence of a majority of members of the school committee then in office shall constitute a quorum ~~but a smaller number may meet and adjourn from time to time for the~~ transaction of business.

———(c) Rules of Procedure—The school committee shall ~~from time to time~~ establish and periodically update rules for its proceedings.

———Except as otherwise authorized by ~~sections 18 to 25, inclusive, of chapter 30A of~~ the General Laws, all sessions of the school committee shall be open to the public ~~and press~~. A full, accurate and up-to-date record of the proceedings of the school committee and policies adopted by the school committee shall be kept and ~~shall be open~~;

- (i) made electronically available to ~~inspection by~~ the public. ~~It~~ in a timely manner;
- (ii) shall include a record of each roll call vote-; and

~~(iii) See, shall be available in such other forms and venues as the school committee determines.~~

SECTION 4-3. General Powers and Duties.

The school committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as the city council may by ordinance from time to time assign. The powers of the school committee shall include, but not be limited to, the power to: ~~(i) appoint a~~

(i) establish a mission statement for the Newton Public Schools and policies that align with that statement;

(ii) select, evaluate and remove the superintendent; ~~(ii) appoint~~

(iii) adopt all other officers and employees connected with the schools, fix their compensation and define their duties, make reasonable rules concerning their tenure of office and discharge them at its pleasure; ~~(iii) furnish and regulations for the management of the public school system;~~

(iv) adopt and oversee the administration of an annual operating budget for the school department, as provided in the city's budget;

(v) oversee all school buildings and grounds including, but not limited to, furnishing all school buildings with proper fixtures, furnishings and equipment; and ~~(iv) provide providing ordinary maintenance and repairs on all school buildings up to a maximum expenditure equal to 2 per cent of the school department's operating budget adopted for the preceding fiscal year; provided, however, that sums in excess of the maximum for the provision of ordinary maintenance and repairs may be appropriated by the mayor and the city council and no sums appropriated to accounts for ordinary maintenance and repairs shall be transferred without a 2/3 vote of the city council. (Referendum;~~

(vi) upon the recommendation of the superintendent, establish and appoint associate or assistant superintendents who shall report to the superintendent; and

(vii) serve as the employer representative for all employment agreements and labor contracts of employees under the jurisdiction of 11-04-75.) the Newton Public Schools.

See SECTION 4-4. New School Buildings.

~~Whenever in the opinion of~~ the school committee determines that a new ~~schoolhouseschool building or a major renovation~~ is required ~~or material alterations are needed, it,~~ the school committee shall send a written communication to the city council ~~stating the locality and the nature~~ describing the determination. The city council shall not approve a new building or a major renovation unless the

school committee has approved the educational specifications of the new building or major renovation that align with the best practices established by the commonwealth.

This section shall also apply to a new building or renovation on property that the city acquires to address the educational needs of the further provisions for schools which are needed; provided, however, that no schoolhouse shall be located, built or materially altered until the school committee shall have been consulted as to the proposed location and plans and had full opportunity to set forth its requirementscommunity.

See:SECTION 4-5. Prohibitions.

_____No former school committee member shall ~~hold~~be appointed to any compensated ~~appointive~~ city office or ~~city~~ employment until 1 year after the expiration of the member's service on the school committee. This ~~provision~~section shall not prohibit a former city employee or city officer from resuming the ~~duties~~same position of the city officer or city employee ~~at~~within 1 year of the conclusion of service on the school committee.

See:SECTION 4-6. Filling of Vacancies.

_____ (a) If there be a vacancy occurs, by failure to elect, removal from the city, death, resignation or otherwise, on the school committee within at any time before the first 15 calendar final 9 months of the term for which the school committee members are member was elected, the city council shall forthwith call at its next regular meeting introduce a measure calling for a special election to fill the vacancy; for the remainder of the unexpired term and shall, within 45 days, act on that measure. The election shall be by the voters of the ~~whole~~ city.

_____ (b) If the a vacancy shall occur after 15 calendar occurs within the final 9 months of the term for which a school committee members are member 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 member was elected, serve for the balance of the then-unexpired term.

(c) a candidate to fill a vacancy on the school committee shall be a resident of the ward from which the candidate seeks office as of the date on which the city council votes to call the special election

ARTICLE 5.
FINANCIAL PROCEDURES

~~Sec.~~**SECTION 5-1. Financial Condition of the City**

The mayor shall annually prepare a forecast of city revenues, expenditures and the general financial condition of the city. The forecast shall cover at least 5 years and shall include all funds subject to appropriation. The forecast shall also include, but need not be limited to, an identification of factors with significant impact on the financial condition of the city, revenue and expenditure trends, potential sources of new or expanded revenues and long or short-term actions which may enhance the financial condition of the city. The mayor shall submit the forecast to the city council at least 6 months prior to the mayor's submission of the next fiscal year's operating budget and shall make the forecast available to the public for inspection.

SECTION 5-2. Submission of Budget; Budget Message-

———Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message and supporting documents.

———The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall: (i) outline the proposed financial policies of the city for the ensuing fiscal year; (ii) describe the important features of the budget; (iii) indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues and the reasons for such changes; (iv) summarize the city's debt position; and (v) include such other material as the mayor deems desirable or the city council may reasonably require.

~~Sec.~~The budget shall include funding for legal assistance to the city council and an independent audit of all city accounts. The amount of funding for legal assistance to the city council may be amended by ordinance; provided however, that such an ordinance shall not take effect until the fiscal year following its adoption.

SECTION 5-~~23~~. Action on the Budget-

———The city council shall adopt the budget, with or without amendments, within 45 days following the day the budget is received by the city council. In amending the budget, the city

council may delete or decrease any programs or amounts, except expenditures required by law or for debt service, but it may not increase any programs or amounts.

—If the city council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, 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.

~~Sec.~~ **SECTION 5-34. Capital Improvement Program.**

(a) The City of Newton shall be an active steward of the city's capital assets.

(b) Submission — The mayor shall prepare and submit to the city council a 5-year capital improvement program at least 6 months prior to receipt of the next fiscal year's operating budget.

(c) Contents — The capital improvement program shall include: (i) a clear summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years with supporting data; (iii) cost estimates, method of financing and recommended time schedules for the proposed capital improvements; ~~and~~ (iv) a capital asset description including age and condition for major categories including streets, fleet and capital equipment, public buildings and other facilities, water/sewer/stormwater infrastructure, parks and playgrounds; and (v) the estimated annual cost of operating and maintaining the facilities. ~~included.~~ The above information shall be revised and extended each year.

Commented [SC1]: Language slightly revised from CC recommendation

(d) Public Hearing — ~~The city council shall make the proposed capital improvement program are available for inspection by to the public; and (ii) the date, time and place, not less than 2 weeks after the publication, when a~~ and shall hold at least 1 public hearing, in accordance with state law, on the capital improvement program will be held by the city council.

~~(e) Adoption~~ — After the public hearing, concurrently with the passage of the next fiscal year's budget, the city council shall, by resolution, adopt the capital improvement program with or without amendments. (Referendum of 11-04-75.)

~~Sec.~~ (f) Annual Report — The mayor shall annually report on the city's progress regarding the capital improvement program.

SECTION 5-4-5. Contracts.

—All contracts entered into for or in behalf of the city by any officer or city agency shall be subject to the approval of the mayor, unless otherwise provided by law.

SECTION 5-6. Independent Audit

The city council shall annually provide for an independent audit of all city funds to be conducted by a certified public accountant in accordance with generally accepted accounting principles. The city council shall establish procedures for oversight and administration of the annual audit including: (i) method of selection of an independent auditor; (ii) the scope of the audit; and (iii) receipt of the report and any recommendations from the auditor, including recommendations regarding internal controls.

Commented [SC2]: Subcommittee accepted the CC proposed language. Baker to check with Comptroller

ARTICLE 6.
ADMINISTRATIVE DEPARTMENTS

Sec. SECTION 6-1. Reorganization Plans ~~by City Council.~~

~~—Except as otherwise provided by law or this charter, the city council may by ordinance: (i) reorganize, consolidate or abolish any existing city agency in whole or in part; (ii) establish new city agencies; and (iii) prescribe the functions of any city agencies. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by the mayor.~~

Sec. 6-2. Reorganization Plans by Mayor.

——(a) The mayor may, ~~from time to time,~~ prepare and submit to the city council reorganization plans which may, subject to applicable law and this charter, reorganize, consolidate or abolish any city agency, in whole or in part, or establish new city agencies as the mayor considers necessary or expedient. The reorganization plan shall be accompanied by an explanatory memo which shall include: __ (i) reference to any ordinances to be repealed or modified; and (ii) a summary of proposed ordinance language changes to be put into effect by the plan.

——(b) Every reorganization plan shall, upon receipt by the ~~clerk of the~~city council, be referred to an appropriate committee of the city council which shall, not more than 30 days ~~later~~after receipt of the plan, hold a public hearing on the matter and shall, not later than the second regular meeting of the city council following the hearing, report either that it approves or disapproves of the plan. A reorganization plan shall become effective 90 days after the date it is received by the city council unless the city council has prior to that date voted to disapprove the reorganization plan or unless a later effective date is specified in the plan. A reorganization plan presented by the mayor to the city council under this section ~~may~~shall not be amended by the city council but shall either be approved or rejected as submitted ~~and~~. Reorganization plans shall not be subject to charter objection as provided in ~~subsection (c) of section 2-9. (Referendum of 11-04-75; Acts of 1992, Chap 174.)~~(c).

~~Sec.~~(c) The mayor shall provide notice, not later than March 1, to the city council of any reorganization plan reasonably expected to affect the budget for the ensuing fiscal year.

SECTION 6-3-2. Publication of Reorganization Plan.

~~—An~~The city clerk shall maintain an up-to-date record of any reorganization plan adopted under this article ~~shall be kept on file in the office of the city clerk~~ and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

**ARTICLE 7.
PLANNING**

~~See~~ **SECTION 7-1. Department of Planning and Development.**

~~—There shall be a Department of Planning and Development.~~

~~See~~ There shall be a department of planning and development and a planning and development board. The membership and term of office of the planning and development board shall be determined by statute. The mayor shall appoint the members of the board subject to council confirmation as provided in section 3-3(a).

SECTION 7-2. Comprehensive Plan.

~~—(a) Content—There shall be a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the entire city. The containing the plan shall cover the entire city and all of its functions and services or shall consist of a combination elements described in section 81D of plans governing specific functions and chapter 41 of the General Laws; provided however, that the city may also undertake planning activities relating to particular services or specific geographic areas: within the city.~~

~~—(b) Adoption— Within 2 years of the swearing in of a new mayor, the mayor shall submit to the city council reaffirmation of the comprehensive plan or a modification of the plan, including the recommendations of the planning and development board, for the city council's approval with or without amendments.~~

The mayor may submit to the city council a new comprehensive plan or modifications to the comprehensive plan as the mayor deems necessary.

Upon receipt ~~from the mayor~~ of a proposed new comprehensive plan, or a proposed modification of the ~~existing plan~~, the city council shall refer the proposal to the ~~planning and development board which shall, within a time specified by the city council, report its recommendations on the proposal.~~ After receipt of comprehensive plan, and the recommendations of the planning and development board, the city council shall hold at least 1 public hearing on the proposed ~~comprehensive plan or the proposed modification of the~~ or new comprehensive plan and shall, by resolution, adopt the ~~same~~ new comprehensive plan or modification of the comprehensive plan with or without amendments. ~~The city council may thereafter from time to time modify the comprehensive plan.~~

~~—(c) Effect—The comprehensive plan shall serve as a guide to all future action by the city council concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.~~

See SECTION 7-3. Implementation of the Comprehensive Plan.

~~—(a) Land Use and Development Regulations —In accordance with the General Laws, the city council may by ordinance adopt land use and development regulations including, but not limited to, an official map and zoning regulations: reflecting the guidance of the city's comprehensive plan.~~

~~—(b) Urban Renewal —In accordance with the General Laws, the city council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for the alleviation or prevention of slums, obsolescence, blight or other conditions or deterioration.~~

~~—(c) Action by the City Council —Before acting on and the Planning and Development Board — If any proposed ordinance concerning land use and development regulations, urban renewal or expenditures for capital improvements, where the ordinance involves a matter covered byaddressed in the comprehensive plan concerning land use, development regulations, or capital improvement expenditures, the city council shall first refer the proposal proposed ordinance to the planning and development board ~~which~~. The board shall, ~~within a time specified by the city council and prior to the public hearing on the proposed ordinance,~~ report in writing its recommendations ~~on the proposal.~~ Upon adopting any such ordinance, the city council shall make findings and report on the relationship between the ordinance and the comprehensive plan and the comprehensive plan shall be deemed to be amended in accordance with the findings and report.~~

in writing to the city council on the proposed ordinance in accordance with section 5 of chapter 40A of the General Laws.

ARTICLE 8.
NOMINATIONS AND ELECTIONS

SECTION 8-1. General Provisions for All Elections

(a) Elections of city officers shall be nonpartisan, and election ballots or ballot labels for such officers shall be printed without any party mark, emblem or designation.

(b) Signature Requirements —The number of signatures of voters in the city required to place the name of a candidate on the official ballot to be used at an election shall be:

(1) for mayor: 400 signatures; and

(2) for councilor-by-ward, councilor-at-large or school committee member: 150 signatures.

(c) Ballot Position —The election commission shall randomly draw lots to determine the order in which names of candidates shall appear on the ballot for each office.

(d) Information to Voters —The name and street address of each candidate, but not any other information regarding the candidate, shall appear on the ballot at any city election; provided, however, that if the candidate in a regular city election is an incumbent of the office to which the candidate seeks election, the phrase "Candidate for Re-election" shall appear beside the candidate's name.

SECTION 8-2. Regular City Elections

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

SECTION 8-3. Preliminary Elections: Special Elections

(a) Date—For any special election called to fill a vacancy in the office of mayor and for each regular city election, a preliminary election shall be held to nominate candidates. The city council shall set the date for each preliminary election.

(b) Conditions Making Preliminary Election Unnecessary —If at the expiration of the time for filing petitions for nomination of candidates to be voted for any preliminary election, not more than twice as many such petitions have been filed for an office as are to be elected to such office, the candidates whose petitions have been filed shall be considered nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, and the election commission shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If no names are to be printed upon the official ballot to be used at any preliminary election, no preliminary election shall be held.

Sec. 8-4. Special Elections.

The city council shall set the date for a special elections to fill the office of councilor, ~~mayor~~ or school committee member as provided in sections 2-5, ~~3-10~~ and 4-6; provided that the date shall be ~~held~~ within 120 days after following the date on which the election is called. Any election that would otherwise be scheduled to take place in July or August may be held at a date in September. Persons elected at the elections shall immediately be sworn and assume their office.

SECTION 8-5. Wards

The territory of the city shall be divided into 8 wards.

SECTION 8-6. Application of State Laws

Except as expressly provided in the charter and authorized by state law, city elections shall be governed by the laws of the commonwealth relating to the composition, powers and duties of the election commission, the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular and special elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

SECTION 8-7. Certificate of Election and Appointment

Every person who is elected, or appointed by the mayor, city council or school committee to an office, shall receive a certificate of the election or appointment from the city clerk. Except as otherwise provided by law, before performing any act under the election or appointment, the person shall take and subscribe to an oath to qualify the person to enter upon the duties of the office. A record of the taking of the oath shall be made by the city clerk. Any oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths. Records of transactions of all officers and boards shall be properly kept and shall, subject to such reasonable restrictions as the city council may prescribe, be open to the inspection of the public.

ARTICLE 9.
NEIGHBORHOOD AREA COUNCILS

~~See.~~**SECTION 9--1. Purpose.**

~~—It is the~~The purpose of this article is to ~~encourage citizen involvement in government at the neighborhood level by permitting limited self government through the establishment of~~ reaffirm the existence of Newton's neighborhood area councils ~~as legal entities of the city government.~~

~~Sec. 9-2. Establishment of Neighborhood Service Areas.~~

~~—~~The city council may establish 1 or more neighborhood service areas to which provide services or functions ~~that~~ means for engagement at the neighborhood level. Neighborhood area council is ~~authorized~~ councils are intended to ~~undertake~~ facilitate communication between residents and city officials.

~~See.~~**SECTION 9-2. Authorization**

The city council shall, by ordinance, establish the governance of neighborhood area councils.

SECTION 9-3. Boundaries and Creation by Petition.

~~—(a) A petition may be submitted~~The city council shall establish guidelines for neighborhood area council boundaries and creation. The guidelines shall include a minimum and a maximum number of residents to the citybe represented by a neighborhood area council~~requesting; provided, that at the time of the establishment of a neighborhood service area to provide any service or services which the city is otherwise authorized by law to provide. The petition must be signed by 20 per cent of area council, the voters residing in the area. The petition shall describe the territorial boundaries of the proposed service area, shall specify the services to be provided, and shall indicate the size of the neighborhood area council.~~

~~—~~(b) Upon receiptnumber of the petition, the council shall submit the petition for verification of signatures ~~on the petition and,~~ residents contained within 30 days following verification, the city council shall hold a public hearing on the question of whether or not the requested neighborhood the service area shall ~~be established. The hearing may be adjourned from time to time but shall be~~

~~completed within 60 days of its commencement.~~ not be greater than the average number of residents in a ward.

~~_____ (c) Within 30 days following the public hearing, the~~ (b) The city council ~~shall by resolution~~ may approve ~~or disapprove~~ resident petitions for the establishment of ~~the requested~~ neighborhood service-area councils.

~~_____ (d) A resolution approving~~ (c) Neighborhood area council boundaries shall conform to the creation of guidelines established by ~~the neighborhood service area may contain amendments or modifications of~~ city council and be reasonably compact.

SECTION 9-4. Elections

The city council shall establish, by ordinance, ~~the area's boundaries, functions, or manner in which~~ the size of the elections for neighborhood area council as set forth in the petition. ~~(Referendum of 11-04-75.)~~ councils will be conducted.

Sec. 9-4. Boundary Changes of a Neighborhood Service Area.

~~—The city council may, pursuant to a request from a neighborhood area council accompanied by a petition signed by at least 20 per cent of the voters residing in the area to be added or deleted, enlarge, diminish or otherwise alter the boundaries of any existing neighborhood service area following the procedures set forth in subsections (b) to (d), inclusive, of section 9-3.~~

See SECTION 9-5. Considerations in Setting Boundaries.

~~_____ In establishing neighborhood service area boundaries and determining those services to be undertaken by a neighborhood area council, the city council shall study and take into consideration, but not be limited to, the following: (i) the extent to which the area constitutes a neighborhood with common concerns~~ **Powers and** a capacity for local neighborhood initiative, leadership and decision making with respect to city government; (ii) city agency authority and resources which may appropriately be either transferred or shared with the neighborhood council; (iii) population density, distribution and growth within a neighborhood service area to assure that its boundaries reflect the most effective territory for local participation and control; and (iv) citizen access to, control of and participation in neighborhood service area activities and functions. **Duties**

Sec. 9-6. Dissolution of a Neighborhood Service Area.

~~—(a) The city council may, after a public hearing, dissolve a neighborhood service area on the initiative of the city council or pursuant to a petition signed by at least 20 per cent of the voters living within the neighborhood service area.~~

~~—(b) The city council shall give notice, in a newspaper of general circulation in the neighborhood service area, of its intention to hold a public hearing on a proposed dissolution. The notice shall be given not less than 14 days before the date of the public hearing.~~

~~Sec. 9-7. Election of Neighborhood Area Councils; Vacancies.~~

~~—(a) A neighborhood area council shall consist of 5 to 9 members. The term of office of each member shall be 2 years and until a successor is qualified.~~

~~—(b) The neighborhood area council members shall be elected at large by and from voters residing in the neighborhood service area at the time of the election. The city council shall determine the time and manner of holding the elections. The ward city councilor or ward city councilors who represent any portion of the area included in a neighborhood service area shall serve, ex officio with no power to vote, as members of the neighborhood area council.~~

~~—(c) A vacancy shall be filled by the neighborhood area council by appointment. Members so appointed shall serve for the remainder of the unexpired term and until their successors are qualified.~~

~~Sec. 9-8. Neighborhood Area Council Powers and Functions.~~

~~—A neighborhood area council may exercise any powers and area councils shall perform any functions within the neighborhood service area expressly authorized by the city council, which may include but not be limited to:~~

~~(i) advisory or delegated substantive authority or both, with respect to communications functions and such programs as a community action program, urban renewal, relocation, public housing, planning and zoning actions and other physical development programs, crime prevention and juvenile delinquency~~

~~programs, health services, code inspection, recreation, education, and workforce training; provided, however, that nothing contained herein shall be construed to authorize the city council to delegate to any neighborhood area council any substantive authority with regard to zoning; functions as prescribed by ordinance. All functions allowed by ordinance shall apply equally to all neighborhood area councils.~~

~~(ii) self help projects, such as supplemental refuse collection, beautification, minor street and sidewalk repair, establishment and maintenance of neighborhood community centers, street fairs and festivals, cultural activities, recreation and housing rehabilitation and sale; and~~

~~(iii) acceptance of funds from the public, but not including the city and private sources, including public subscriptions; and~~

~~(iv) expenditure of monies to meet overhead costs of council administration and support~~ **SECTION 9-6.**

Additional Requirements

The ordinances that establish the governance of neighborhood area councils shall include requirements for neighborhood service area projects.

Sec. 9-9. Compensation; Meetings; By-Laws; Quorum.

~~—(a) Members of a neighborhood area council shall receive no compensation but may receive reimbursement of actual and necessary travel and other expenses incurred in performance of official duties.~~

~~—(b) A neighborhood area council shall adopt by laws area council bylaws providing for their structure and the conduct of its their business and the selection of a presiding officer and other officers. Copies of all by laws adopted by neighborhood area councils shall be made available to the public upon request.~~

~~—(c) A majority of the voting members of a neighborhood area council shall constitute a quorum for the transaction of business. Each member entitled to vote shall have one vote.~~

Sec. 9-10. Annual Report.

~~—Each neighborhood area council shall make an annual report of its activities to the city council which annual report shall be open to the public.~~

~~Sec. 9-11. Financial Records.~~

~~—Each neighborhood area council shall keep complete reporting, and maintenance of financial records which shall be subject to city audit. The neighborhood area councils shall propose bylaws conforming to the guidelines established by ordinance. Such bylaws shall require approval from the city council before implementation.~~

ARTICLE 10:
FREE PETITION; INITIATIVE; AND REFERENDUM

See SECTION 10-1. Free Petition

(a) Individual, Discretionary Petitions.

The city council and the school committee shall receive all petitions addressed to either of them and may ~~in their discretion~~ take such action with regard to the petitions as they deem necessary ~~and advisable.~~

See 10-2.(b) Group Petitions; Action Required.

_____ ~~The city council~~ to City Council or ~~the school committee~~ School Committee

If 100 or more voters sign a petition seeking the passage of a measure, and deliver the petition to the city council or the school committee, the city council or school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure. ~~the petition.~~ The hearing shall be held by the city council or the school committee, or, in either case, by a committee or ~~subcommittee of either the city council or school committee and the action by~~ sub-committee of the city council or school committee ~~shall be taken,~~ not later than 3 months after the petition is filed with the ~~city clerk.~~ clerk of the council or the secretary of the school committee. Hearings on 2 or more petitions filed under this section may be held at the same time and place ~~and the city.~~ The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the first 50 certified signers. 10 persons whose names appear first on each ~~the~~ petition at least ~~48 hours~~ 7 days before the hearing. Notice, by publication, of all such hearings shall be at public expense. (Referendum of 11-04-75.)

See SECTION 10-32. Initiative: ~~Repeat Matters.~~ Measures

_____ ~~Except as otherwise provided by law or this charter, a measure may be proposed to the city council or the school committee in accordance with this article, but no measure which is substantially the same as any other measure submitted or referred to the voters and disapproved by them within 2 years or which would have the effect of repealing any measure so submitted or referred and approved by the voters within 2 years may be proposed by initiative procedures.~~

Sec. 10-4. Initiative: (a) Commencement of Proceedings; Referral to City Solicitor.

— Initiative procedures shall be started by the filing of an initiative petition with the ~~city clerk.~~ clerk of the council or the secretary of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure ~~set forth,~~ which shall appear in full in the petition, and shall be signed by at least ~~50~~200 voters. The petition shall be accompanied by an affidavit signed by 10 voters and containing each voter's residential address stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor — If the ~~city clerk determines~~ election commissioners determine that ~~at least 50~~ the number of the filers are ~~signatures of~~ voters, ~~the city clerk shall transmit~~ is sufficient, the petition shall be delivered to the clerk of the council or the secretary of the school committee, who shall, immediately following receipt of such certification, deliver a copy of the petition to the city solicitor.

Sec. 10-5. Initiative: Opinion of Solicitor.

— ~~Within 15 days after receipt of the petition, the~~ The city solicitor shall, within 15 days following receipt of a copy of the petition, advise the city ~~clerk~~ council or the school committee, in writing, whether the measure may lawfully be proposed by the initiative ~~procedures~~ process and whether, in its present form it may be lawfully ~~be passed~~ adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure ~~may~~ is not lawfully be passed in proper form, the ~~city solicitor~~ reply shall state the ~~reason or~~ reasons for ~~the~~ such opinion ~~in the reply.~~ The city clerk shall furnish a A copy of the ~~city solicitor's~~ opinion of the city solicitor shall also be mailed to the person whose name first appears those identified on the ~~initiative petition~~ affidavit as the petitioners committee.

Sec. 10-6. Initiative: (c) Additional Signatures.

— ~~The signatures of additional voters who support~~ If the city solicitor determines that the petition is ~~in addition to those in Section 10-4,~~ may be gathered on forms prepared in accordance with

~~Section 10-13. The separate pages bearing additional signatures~~ a proper form, the city clerk shall be filed at one time with the city clerk not more than six months after the filing of the original provide blank petition with the city clerk forms within 10 days for the use of subsequent signers and shall be deemed to be part print at the top of each blank form a fair, concise summary of the initiative petition. Such additional signatures proposed measure, as determined by the city solicitor, together with the the names and addresses of the first fifty filers members of the petitioners committee. The city clerk shall notify the petitioners committee that the blank petition forms are issued. Within 180 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least equal in number to ten 10 per cent of the total number of voters registered to vote at voters as of the date of the most recent preceding regular city election.

~~Sec. 10-7. Initiative; Validation of Signatures; Action on Petition.~~

~~_____ The sufficiency of the number of signatures to an initiative petition shall be determined in accordance with section 10-14. Within 30 days after an initiative petition is presented to the city council or the school committee, the city council or the school committee shall act with respect~~ Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. The street and number of the residence of each signer shall appear with each signature on the petition.

Within 10 days following the filing of the petition, the election commissioners shall determine the number of voters that signed the petition and the percentage represented by that number of the total number of voters as of the date of the most recent regular city election. The election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the clerk of the council or the secretary of the school committee, depending on how the petition is addressed. A copy of the election commissioners' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions —Within 30 days following the date a petition and certificate has been returned to the initiative measure by passing it clerk of the council or the secretary of the school committee by the election commissioners, the city council or the school committee shall pass the measure without change, by rejecting it or by passing some other pass a measure which is stated to be in lieu of the initiative measure-, or reject the measure. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to the any initiative measure as required by this section which is presented to it within 30 days after presentation following the date it

is returned to either the council or school committee by the election commissioners, the measure shall be deemed to have been rejected on ~~the~~such thirtieth day ~~after presentation.~~ If an initiative measure is rejected, the ~~city~~ clerk of the council or the secretary of the school committee shall promptly give ~~written~~ notice of that fact to the ~~first 10~~members of the petitioners-committee by certified mail. Initiative measures shall not be subject to the charter objection ~~as provided in subsection (c) of section 2-9-(c).~~

Sec. 10-8. Initiative: (e) Supplemental Petitions; ~~Submission to Voters.~~

~~_____~~ — Within 45 days ~~after notice of~~following the ~~rejection of date~~ an initiative ~~measure~~petition has been ~~given by the city clerk~~rejected, a supplemental initiative petition ~~addressed to~~may be filed with the ~~city clerk of the~~ council or the ~~secretary of the~~ school committee ~~on forms prepared in accordance with section 10-13 may be filed with the city clerk.~~ The supplemental initiative petition shall be signed by a number of additional voters which is ~~at least~~ equal to 5 ~~per cent~~percent of the total number of voters ~~registered to vote at~~ as of the date of the most recent ~~preceding~~ regular city election. ~~The sufficiency of the number of signatures to a supplemental initiative petition shall be determined in accordance with section 10-14.~~

(f) Scheduling of Election — If the number of signatures to ~~a~~such supplemental ~~initiative~~ petition is ~~found to be sufficient,~~ by the ~~city council shall provide~~ election commissioners for ~~submission of the initiative measure to the voters in accordance with section 10-15.~~ petitions submitted to the school committee, the city clerk shall notify both the secretary of the school committee and the city council. For petitions submitted to the council, the clerk shall notify the city council. For either a petition addressed to the school committee or the city council, the city council shall call a special election to be held on a date fixed by it not less than 45 nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other city election is to be held within 180 days following the date of said certificate, the city council may omit the calling of such special election and cause said question to appear on the municipal election ballot at such approaching election for determination by the voters.

Sec. 10-9. Referendum: Right to Refer to Registered Voters.

~~—Except as otherwise provided by law or this charter, any measure passed by the city council or the school committee, including a measure proposed by initiative procedures and passed by the city council or the school committee, may be protested and referred to the voters in accordance with this article.~~

~~Sec. 10-10. Referendum: Commencement of Proceedings.~~

~~—Referendum procedures shall be started by the filing of a referendum petition with the city clerk within 20 days after the final passage by the city council or the school committee of the measure to which the petition relates. The petition shall be addressed to the city council or the school committee on forms prepared in accordance with section 10-13 and shall be signed by a number of voters which is at least equal to 5 per cent of the total number of voters registered to vote at the most recent preceding regular city election. Whenever referendum procedures are started in accordance with this section, the referendum measure shall thereupon be suspended from taking effect and such suspension shall remain in force until: (i) it is determined that there is an insufficient number of signatures to the petition; (ii) the referendum measure has been repealed or rescinded by the city council or the school committee; or (iii) the question of whether the measure should take effect has been determined by the voters. (Referendum of 11-04-75.)~~

~~Sec. 10-11. Referendum: Validation of Signatures; Action on Petition.~~

~~—The sufficiency of the number of signatures to a referendum petition shall be determined in accordance with section 10-14. Within 30 days after a referendum petition is presented to the city council, it shall reconsider the referendum measure and shall repeal or rescind it or the city council shall provide for referring the matter to the voters in accordance with section 10-15. Within 30 days after a referendum petition is presented to the school committee it shall likewise reconsider and repeal or rescind the referendum measure or shall notify the city council that it has failed to take such action with respect to the measure. Upon receipt of such notice, the city council shall thereupon provide for referring the matter to the voters in accordance with said section 10-15.~~

Sec. 10-12. Initiative and Referendum: (g) Publication —The city clerk shall provide a Notice to Voters by mail to every household in the city with at least 1 registered voter. The notice shall contain a fair, concise summary of the initiative measure as prepared by the city solicitor and the full text of the measure which is to be submitted to the voters. Such notice shall be sent not fewer than 14 days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk, at the public library, and by electronic means as determined by the city clerk.

(h) Ineligible Measures.

~~—None of the following measures shall be subject to initiative or referendum procedures: (i) proceedings relating to the organization or operation of the city council or school committee; (ii) an emergency measure passed in conformity with this charter; (iii) the city budget or the school committee budget; (iv) revenue loan orders; (v) any appropriations for the payment of the city's debts or obligations; (vi) appropriations of funds necessary to implement a written agreement executed under section 7 of chapter 150E of the General Laws; (vii) any proceedings or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee; (viii) any proceedings repealing or rescinding a measure or a part of a measure, which is protested by referendum procedures; and (ix) any proceeding providing for the submission or referral of a matter to the voters at an election.~~

Sec. 10-13. Initiative and Referendum: Forms of Petitions.

~~—(a) Signatures to initiative, supplemental initiative and referendum petitions need not all be on 1 paper.~~

~~—(b) Each separate page of an initiative, supplemental initiative and referendum petition on which signatures in addition to those of the original filers of the petition are obtained shall bear the names and addresses of any 10 original filers of the petition and shall also have the following 2 sentences in substantially the following form at the top of the petition:~~

~~—“Each of the undersigned requests that the (City Council) (School Committee) of the City of Newton pass the following measure (set forth initiative measure in full). Each of the undersigned certifies that the signer is a registered voter of the city and that the signer has not signed this initiative petition more than once.”~~

~~—(c) Each separate page of a supplemental initiative petition shall have the following 2 sentences in substantially the following form at the top:~~

~~—“Each of the undersigned requests that the following measure which was presented by an initiative petition and then rejected by the (City Council) (School Committee) of the City of Newton be submitted to all the registered voters of the city (set forth initiative measure in full). Each of the undersigned certifies that the undersigned is a registered voter of the city and has not signed this supplemental initiative petition more than once.”~~

~~—(d) Each separate page of a referendum petition shall have 2 sentences in substantially the following form at the top:~~

~~—“(Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton whereby it passed the following measure: (set forth the protested measure in full), and requests that such measure be repealed or rescinded.); or (Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton in passing (describe measure in general terms) insofar as said measure contains the following provisions: (set forth the protested provisions in full), and requests that such provisions be repealed or rescinded.) Each of the undersigned certifies that the signer is a registered voter of the city and the signer has not signed this referendum petition more than once.”~~

~~—(e) All initiative, supplemental initiative, and referendum petitions shall require the following information to be furnished by each signer in accordance with the following instructions which shall appear on each page:~~

~~Name*~~

~~Present Address (Street and Number)~~

~~* Written signature of voter; provided, however, that a registered voter prevented from writing by physical disability may authorize another person to write the voter’s signature and address.~~

~~Registered Address (Street and Number on January 1, 20**)~~

~~1.....~~

~~2.....~~

~~3.....~~

~~** If a voter was registered later than this date, the registered address on the later date shall be used.~~

~~—(f) If a petition is expected to be filed in the period between July 15 and December 31, the year inserted in "Registered Address" in subsection (e) shall be the then current year. If a petition is expected to be filed in the period between January 1 and July 15, the year inserted in "Registered Address" in said subsection (e) shall be the preceding year. (Referendum of 11-04-75.)~~

~~Sec. 10-14. Initiative and Referendum Procedures; Validation; Notice; Objections.~~

~~—Whenever a completed initiative petition, a supplemental initiative petition, or a referendum petition is filed with the city clerk, the city clerk shall submit the petition to the election commission forthwith. The election commission shall thereupon examine the petition and place a check mark against each signature which the commission determines is the name of a voter, except that when the commission has checked a number of signatures which is 40 per cent greater than the minimum number of signatures required for a valid petition, the commission need not examine or check any further signatures. The commission shall prepare a certificate showing the number of signatures to the petition which have been checked by the commission and the number of voters who were entitled to vote at the most recent preceding regular city election and the commission shall return the petition with the certificate to the city clerk. The number of persons who were so entitled to vote shall be deemed to be the number of voters for the purposes of sections 10-6, 10-8 and 10-10. The city clerk shall hold the petition and the commission's certificate available for public inspection during ordinary office hours for 2 full days; provided, however, that unless written objections to the certificate of the commission are filed by a voter within said period, the commission's certificate shall be deemed conclusive. If objections are so filed, the city clerk shall promptly give written notice of that fact to the first 10 petitioners. Objections to the sufficiency or validity of the signatures on any petition shall be disposed of forthwith in the manner provided by the General Laws and, to the extent required, the commission shall revise the certificate accordingly. If the certificate of the commission or its revised certificate, if any, shows that the number of signatures to the petition is insufficient, the city clerk shall give written notice of that fact to the first 10 petitioners and shall retain the petition for at least 6 months after which period the city clerk may destroy the petition. If the original or revised certificate shows that the number of signatures is sufficient, the city clerk shall present the petition and the applicable certificate to the city council or the school committee as may be appropriate.~~

~~Sec. 10-15. Initiative and Referendum: Referral to Voters.~~

~~—Whenever an initiative measure is to be submitted to the voters or a referendum measure is to be referred to the voters, the city council shall provide for the submission or referral at the next regular city election; but in the case of a referendum measure the city council may (i) within 30 days after a decision by the city~~

~~council or the school committee not to repeal or rescind a measure or (ii) in the case of inaction by the city council or the school committee on the repeal or rescission of a measure within 30 days following the 30-day period referred to in section 10-11, call a special election to be held within 120 days of the vote.~~

~~Sec. 10-16. Initiative and Referendum:~~ Form of Question.

~~—(—The ballots used when voting on a) At the election at which an initiative measure is submitted to proposed by the registered voters, the ballot under this section shall contain a question in substantially the following form:~~

~~_____“Shall the following measure which was proposed by voters in an initiative petition take effect? (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the city solicitor) – YES NO _____~~

~~(i) Time of Taking Effect —If a majority of the votes cast on the question is in the affirmative, and participation in the election complies with section 10-5, the measure shall be effective immediately, unless a later date is specified in the measure.~~

~~SECTION 10-3. Referendum Procedures~~an initiative petition

~~(a) Petition, Effect on Final Vote —Within 20 days following the date on which the city council or the school committee has voted finally to approve any measure, voters may file a petition protesting the measure or any part of the measure.~~

~~If such a petition is:~~

~~(1) signed by a number of voters equal to 5 percent of the total number of voters as of the date of the most recent regular city election as certified by the election commissioners;~~

~~(2) accompanied by an affidavit signed by 10 voters and containing each voter’s residential address stating those voters will constitute the petitioners committee; and~~

~~(3) addressed to the (City Council) (School Committee) take effect? (Text of proposed measure) Yes _____ No _____??.city council, or to the school committee and filed with the secretary of the school committee or the clerk of the council, the effective date of the measure shall be temporarily suspended.~~

~~—(b) The school committee or the city council shall immediately reconsider its vote on such measure or part of the measure, and if such measure or part of the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending such submission and determination, the effect of such measure shall continue to be suspended. Action by the council on referendum measures shall not be subject to the charter objection in section 2-9(c).~~

(b) Certain Initiative Provisions to Apply —The petition described in this section shall be termed a referendum petition and insofar as applicable section 10-2(b) providing for referral to the city solicitor for a legal opinion and section 10-2(g) providing for Notice to Voters of a summary and full text of the measure, shall apply to such referendum petitions, except that the words “measure or part of the measure protested against” shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it may occur in said sections.

(c) Form of Question —At the election at which a referendum measure is referred to the voters, the ballot shall contain a question in substantially the same form as 1 of the following:

~~—“Shall the following measure which was passed by the (City Council) (School Committee) be approved? (Text of measure) Yes _____ No _____?”; or (Here insert the full text of the proposed measure being considered for repeal, or a fair, concise summary prepared by the petitioners and approved by the city solicitor) _____ Yes _____ No _____?”; or~~

~~—“Shall the following provisions of the (describe measure in general terms and the full text or a fair, concise summary prepared by the city solicitor of the affected provision(s) being considered for repeal) which was passed by the (City Council) (School Committee) be approved? (Text of provisions) Yes _____ No _____?”; _____?”.~~

~~—(c) Whenever an initiative measure or referendum measure is to be submitted or referred to the voters, the city clerk shall furnish a copy of the measure to the election commission. If the election commission deems it necessary or desirable, the commission shall prepare a fair and concise summary of the measure for use on the ballot or ballot label in lieu of the full text of the measure. The full text of the measure which is the subject matter of the petition shall be mailed to each household in which a voter resides.~~

~~Sec. 10-17. Initiative and Referendum:~~ (d) Time of Taking Effect.

~~—An initiative measure shall take effect and a referendum measure shall be repealed or rescinded if —~~ If a majority of the persons voting ~~votes cast~~ on the question so vote. ~~Such measure shall take effect upon certification by the Election Commission of such vote~~ is in the affirmative, the measure or part of the measure shall take effect immediately, but if the majority of votes cast is in the negative and complies with section 10-5, the measure shall be null and void.

SECTION 10-4. Ineligible Measures ~~Sec. 10-18. Initiative and Referendum: Inconsistent or Conflicting Provisions.~~

~~—If two or more questions are submitted or referred to the voters at one election and as a result of the election inconsistent measures, which were contained in such questions, would be in effect thereafter, only the measure receiving the greater number of votes in favor of its effectiveness shall take effect or remain in effect.~~

~~Sec. 10-19. Initiative and Referendum: Effect of Veto by the Mayor.~~

~~—Nothing in this article shall be construed to impair a mayor's power to veto action by~~

None of the following shall be subject to the initiative or the referendum procedures:

- (1) any emergency measure adopted in conformity with the charter;
- (2) the city council to budget or the extent that school committee budget;
- (3) any revenue loan orders;
- (4) any appropriation for the power is conferred on payment of the mayor, except that city's debt or debt service;
- (5) any appropriation of funds to implement a collective bargaining agreement;
- (6) any proceedings relating to the mayor shall not have any power to veto appointment, removal, discharge, employment, promotion, transfer, demotion, of a city council officer or employee or other personnel action;
- (7) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures; and

(8) any proceedings providing for the submission of an initiative measure or the referral of a referendum measure matter to the voters. If the mayor vetoes at an initiative measure election.

SECTION 10-5. Required Voter Participation

For any measure to be effective under initiative, or for any measure or part of a measure to be declared null and void under a referendum procedure, at least 20 per cent of the total number of registered voters as of the date of the election shall have participated in the election in which the measure proposed under the initiative or to rescind the measure protested by the referendum is on the ballot.

SECTION 10-5. Conflicting Provisions

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

SECTION 10-6. Submission of Other Matters to Voters

As authorized by chapter 127 of the acts of 2014, the city council or vetoes proceedings of of Newton may place a non-binding public opinion advisory question on the ballot for either a regular or special municipal election under the procedures established by section 18A of chapter 53 of the General Laws.

SECTION 10-7. Repeat Matters

A measure submitted to the voters through the initiative procedures as authorized by this Article and not approved by the voters shall not be resubmitted for a minimum of 2 years following such vote.

This prohibition shall also apply to any proposed initiative measure deemed by the city council repealing or rescinding a referendum measure and the city council fails to override the mayor's veto, the city council shall provide for submitting the initiativesolicitor to: (a) be substantially the same as the defeated measure or referring (b) effectively repeal an adopted initiative measure.

Any measure that was the subject of a referendum measure to and repealed by the voters shall not be the subject of an initiative procedure for a minimum of 2 years following such vote.

**ARTICLE 11.
GENERAL PROVISIONS**

~~See~~**SECTION 11-1. Certificate of Election and Appointment.**

~~Every person who is elected, including those elected by the city council, or appointed by the mayor to an office shall receive a certificate of the election or appointment from the city clerk. Except as otherwise provided by law, before performing any act under the election or appointment, the person shall take and subscribe to an oath to qualify the person to enter upon the duties of the office. A record of the taking of the oath shall be made by the city clerk. Any oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths. **Public Records** of transactions of all officers and boards shall be properly kept and shall, subject to such reasonable restrictions as the city council may prescribe, be open to the inspection of the public.~~

~~All public records shall be kept and made available to the public in accordance with the General Laws.~~

SECTION 11-2. Appointments and Removals.

~~All officers and city agencies shall, subject to the laws of the Commonwealth relating to the civil service, appoint their subordinates and employees to hold office until they are removed by the officer or city agency under whom they serve; but all appointments in the Police and Fire Departments shall be approved by the mayor, who shall also have the power of removal in said departments.~~

SECTION 11-3. Rules and Regulations.

~~(a) A copy of all rules and regulations adopted by any city agency shall be filed in the office of the city clerk and made available for review by any person who requests such information.~~

Commented [SC1]: Krintzman to docket ordinance item to require/recommend electronic posting

~~See~~**SECTION 11-4. Reenactment and Publication of Ordinances**

~~(a) The city council shall, not later than 1 year after the charter is adopted and at 5-year intervals thereafter, cause to be prepared by, appoint a special recodification committee of the city council appointed for that purpose a proposed revision to propose revisions to or recodification of all ordinances of the city which. The recodification committee's proposal shall be presented to the city council for reenactment enactment. The revisions or recodifications recodification shall be prepared~~

under the supervision of the city solicitor or, if the city ___ council so directs, by special counsel retained for that purpose.

SECTION 11-5. Liability of City Officers and Agencies.

—All city officers and members of city agencies shall be deemed to be public or municipal officers or officials. Subject to appropriation, the city may indemnify any such officer or member for expenses or damages incurred in the defense or settlement of a claim against the officer or member which arose while acting within the scope of the officer or member's official duties _or employment, but only to the extent and subject to the limitations imposed by the General Laws.

See, SECTION 11-6. Prohibition.

—No member of the executive or legislative branch or of the school committee shall appear as counsel before any City officer or agency.

See, SECTION 11-7. Meetings of Qualified Voters.

~~—General meetings of the voters may be held from time to time, according to the right secured to the people by the constitution of the Commonwealth; and all such meetings may, and upon the request in writing of fifty voters setting forth the purposes thereof, shall be duly called by the city council.~~

See, 11-8-7. Construction of Public Facilities.

—There shall be established by ordinance a designer selection committee. ~~Said to comply with section 54 of chapter 7C of the General Laws regarding selection of design service professionals for municipal building projects. The ordinance shall provide that require~~ the designer selection committee ~~shall~~to be consulted and directed to make recommendations whenever ~~an architect a design professional~~ is to be engaged by the city for ~~any purpose a project that meets or exceeds the thresholds in said section 54.~~ There shall also be established by ordinance a design review committee which shall be responsible for the coordination of the design review process on any public ~~facility building~~ for which ~~an architect a design service professional~~ has been engaged. ~~The ordinance may provide for one~~ Whenever a school project is reviewed, at least 1 member of the school committee shall be included as a voting member of the design review committee for all public buildings or it may provide that separate committees be established for each facility.

~~See, SECTION 11-9-8. Severability.~~

~~—If any provision of the charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.~~

~~See, SECTION 11-10-9. Specific Provisions Shall Prevail.~~

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

~~See, SECTION 11-11-10. References to General Laws.~~

~~—All references to the General Laws contained in the charter refer to the General Laws of the Commonwealth commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.~~

~~See, SECTION 11-12-11. Computation of Time.~~

~~—In computing time under the charter, if seven days or less, "days" shall refer to secular days and shall not include Sunday's or legal holidays. If more than seven days, every day shall be counted.~~

~~Sec. 11-13. 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:~~

~~—"Charter", the charter and any amendments to the charter made through any of the methods provided under Article LXXXIX of the Amendments to the State Constitution.~~

~~—"City", the city of Newton.~~

~~“City agency”, any board, commission, committee, council, department or office of the city government; provided, however, that “city agency” shall not include a neighborhood area council as provided in article 9.~~

~~“Full council”, the entire authorized complement of the city council notwithstanding any vacancies which might exist.~~

~~“Initiative measure”, a measure proposed by initiative procedures under the charter.~~

~~“Majority vote”, a majority of those present and voting; provided, however, that a quorum of the body shall be present.~~

~~“Measure”, an ordinance passed or which could be passed by the city council or an order, resolution, vote or other proceeding passed or which could be passed by the city council or the school committee.~~

~~“Referendum measure”, a measure that is protested by referendum procedures under this charter.~~

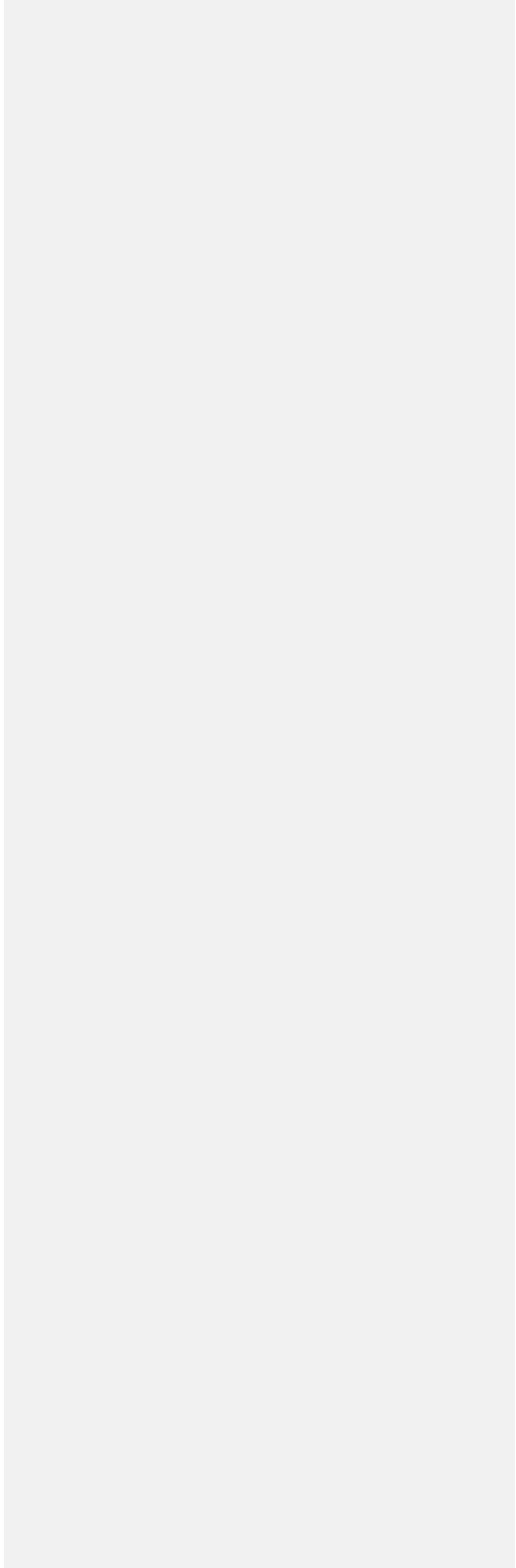
~~“Voters”, the registered~~In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. If the period of time designated is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included; if the period is 7 days or more, Saturdays, Sundays and legal holidays, shall be included.

SECTION 11-13. Periodic Charter Review

Not later than July 1, at 15-year intervals, the mayor and city council shall establish, by ordinance, a charter review committee to review the city charter. The charter review committee shall submit its report to the city clerk as specified by ordinance. The report shall be

made available to the public electronically or at a cost not to exceed the actual cost of reproduction.

All members of the charter review committee shall be voters of the city of Newton.



ARTICLE 12:
TRANSITIONAL PROVISIONS

See SECTION 12-1: Continuation of Existing Laws

—All general laws, special laws, city ordinances, resolutions, rules and regulations of the City or pertaining to Newton, including special acts creating regional entities and arrangements of which the city is a member, that are in force at the time the when this charter is adopted, takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter, shall continue be decided in force until amended or repealed favor of this charter.

See SECTION 12-2: Continuation of Government and Administration

—All City city agencies shall continue to perform their duties until re-elected, reappointed, re-elected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred, and assumed by another city agency.

See SECTION 12-3: Continuation of Administrative Personnel.

—Any person holding an office or position in the administrative service of the city or any person serving in the employment of the city shall retain such office or position and shall continue to perform the duties of such office or position until provisions shall have been made in accordance with the charter for the performance of the duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the city shall forfeit such person's pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

~~See. All city officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the adoption by the voters of this home rule charter.~~

SECTION 12--4.: Transfer of Records and Property.

~~—All records, property, and equipment ~~whatsoever~~ of any ~~City~~ agency, or part thereof of a ~~city~~ agency, the powers and duties of which are assigned in whole or in part to another ~~City~~ agency, shall be transferred ~~forthwith~~ immediately to the ~~City~~ that agency to which such powers and duties are assigned.~~

See. SECTION 12--5.: Effect on Obligations, Taxes and Other Legal Acts., Etc.

~~—All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the ~~City~~ before ~~its~~ the adoption of ~~the~~ this charter, and all taxes, ~~special~~ 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 in this charter, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the ~~City~~ shall be rendered invalid by ~~its~~ reason of the adoption of ~~the~~ this charter.~~

See. SECTION 12--6.: Disposition of Special Acts. Legislation

~~—(a) Partial Repeal of Certain Special Acts—The following Special Acts insofar as they confer power upon the City of Newton which the City would not otherwise hold under the charter, General Laws or the constitution, are retained; otherwise, they are hereby repealed, it being the explicit intention of this paragraph that portions of any Special Acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the charter: Chapter three hundred and forty four of the acts of eighteen hundred and seventy two; chapter three hundred and fifty three of the acts of eighteen hundred and seventy four; chapter one hundred and forty five of the acts of eighteen hundred and seventy four; chapter one hundred and twenty five of the acts of eighteen hundred and seventy four; chapter eighteen of the acts of eighteen hundred and seventy six; chapter fifty four of the~~

~~acts of eighteen hundred and seventy six; chapter one hundred of the acts of eighteen hundred and seventy seven; chapter one hundred and forty four of the acts of eighteen hundred and seventy seven; chapter sixty three of the acts of eighteen hundred and seventy eight; chapter one hundred and forty seven of the acts of eighteen hundred and seventy eight; chapter sixty nine of the acts of eighteen hundred and seventy eight; chapter one hundred and nine of the acts of eighteen hundred and eighty six; chapter three hundred and two of the acts of eighteen hundred and eighty nine; chapter two hundred and thirty four of the acts of eighteen hundred and ninety; chapter seventy of the acts of eighteen hundred and ninety two; chapter two hundred and ninety six of the acts of eighteen hundred and ninety three; chapter one hundred and ninety eight of the acts of eighteen hundred and ninety five; chapter three hundred and forty of the acts of eighteen hundred and ninety six; chapter two hundred and sixty nine of the acts of eighteen hundred and ninety eight; chapter sixty three of the acts of eighteen hundred and ninety eight; chapter eighty nine of the acts of eighteen hundred and ninety nine; chapter four hundred and fifteen of the acts of nineteen hundred; chapter two hundred and four of the acts of nineteen hundred and one; chapter one hundred and sixty five of the acts of nineteen hundred and one; chapter four hundred and eighty of the acts of nineteen hundred and two; chapter one hundred and thirty three of the acts of nineteen hundred and three; chapter one hundred and sixty seven of the acts of nineteen hundred and six; chapter two hundred and two of the acts of nineteen hundred and ten; chapter seven hundred and sixty nine of the acts of nineteen hundred and thirteen; chapter one hundred and eighty nine of the acts of nineteen hundred and thirteen; chapter six hundred and eighty three of the acts of nineteen hundred and thirteen; chapter one hundred and seventy seven of the acts of nineteen hundred and fifteen; chapter three hundred and thirty two of the acts of nineteen hundred and seventeen; chapter eighty six of the acts of nineteen hundred and twenty; chapter five hundred and sixty one of the acts of nineteen hundred and twenty; chapter thirty four of the acts of nineteen hundred and twenty four; chapter two hundred and forty three of the acts of nineteen hundred and twenty four; chapter thirty five of the acts of nineteen hundred and twenty five; chapter three hundred and thirty six of the acts of nineteen hundred and twenty seven; chapter seventy three of the acts of nineteen hundred and twenty eight; chapter twenty five of the acts of nineteen hundred and thirty two; chapter twenty of the acts of nineteen hundred and thirty four; chapter two hundred and sixty one of the acts of nineteen hundred and thirty five; chapter three hundred and fifteen of the acts of nineteen hundred and forty nine; chapter three hundred and forty four of the acts of nineteen hundred and forty nine; chapter three hundred and sixty seven of the acts of nineteen hundred and fifty three; chapter four hundred and nineteen of the acts of nineteen hundred and fifty five; chapter two hundred and eleven of the acts of nineteen hundred and fifty five; chapter one hundred and two of the acts of nineteen hundred and fifty six; chapter one hundred and one of the acts of nineteen hundred and fifty six; chapter four hundred and thirty nine of the acts of nineteen hundred and sixty one; chapter three hundred and sixteen of the acts of nineteen hundred and sixty two; chapter three hundred and thirty seven of the acts of nineteen hundred and sixty seven; chapter six hundred and thirty one of the acts of nineteen hundred and sixty nine.~~

~~—(b) Special Acts Repealed Outright—The following Special Acts are hereby repealed: Chapter one hundred and sixteen of the acts of eighteen hundred and thirty two; chapter two hundred and eighty three of the acts of eighteen hundred and ninety seven; chapter one hundred and thirty five of the acts of nineteen hundred; chapter two hundred and eighty two of the acts of nineteen hundred and two; chapter three hundred and seventy six of the acts of nineteen hundred and two; chapter one hundred and fifty two of the acts of nineteen hundred and three; chapter eighty eight of the acts of nineteen hundred and five; chapter three hundred and sixty two of the acts of nineteen hundred and ten; chapter five hundred and fifty seven of the acts of nineteen hundred and ten; chapter one hundred and eight of the acts of nineteen hundred and thirteen; chapter three hundred and eighty three of the acts of nineteen hundred and thirteen; chapter one hundred and five of the~~

~~acts of nineteen hundred and fourteen; chapter eighty six of the acts of nineteen hundred and nineteen; chapter eighty five of the acts of nineteen hundred and nineteen; chapter one hundred and eighty two of the acts of nineteen hundred and forty three; chapter two hundred and eight of the acts of nineteen hundred and fifty two; chapter five hundred and forty nine of the acts of nineteen hundred and fifty three; chapter five hundred and thirty two of the acts of nineteen hundred and fifty four; chapter one hundred twenty one of the acts of nineteen hundred and fifty five; chapter one hundred and eighty two of the acts of nineteen hundred and sixty.~~

~~—(c) *Special Acts Repealed: Action Taken Thereunder Preserved*—The following Special Acts are repealed; provided, however, that nothing contained in the charter shall be construed to revoke, invalidate or otherwise alter acts done in compliance therewith or under the authority thereof: *Chapter one hundred and twenty five of the acts of eighteen hundred and sixty nine; chapter one hundred and thirty four of the acts of eighteen hundred and seventy one; chapter two hundred and seventy eight of the acts of eighteen hundred and ninety three; chapter four hundred and fifty seven of the acts of eighteen hundred and ninety six; chapter one hundred and ninety nine of the acts of nineteen hundred and two; chapter two hundred of the acts of nineteen hundred and two; chapter thirty three of the acts of nineteen hundred and fifteen; chapter one hundred and six of the acts of nineteen hundred and fifteen; chapter eighty seven of the acts of nineteen hundred and seventeen; chapter seventy two of the acts of nineteen hundred and eighteen; chapter three hundred and thirty two of the acts of nineteen hundred and twenty; chapter seventy four of the acts of nineteen hundred and twenty one; chapter one hundred and sixty seven of the acts of nineteen hundred and twenty three; chapter three hundred and ninety four of the acts of nineteen hundred and twenty four; chapter three hundred and twenty seven of the acts of nineteen hundred and twenty eight; chapter one hundred and sixty four of the acts of nineteen hundred and forty seven; chapter two hundred and ten of the acts of nineteen hundred and forty seven; chapter four hundred of the acts of nineteen hundred and forty nine; chapter fifty two of the acts of nineteen hundred and fifty five; chapter six hundred and twenty one of the acts of nineteen hundred and sixty three.*~~

~~—(d) *Special Acts Specifically Retained*: The following Special Acts are hereby recognized, confirmed and retained—an act of *January 11, sixteen hundred and eighty seven* ordering that Cambridge Village be a distinct village and place by itself; and an act of *December 15, sixteen hundred and ninety one* ordering that Cambridge Village thenceforth be called New Town, except insofar as they are inconsistent with Section 1-1 of this charter, providing for the name, the "City of Newton", which portions are hereby repealed.~~

(a) See All provisions of Article XII, section 6 as appearing in the city's Home Rule Charter adopted in 1971, identified as *Partial Repeal of Certain Special Acts, Special Acts Repealed Outright, Special Acts Repealed: Action Taken Thereunder Preserved, and Special Acts Specifically Retained* are hereby retained by reference.

(b) The following acts pertaining to the City of Newton are hereby retained: chapter 705 of the acts of 1975, chapter 479 of the acts of 1982, chapter 499 of the acts of 1989, chapter 73 of the acts of 2007, and chapter 127 of the acts of 2014.

(c) The following acts pertaining to the City of Newton are hereby repealed: chapter 50 of the acts of 1991, chapter 173 of the acts of 1992, chapter 174 of the acts of 1992, chapter 368 of the acts of 2002, chapter 152 of the acts of 2008, chapter 26 of the acts of 2015 and chapter 87 of the acts of 2015.

SECTION 12--7, Time of Taking Effect.

~~—The charter amendments shall become fully~~be effective when approved by the general court and signed by the governor as a special act 12:01 p.m. on the first secular day of January following the election at which it is approved upon adoption by the voters, except as follows:

~~(a) (a) The term of office of the mayor elected at the election at which the charter is approved shall be for the term of two years, and the provisions of Section 3-1 of the charter with respect to the term of office of the mayor being four years and with respect to the mayor's serving full time, not holding any other elected public office and not actively engaging in a business, occupation or profession shall not become effective until the term beginning after the regular City election next following the election at which the charter is adopted.~~

(a) Section 3-7(a) shall be in effect as of the close of FY2019, with the mayor submitting the close of fiscal year report within 6 weeks after the close of FY2020.

(b) The third paragraph of section 5-2 shall take effect upon the mayor's submission of the FY2021 budget; the amount appropriated for legal assistance to the city council in the FY2021 budget shall be 2 per cent of the proposed budget for the city law department.

(c) (1) Until such time as ordinances are adopted pursuant to (2) below, Neighborhood Area Councils shall continue to operate under their existing resolutions.

(2) To implement Article 9, the city council shall adopt ordinances under sections 9-2, 9-4 and 9-6 and the guidelines required by section 9-3.

(d) Any petitions for initiative and referendum pursuant to section 10-4 and 10-10 of the charter adopted in 1971, as amended, filed with the city clerk prior to adoption of these charter amendments shall proceed and be completed as provided in the charter adopted in 1971, as amended; provided, however, that the requirement for voter participation appearing in section 10-5 shall be in effect for such initiative or referendum elections scheduled to be held after adoption of these charter amendments.



Memorandum

To: City Council
From: Karyn Dean
Re: Charter Subcommittee – Additional Materials
Date: February 1, 2019

Attached please find the current Charter, and the current Charter showing the redlined recommended changes by the former Charter Commission.

PART I
CHARTER*

- Art. 1. Incorporation; Form of Government; Powers of the City, §§ 1-1—1-5**
- Art. 2. Legislative Branch, §§ 2-1—2-11**
- Art. 3. Executive Branch, §§ 3-1—3-10**
- Art. 4. School Committee, §§ 4-1—4-6**
- Art. 5. Financial Procedures, §§ 5-1—5-4**
- Art. 6. Administrative Departments, §§ 6-1—6-3**
- Art. 7. Planning, §§ 7-1—7-5**
- Art. 8. Nominations and Elections, §§ 8-1—8-6**
- Art. 9. Neighborhood Area Councils, §§ 9-1—9-11**
- Art. 10. Free Petition; Initiative; Referendum, §§ 10-1—10-19**
- Art. 11. General Provisions, §§ 11-1—11-13**
- Art. 12. Transitional Provisions, §§ 12-1—12-7**

ARTICLE 1.
INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY

Sec. 1-1. Incorporation.

The inhabitants of the City of Newton, within the corporate limits as now established or as hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "City of Newton."

Sec. 1-2. Form of Government.

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 the mayor, and a legislative branch, to consist of the city council. The executive branch shall never exercise any legislative power, and the legislative branch shall never exercise any executive power.

Sec. 1-3. Powers of the City.

Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the Commonwealth, it is the intent and the purpose of the charter to confer upon the city all powers it is possible to confer under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Sec. 1-4. Construction.

***Editor's note**—The charter of the city of Newton was approved by voters on November 2, 1971, and became effective January 1, 1972. It is set out herein as enacted, with amendments worked into their proper places and repealed provisions deleted. Amendments are cited following the section amended; the absence of such a citation indicates that the provision has not been amended and remains as originally adopted except for the name of the legislative body which was changed from Board of Aldermen to City Council and included the revision of gender specific language throughout the text. Chapter 87 of the Acts of 2015 made the change, amended the text and became effective on January 1, 2016.

The powers of the city under the charter shall be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in Section 1-3.

Sec. 1-5. Intergovernmental Relations.

Subject to express requirements of the constitution and statutes of the Commonwealth, the city may exercise any of its powers and perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any civil division or agency thereof or the United States government or any agency thereof.

ARTICLE 2. LEGISLATIVE BRANCH

Sec. 2-1. Composition; Eligibility; Election and Term.

(a) Composition—There shall be a city council of 24 members which shall exercise the legislative powers of the city. Sixteen of these members, to be known as councilors at large, shall be nominated and elected by the voters at large, 2 such councilors at large to be elected from each of the 8 wards of the city. The other 8 members, to be known as ward councilors, 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. A candidate for the office of councilor 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, 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 member of the city council shall, notwithstanding the member's removal from 1 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 shall create a vacancy in such office.

(c) Election and Term—The terms of councilors shall be 2 years beginning on the first secular day of January after their election and until their successors are qualified. (Referendum of 11-04-75; Acts of 2002, Chap. 368.)

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.

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 and for the performance of all duties and obligations imposed on the city by law.

Sec. 2-4. Prohibitions.

(a) Appointment After Expiration of Term—No former councilor shall hold any compensated appointive city office or city employment until 1 year after the expiration of the former councilor'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 councilor.

(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.

Sec. 2-5. Filling of Vacancies.

(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.

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 it.

(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 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 7 or more members 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 shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

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. Vacancies in said offices 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. (Acts of 1991, Chap. 50.)

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, 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.

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 20 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 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 3 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 5 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.

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.

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.

ARTICLE 3. EXECUTIVE BRANCH

Sec. 3-1. Mayor; Election; Term; Compensation.

There shall be a mayor elected by and from the voters. 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.

The mayor shall receive such salary as the city council shall by ordinance from time to time determine 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.

Sec. 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 the laws, ordinances, and orders for the government of the city to be enforced, and shall cause 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, 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.

Sec. 3-3. Appointments by Mayor.

(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. 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 appointment. 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 such appointment. Rejection by the city council shall require a 2/3 vote.

(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. 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.

(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. (Acts of 1991, Chap. 50; Acts of 1992, Chap 173.)

Sec. 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.

Sec. 3-5. Removal of Officials.

The mayor may remove any person appointed by the mayor by filing written notice thereof with the city clerk.

Sec. 3-6. Temporary Appointments.

Whenever 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 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.

Sec. 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 from time to time throughout the year, by written communications to the city council, keep it fully informed as to the financial condition and future needs of the city and shall recommend such measures to it as the mayor judges 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.

Sec. 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. 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; or (iii) the budget.

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.

Sec. 3-9. Temporary Absence from the Office of the Mayor.

Whenever by reason of sickness, absence from the city or other cause, the mayor shall be unable to attend to the duties of the office of the mayor, the president of the city council or the vice-president of the city council in the event of the president's disability through sickness or absence shall, as acting mayor, possess the powers of the mayor only in those matters not admitting of delay, but shall have no power to make permanent appointments. 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.

Sec. 3-10. Vacancy in the Office of the Mayor.

If a vacancy occurs in the office of the mayor, by death, resignation, removal from office, failure to elect or otherwise at any time preceding the last 9 calendar months of the term for which the mayor was elected, the city council shall forthwith call a special election 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 clerk of the council shall forthwith call a special meeting of the city council and the city council shall by majority vote of the full council elect 1 of its members as acting mayor for the remainder of the

unexpired term. If the city council fails to elect an acting mayor as aforesaid within 30 days of the date of the meeting called by the clerk of the council, the president of the city council shall become acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful performance of the duties of the office. Upon the election and qualification of any member of the city council as acting mayor under this section, a vacancy shall exist in the member's council seat.

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. The removal from residency within the city shall create a vacancy in the office. (Referendum of 11-04-75.)

ARTICLE 4. SCHOOL COMMITTEE

Sec. 4-1. Composition; Eligibility; Election and Term.

(a) Composition—There shall be a school committee of 9 members, which shall exercise control and management of the public schools of the city. Eight of these members, who shall be known as school committee members, shall be nominated and elected by the voters at large, 1 school committee member to be elected from each of the 8 wards of the city. The mayor shall serve, ex officio, as a member of the school committee with full power to vote. The school committee shall be the judge of the election and qualification of its members.

(b) Eligibility—Only voters shall be eligible to hold the office of school committee member. A candidate for the office of school committee member 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 school committee member, 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 such blank forms available until and including the first day of the term for which the candidate is elected. A member of the school committee shall, notwithstanding the member's removal from 1 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 shall create a vacancy in such office.

(c) Election and Term—The terms of school committee members shall be 2 years beginning on the first secular day of January after their election and until their successors are qualified. No person shall be eligible for election to the school committee for a fifth consecutive full term. (Referendum of 11-04-75; Acts of 2002, Chap. 368.)

Sec. 4-2. Organization; Quorum; Rules of Procedure.

(a) Organization—After the mayor-elect and a majority of the school committee members-elect have been sworn, the school committee shall be called together by the mayor who shall preside. The school committee shall then elect from among its members a chair and a vice-chair, who shall act as chair during the absence or disability of the chair. The school committee shall also elect a secretary who shall not be 1 of its members. The chair, vice-chair and secretary shall serve at the pleasure of the school committee.

(b) Quorum—A majority of the school committee then in office shall constitute a quorum but a smaller number may meet and adjourn from time to time.

(c) Rules of Procedure—The school committee shall from time to time establish rules for its proceedings.

Except as otherwise authorized by sections 18 to 25, inclusive, of chapter 30A of the General Laws, all

sessions of the school committee shall be open to the public and press. A full, accurate and up-to-date record of the proceedings of the school committee shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

Sec. 4-3. General Powers and Duties.

The school committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as the city council may by ordinance from time to time assign. The powers of the school committee shall include, but not be limited to, the power to: (i) appoint a superintendent; (ii) appoint all other officers and employees connected with the schools, fix their compensation and define their duties, make rules concerning their tenure of office and discharge them at its pleasure; (iii) furnish all school buildings with proper fixtures, furnishings and equipment; and (iv) provide ordinary maintenance and repairs on all school buildings up to a maximum expenditure equal to 2 per cent of the school department's operating budget adopted for the preceding fiscal year; provided, however, that sums in excess of the maximum for the provision of ordinary maintenance and repairs may be appropriated by the mayor and the city council and no sums appropriated to accounts for ordinary maintenance and repairs shall be transferred without a 2/3 vote of the city council. (Referendum of 11-04-75.)

Sec. 4-4. New School Buildings.

Whenever in the opinion of the school committee a new schoolhouse is required or material alterations are needed, it shall send a written communication to the city council stating the locality and the nature of the further provisions for schools which are needed; provided, however, that no schoolhouse shall be located, built or materially altered until the school committee shall have been consulted as to the proposed location and plans and had full opportunity to set forth its requirements.

Sec. 4-5. Prohibitions.

No former school committee member shall hold any compensated appointive city office or city employment until 1 year after the expiration of the member's service on the school committee. This provision shall not prohibit a former city employee or city officer from resuming the duties of the city officer or city employee at the conclusion of service on the school committee.

Sec. 4-6. Filling of Vacancies.

If there be a vacancy, by failure to elect or otherwise, on the school committee within the first 15 calendar months of the term for which school committee members 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.

If the vacancy shall occur after 15 calendar months of the term for which school committee members are elected, no special election shall be held 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 member was elected, serve for the balance of the then-unexpired term.

ARTICLE 5. FINANCIAL PROCEDURES

Sec. 5-1. Submission of Budget; Budget Message.

Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all city funds and activities for the

ensuing fiscal year, an accompanying budget message and supporting documents.

The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall: (i) outline the proposed financial policies of the city for the ensuing fiscal year; (ii) describe the important features of the budget; (iii) indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues and the reasons for such changes; (iv) summarize the city's debt position; and (v) include such other material as the mayor deems desirable or the city council may reasonably require.

Sec. 5-2. Action on the Budget.

The city council shall adopt the budget, with or without amendments, within 45 days following the day the budget is received by the city council. In amending the budget, the city council may delete or decrease any programs or amounts, except expenditures required by law or for debt service, but it may not increase any programs or amounts.

If the city council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, 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.

Sec. 5-3. Capital Improvement Program.

(a) Submission—The mayor shall prepare and submit to the city council a 5-year capital improvement program at least 6 months prior to receipt of the next fiscal year's operating budget.

(b) Contents—The capital improvement program shall include: (i) a clear summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years with supporting data; (iii) cost estimates, method of financing and recommended time schedules; and (iv) the estimated annual cost of operating and maintaining the facilities included. The above information shall be revised and extended each year.

(c) Public Hearing—The city council shall publish in 1 or more newspapers of general circulation in the city the general summary of the capital improvement program and a notice stating: (i) the times and places where copies of the capital improvement program are available for inspection by the public; and (ii) the date, time and place, not less than 2 weeks after the publication, when a public hearing on the program will be held by the city council.

(d) Adoption—After the public hearing, concurrently with the passage of the next fiscal year's budget, the city council shall by resolution adopt the capital improvement program with or without amendments. (Referendum of 11-04-75.)

Sec. 5-4. Contracts.

All contracts entered into for or in behalf of the city by any officer or city agency shall be subject to the approval of the mayor.

ARTICLE 6. ADMINISTRATIVE DEPARTMENTS

Sec. 6-1. Reorganization Plans by City Council.

Except as otherwise provided by law or this charter, the city council may by ordinance: (i) reorganize,

consolidate or abolish any existing city agency in whole or in part; (ii) establish new city agencies; and (iii) prescribe the functions of any city agencies. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by the mayor.

Sec. 6-2. Reorganization Plans by Mayor.

(a) The mayor may, from time to time, prepare and submit to the city council reorganization plans which may, subject to applicable law and this charter, reorganize, consolidate or abolish any city agency, in whole or in part, or establish new city agencies as the mayor considers necessary or expedient. The reorganization plan shall be accompanied by an explanatory memo which shall include: (i) reference to any ordinances to be repealed or modified; and (ii) a summary of proposed ordinance language changes to be put into effect by the plan.

(b) Every reorganization plan shall, upon receipt by the clerk of the council, be referred to an appropriate committee of the city council which shall, not more than 30 days later, hold a public hearing on the matter and shall, not later than the second regular meeting of the city council following the hearing, report either that it approves or disapproves of the plan. A reorganization plan shall become effective 90 days after the date it is received by the city council unless the city council has prior to that date voted to disapprove the reorganization plan or unless a later effective date is specified in the plan. A reorganization plan presented by the mayor to the city council under this section may not be amended by the city council but shall either be approved or rejected as submitted and shall not be subject to charter objection as provided in subsection (c) of section 2-9. (Referendum of 11-04-75; Acts of 1992, Chap 174.)

Sec. 6-3. Publication of Reorganization Plan.

An up-to-date record of any reorganization plan adopted under this article shall be kept on file in the office of the city clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

**ARTICLE 7.
PLANNING**

Sec. 7-1. Department of Planning and Development.

There shall be a Department of Planning and Development.

Sec. 7-2. Comprehensive Plan.

(a) Content—There shall be a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the entire city. The plan shall cover the entire city and all of its functions and services or shall consist of a combination of plans governing specific functions and services or specific geographic areas.

(b) Adoption—Upon receipt from the mayor of a proposed comprehensive plan or a proposed modification of the existing plan, the city council shall refer the proposal to the planning and development board which shall, within a time specified by the city council, report its recommendations on the proposal. After receipt of the recommendations of the planning and development board, the city council shall hold a public hearing on the proposed comprehensive plan or the proposed modification of the comprehensive plan and shall by resolution adopt the same with or without amendments. The city council may thereafter from time to time modify the comprehensive plan.

(c) Effect—The comprehensive plan shall serve as a guide to all future action by the city council concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

Sec. 7-3. Implementation of the Comprehensive Plan.

(a) Land Use and Development Regulations—In accordance with the General Laws, the city council may by ordinance adopt land use and development regulations including, but not limited to, an official map and zoning regulations.

(b) Urban Renewal—In accordance with the General Laws, the city council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for the alleviation or prevention of slums, obsolescence, blight or other conditions or deterioration.

(c) Action by the City Council—Before acting on any proposed ordinance concerning land use and development regulations, urban renewal or expenditures for capital improvements, where the ordinance involves a matter covered by the comprehensive plan, the city council shall refer the proposal to the planning and development board which shall, within a time specified by the city council and prior to the public hearing on the proposed ordinance, report in writing its recommendations on the proposal. Upon adopting any such ordinance, the city council shall make findings and report on the relationship between the ordinance and the comprehensive plan and the comprehensive plan shall be deemed to be amended in accordance with the findings and report.

ARTICLE 8. NOMINATIONS AND ELECTIONS

Sec. 8-1. Nonpartisan Elections.

All elections of City officers shall be nonpartisan, and election ballots or ballot labels for such officers shall be printed without any party mark, emblem, or designation whatsoever.

Sec. 8-2. Regular City Elections.

(a) Date—The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

(b) Ballot Position—The order in which names of candidates appear on the ballot for each office in a regular city election shall be determined by a drawing by lot conducted by the election commission.

(c) Information to Voters—If the candidate in a regular city election is an incumbent of the office to which the candidate seeks election, against the candidate's name shall appear the phrase "Candidate for Re-election".

Sec. 8-3. Preliminary Elections: Special Elections.

(a) Date—For each regular city election and any special election called to fill a vacancy in the office of mayor, there shall be held a preliminary election for the purpose of nominating candidates. The city council shall set the date for each preliminary election. (Acts of 2008, chapter 152; Acts of 2015, chapter 26)

(b) 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, or any special election for an office other than mayor, shall be as follows: for the office of mayor, four hundred signatures; for councilor at large, one hundred fifty signatures; for ward alderman, fifty signatures from the ward in which the election is to be held; for school committee

member, one hundred fifty signatures.

(c) 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 election commission.

(d) Information to Voters—Every petition requesting the placement of the name of a candidate for nomination on the official ballot for use at a preliminary election, or for use at any special election for an office other than mayor, may state in not more than eight words the elected public offices which the candidate for nomination holds or has held. Against the name of any such candidate there shall be printed on the official ballot for a preliminary election, or any special election for an office other than mayor, the statement contained in the petition.

(e) Proviso—If at the expiration of the time for filing petitions for nomination of candidates to be voted for any preliminary election, not more than twice as many such petitions have been filed for an office as are to be elected to such office, the candidates whose petitions have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the Election Commission shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

Sec. 8-4. Special Elections.

Special elections to fill the office of councilor, mayor or school committee member as provided in sections 2-5, 3-10 and 4-6 shall be held within 120 days following the date on which the election is called. Persons elected at the elections shall immediately be sworn and assume their office.

Sec. 8-5. Wards.

The territory of the city shall be divided into eight wards.

Sec. 8-6. Application of State Laws.

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

ARTICLE 9. NEIGHBORHOOD AREA COUNCILS

Sec. 9-1. Purpose.

It is the purpose of this article to encourage citizen involvement in government at the neighborhood level by permitting limited self-government through the establishment of neighborhood area councils as legal entities of the city government.

Sec. 9-2. Establishment of Neighborhood Service Areas.

The city council may establish 1 or more neighborhood service areas to provide services or functions that the neighborhood area council is authorized to undertake.

Sec. 9-3. Creation by Petition.

(a) A petition may be submitted to the city council requesting the establishment of a neighborhood service area to provide any service or services which the city is otherwise authorized by law to provide. The petition must be signed by 20 per cent of the voters residing in the area. The petition shall describe the territorial boundaries of the proposed service area, shall specify the services to be provided, and shall indicate the size of the neighborhood area council.

(b) Upon receipt of the petition, the council shall submit the petition for verification of signatures on the petition and, within 30 days following verification, the city council shall hold a public hearing on the question of whether or not the requested neighborhood service area shall be established. The hearing may be adjourned from time to time but shall be completed within 60 days of its commencement.

(c) Within 30 days following the public hearing, the city council shall by resolution approve or disapprove the establishment of the requested neighborhood service area.

(d) A resolution approving the creation of the neighborhood service area may contain amendments or modifications of the area's boundaries, functions, or the size of the neighborhood area council as set forth in the petition. (Referendum of 11-04-75.)

Sec. 9-4. Boundary Changes of a Neighborhood Service Area.

The city council may, pursuant to a request from a neighborhood area council accompanied by a petition signed by at least 20 per cent of the voters residing in the area to be added or deleted, enlarge, diminish or otherwise alter the boundaries of any existing neighborhood service area following the procedures set forth in subsections (b) to (d), inclusive, of section 9-3.

Sec. 9-5. Considerations in Setting Boundaries.

In establishing neighborhood service area boundaries and determining those services to be undertaken by a neighborhood area council, the city council shall study and take into consideration, but not be limited to, the following: (i) the extent to which the area constitutes a neighborhood with common concerns and a capacity for local neighborhood initiative, leadership and decision making with respect to city government; (ii) city agency authority and resources which may appropriately be either transferred or shared with the neighborhood council; (iii) population density, distribution and growth within a neighborhood service area to assure that its boundaries reflect the most effective territory for local participation and control; and (iv) citizen access to, control of and participation in neighborhood service area activities and functions.

Sec. 9-6. Dissolution of a Neighborhood Service Area.

(a) The city council may, after a public hearing, dissolve a neighborhood service area on the initiative of the city council or pursuant to a petition signed by at least 20 per cent of the voters living within the neighborhood service area.

(b) The city council shall give notice, in a newspaper of general circulation in the neighborhood service area, of its intention to hold a public hearing on a proposed dissolution. The notice shall be given not less than 14 days before the date of the public hearing.

Sec. 9-7. Election of Neighborhood Area Councils; Vacancies.

(a) A neighborhood area council shall consist of 5 to 9 members. The term of office of each member shall be 2 years and until a successor is qualified.

(b) The neighborhood area council members shall be elected at large by and from voters residing in the neighborhood service area at the time of the election. The city council shall determine the time and manner of holding the elections. The ward city councilor or ward city councilors who represent any portion of the area included in a neighborhood service area shall serve, ex officio with no power to vote, as members of the neighborhood area council.

(c) A vacancy shall be filled by the neighborhood area council by appointment. Members so appointed shall serve for the remainder of the unexpired term and until their successors are qualified.

Sec. 9-8. Neighborhood Area Council Powers and Functions.

A neighborhood area council may exercise any powers and perform any functions within the neighborhood service area expressly authorized by the city council, which may include but not be limited to:

- (i) advisory or delegated substantive authority or both, with respect to such programs as a community action program, urban renewal, relocation, public housing, planning and zoning actions and other physical development programs, crime prevention and juvenile delinquency programs, health services, code inspection, recreation, education, and workforce training; provided, however, that nothing contained herein shall be construed to authorize the city council to delegate to any neighborhood area council any substantive authority with regard to zoning;
- (ii) self help projects, such as supplemental refuse collection, beautification, minor street and sidewalk repair, establishment and maintenance of neighborhood community centers, street fairs and festivals, cultural activities, recreation and housing rehabilitation and sale; and
- (iii) acceptance of funds from the public, but not including the city and private sources, including public subscriptions; and
- (iv) expenditure of monies to meet overhead costs of council administration and support for neighborhood service area projects.

Sec. 9-9. Compensation; Meetings; By-Laws; Quorum.

(a) Members of a neighborhood area council shall receive no compensation but may receive reimbursement of actual and necessary travel and other expenses incurred in performance of official duties.

(b) A neighborhood area council shall adopt by-laws providing for the conduct of its business and the selection of a presiding officer and other officers. Copies of all by-laws adopted by neighborhood area councils shall be made available to the public upon request.

(c) A majority of the voting members of a neighborhood area council shall constitute a quorum for the transaction of business. Each member entitled to vote shall have one vote.

Sec. 9-10. Annual Report.

Each neighborhood area council shall make an annual report of its activities to the city council which annual report shall be open to the public.

Sec. 9-11. Financial Records.

Each neighborhood area council shall keep complete financial records which shall be subject to city audit.

**ARTICLE 10.
FREE PETITION; INITIATIVE; REFERENDUM**

Sec. 10-1. Individual, Discretionary Petitions.

The city council and the school committee shall receive all petitions addressed to either of them and may in their discretion take such action with regard to the petitions as they deem necessary and advisable.

Sec. 10-2. 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, which is signed by at least 50 voters, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee or, in either case, by a committee or subcommittee of either the city council or school committee and the action by the city council or school committee shall be taken not later than 3 months after the petition is filed with the city clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and place and the city clerk shall mail notice of the hearing to the first 50 certified signers whose names appear on each petition at least 48 hours before the hearing. Notice by publication of all such hearings shall be at public expense. (Referendum of 11-04-75.)

Sec. 10-3. Initiative: Repeat Matters.

Except as otherwise provided by law or this charter, a measure may be proposed to the city council or the school committee in accordance with this article, but no measure which is substantially the same as any other measure submitted or referred to the voters and disapproved by them within 2 years or which would have the effect of repealing any measure so submitted or referred and approved by the voters within 2 years may be proposed by initiative procedures.

Sec. 10-4. Initiative: Commencement of Proceedings; Referral to City Solicitor.

Initiative procedures shall be started by the filing of an initiative petition with the city clerk. The petition shall be addressed to the city council or the school committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by at least 50 voters. If the city clerk determines that at least 50 of the filers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.

Sec. 10-5. Initiative: Opinion of Solicitor.

Within 15 days after receipt of the petition, the city solicitor shall advise the city clerk 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, the city solicitor shall state the reason or reasons for the opinion in the reply. The city clerk shall furnish a copy of the city solicitor's opinion to the person whose name first appears on the initiative petition.

Sec. 10-6. Initiative: Additional Signatures.

The signatures of additional voters who support the petition in addition to those in Section 10-4, may be gathered on forms prepared in accordance with Section 10-13. The separate pages bearing additional signatures

shall be filed at one time with the city clerk not more than six months after the filing of the original petition with the city clerk and shall be deemed to be part of the initiative petition. Such additional signatures together with those of the first fifty filers of the petition shall be at least equal in number to ten per cent of the total number of voters registered to vote at the most recent preceding regular city election.

Sec. 10-7. Initiative; Validation of Signatures; Action on Petition.

The sufficiency of the number of signatures to an initiative petition shall be determined in accordance with section 10-14. Within 30 days after an initiative petition is presented to the city council or the school committee, the city council or the school committee shall act with respect to the initiative measure by passing it without change, by rejecting it or by passing some other measure stated to be in lieu of the initiative measure. 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 30 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 city clerk shall promptly give written notice of that fact to the first 10 petitioners. Initiative measures shall not be subject to charter objection as provided in subsection (c) of section 2-9.

Sec. 10-8. Initiative: Supplemental Petitions; Submission to Voters.

Within 45 days after notice of the rejection of an initiative measure has been given by the city clerk, a supplemental initiative petition addressed to the city council or the school committee on forms prepared in accordance with section 10-13 may be filed with the city clerk. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to 5 per cent of the total number of voters registered to vote at the most recent preceding regular city election. The sufficiency of the number of signatures to a supplemental initiative petition shall be determined in accordance with section 10-14. If the number of signatures to a supplemental initiative petition is sufficient, the city council shall provide for submission of the initiative measure to the voters in accordance with section 10-15.

Sec. 10-9. Referendum: Right to Refer to Registered Voters.

Except as otherwise provided by law or this charter, any measure passed by the city council or the school committee, including a measure proposed by initiative procedures and passed by the city council or the school committee, may be protested and referred to the voters in accordance with this article.

Sec. 10-10. Referendum: Commencement of Proceedings.

Referendum procedures shall be started by the filing of a referendum petition with the city clerk within 20 days after the final passage by the city council or the school committee of the measure to which the petition relates. The petition shall be addressed to the city council or the school committee on forms prepared in accordance with section 10-13 and shall be signed by a number of voters which is at least equal to 5 per cent of the total number of voters registered to vote at the most recent preceding regular city election. Whenever referendum procedures are started in accordance with this section, the referendum measure shall thereupon be suspended from taking effect and such suspension shall remain in force until: (i) it is determined that there is an insufficient number of signatures to the petition; (ii) the referendum measure has been repealed or rescinded by the city council or the school committee; or (iii) the question of whether the measure should take effect has been determined by the voters. (Referendum of 11-04-75.)

Sec. 10-11. Referendum: Validation of Signatures; Action on Petition.

The sufficiency of the number of signatures to a referendum petition shall be determined in accordance with

section 10-14. Within 30 days after a referendum petition is presented to the city council, it shall reconsider the referendum measure and shall repeal or rescind it or the city council shall provide for referring the matter to the voters in accordance with section 10-15. Within 30 days after a referendum petition is presented to the school committee it shall likewise reconsider and repeal or rescind the referendum measure or shall notify the city council that it has failed to take such action with respect to the measure. Upon receipt of such notice, the city council shall thereupon provide for referring the matter to the voters in accordance with said section 10-15.

Sec. 10-12. Initiative and Referendum: Ineligible Measures.

None of the following measures shall be subject to initiative or referendum procedures: (i) proceedings relating to the organization or operation of the city council or school committee; (ii) an emergency measure passed in conformity with this charter; (iii) the city budget or the school committee budget; (iv) revenue loan orders; (v) any appropriations for the payment of the city's debts or obligations; (vi) appropriations of funds necessary to implement a written agreement executed under section 7 of chapter 150E of the General Laws; (vii) any proceedings or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee; (viii) any proceedings repealing or rescinding a measure or a part of a measure, which is protested by referendum procedures; and (ix) any proceeding providing for the submission or referral of a matter to the voters at an election.

Sec. 10-13. Initiative and Referendum: Forms of Petitions.

(a) Signatures to initiative, supplemental initiative and referendum petitions need not all be on 1 paper.

(b) Each separate page of an initiative, supplemental initiative and referendum petition on which signatures in addition to those of the original filers of the petition are obtained shall bear the names and addresses of any 10 original filers of the petition and shall also have the following 2 sentences in substantially the following form at the top of the petition:

“Each of the undersigned requests that the (City Council) (School Committee) of the City of Newton pass the following measure (set forth initiative measure in full). Each of the undersigned certifies that the signer is a registered voter of the city and that the signer has not signed this initiative petition more than once.”

(c) Each separate page of a supplemental initiative petition shall have the following 2 sentences in substantially the following form at the top:

“Each of the undersigned requests that the following measure which was presented by an initiative petition and then rejected by the (City Council) (School Committee) of the City of Newton be submitted to all the registered voters of the city (set forth initiative measure in full). Each of the undersigned certifies that the undersigned is a registered voter of the city and has not signed this supplemental initiative petition more than once.”

(d) Each separate page of a referendum petition shall have 2 sentences in substantially the following form at the top:

“(Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton whereby it passed the following measure: (set forth the protested measure in full), and requests that such measure be repealed or rescinded.); or (Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton in passing (describe measure in general terms) insofar as said measure contains the following provisions: (set forth the protested provisions in full), and requests that such provisions be repealed or rescinded.) Each of the undersigned certifies that the signer is a registered voter of the city and the signer has not signed this referendum petition more than once.”

(e) All initiative, supplemental initiative, and referendum petitions shall require the following information to be furnished by each signer in accordance with the following instructions which shall appear on each page:

Name*

Present Address (Street and Number)

* Written signature of voter; provided, however, that a registered voter prevented from writing by physical disability may authorize another person to write the voter’s signature and address.

Registered Address (Street and Number on January 1, 20**)

1.....

2.....

3.....

** If a voter was registered later than this date, the registered address on the later date shall be used.

(f) If a petition is expected to be filed in the period between July 15 and December 31, the year inserted in "Registered Address" in subsection (e) shall be the then-current year. If a petition is expected to be filed in the period between January 1 and July 15, the year inserted in “Registered Address” in said subsection (e) shall be the preceding year. (Referendum of 11-04-75.)

Sec. 10-14. Initiative and Referendum Procedures; Validation; Notice; Objections.

Whenever a completed initiative petition, a supplemental initiative petition, or a referendum petition is filed with the city clerk, the city clerk shall submit the petition to the election commission forthwith. The election commission shall thereupon examine the petition and place a check mark against each signature which the commission determines is the name of a voter, except that when the commission has checked a number of signatures which is 40 per cent greater than the minimum number of signatures required for a valid petition, the commission need not examine or check any further signatures. The commission shall prepare a certificate showing the number of signatures to the petition which have been checked by the commission and the number of voters who were entitled to vote at the most recent preceding regular city election and the commission shall return the petition with the certificate to the city clerk. The number of persons who were so entitled to vote shall be deemed to be the number of voters for the purposes of sections 10-6, 10-8 and 10-10. The city clerk shall hold the petition and the commission's certificate available for public inspection during ordinary office hours for 2 full days; provided, however, that unless written objections to the certificate of the commission are filed by a voter within said period, the commission's certificate shall be deemed conclusive. If objections are so filed, the city clerk shall promptly give written notice of that fact to the first 10 petitioners. Objections to the sufficiency or validity of the signatures on any petition shall be disposed of forthwith in the manner provided by the General Laws and, to the extent required, the commission shall revise the certificate accordingly. If the certificate of the commission or its revised certificate, if any, shows that the number of signatures to the petition is insufficient, the city clerk shall give written notice of that fact to the first 10 petitioners and shall retain the petition for at least 6 months after which period the city clerk may destroy the petition. If the original or revised certificate shows that the number of signatures is sufficient, the city clerk shall present the petition and the applicable certificate to the city council or the school committee as may be appropriate.

Sec. 10-15. Initiative and Referendum: Referral to Voters.

Whenever an initiative measure is to be submitted to the voters or a referendum measure is to be referred to the voters, the city council shall provide for the submission or referral at the next regular city election; but in the case of a referendum measure the city council may (i) within 30 days after a decision by the city council or the school committee not to repeal or rescind a measure or (ii) in the case of inaction by the city council or the school committee on the repeal or rescission of a measure within 30 days following the 30-day period referred to in section 10-11, call a special election to be held within 120 days of the vote.

Sec. 10-16. Initiative and Referendum: Form of Question.

(a) At the election at which an initiative measure is submitted to the registered voters, the ballot shall contain a question in substantially the following form:

“Shall the following measure which was proposed by an initiative petition addressed to the (City Council) (School Committee) take effect? (Text of proposed measure) Yes—— No——?”.

(b) At the election at which a referendum measure is referred to the voters, the ballot shall contain a question in substantially the same form as 1 of the following:

“Shall the following measure which was passed by the (City Council) (School Committee) be approved? (Text of measure) Yes—— No——?”; or

“Shall the following provisions of the (describe measure in general terms) which was passed by the (City Council) (School Committee) be approved? (Text of provisions) Yes—— No——?”.

(c) Whenever an initiative measure or referendum measure is to be submitted or referred to the voters, the city clerk shall furnish a copy of the measure to the election commission. If the election commission deems it necessary or desirable, the commission shall prepare a fair and concise summary of the measure for use on the ballot or ballot label in lieu of the full text of the measure. The full text of the measure which is the subject matter of the petition shall be mailed to each household in which a voter resides.

Sec. 10-17. Initiative and Referendum: Time of Taking Effect.

An initiative measure shall take effect and a referendum measure shall be repealed or rescinded if a majority of the persons voting on the question so vote. Such measure shall take effect upon certification by the Election Commission of such vote.

Sec. 10-18. Initiative and Referendum: Inconsistent or Conflicting Provisions.

If two or more questions are submitted or referred to the voters at one election and as a result of the election inconsistent measures, which were contained in such questions, would be in effect thereafter, only the measure receiving the greater number of votes in favor of its effectiveness shall take effect or remain in effect.

Sec. 10-19. Initiative and Referendum: Effect of Veto by the Mayor.

Nothing in this article shall be construed to impair a mayor's power to veto action by the city council to the extent that the power is conferred on the mayor, except that the mayor shall not have any power to veto city council proceedings providing for the submission of an initiative measure or the referral of a referendum measure to the voters. If the mayor vetoes an initiative measure passed by the city council or vetoes proceedings of the city council repealing or rescinding a referendum measure and the city council fails to override the mayor's veto, the city council shall provide for submitting the initiative measure or referring the

referendum measure to the voters.

ARTICLE 11. GENERAL PROVISIONS

Sec. 11-1. Certificate of Election and Appointment.

Every person who is elected, including those elected by the city council, or appointed by the mayor to an office shall receive a certificate of the election or appointment from the city clerk. Except as otherwise provided by law, before performing any act under the election or appointment, the person shall take and subscribe to an oath to qualify the person to enter upon the duties of the office. A record of the taking of the oath shall be made by the city clerk. Any oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths. Records of transactions of all officers and boards shall be properly kept and shall, subject to such reasonable restrictions as the city council may prescribe, be open to the inspection of the public.

Sec. 11-2. Appointments and Removals.

All officers and city agencies shall, subject to the laws of the Commonwealth relating to the civil service, appoint their subordinates and employees to hold office until they are removed by the officer or city agency under whom they serve; but all appointments in the Police and Fire Departments shall be approved by the mayor, who shall also have the power of removal in said departments.

Sec. 11-3. Rules and Regulations.

A copy of all rules and regulations adopted by any city agency shall be filed in the office of the city clerk and made available for review by any person who requests such information.

Sec. 11-4. Reenactment and Publication of Ordinances.

The city council shall, not later than 1 year after the charter is adopted and at 5-year intervals thereafter, cause to be prepared by a special committee of the city council appointed for that purpose a proposed revision or recodification of all ordinances of the city which shall be presented to the city council for reenactment. The revisions or recodifications shall be prepared under the supervision of the city solicitor or, if the city council so directs, by special counsel retained for that purpose.

Sec. 11-5. Liability of City Officers and Agencies.

All city officers and members of city agencies shall be deemed to be public or municipal officers or officials. Subject to appropriation, the city may indemnify any such officer or member for expenses or damages incurred in the defense or settlement of a claim against the officer or member which arose while acting within the scope of the officer or member's official duties or employment, but only to the extent and subject to the limitations imposed by the General Laws.

Sec. 11-6. Prohibition.

No member of the executive or legislative branch or of the school committee shall appear as counsel before any City officer or agency.

Sec. 11-7. Meetings of Qualified Voters.

General meetings of the voters may be held from time to time, according to the right secured to the people by

the constitution of the Commonwealth; and all such meetings may, and upon the request in writing of fifty voters setting forth the purposes thereof, shall be duly called by the city council.

Sec. 11-8. Construction of Public Facilities.

There shall be established by ordinance a designer selection committee. Said ordinance shall provide that the designer selection committee shall be consulted and directed to make recommendations whenever an architect is to be engaged by the city for any purpose. There shall also be established by ordinance a design review committee which shall be responsible for the coordination of the design review process on any public facility for which an architect has been engaged. The ordinance may provide for one design review committee for all public buildings or it may provide that separate committees be established for each facility.

Sec. 11-9. Severability.

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

Sec. 11-10. Specific Provisions Shall Prevail.

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

Sec. 11-11. References to General Laws.

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

Sec. 11-12. Computation of Time.

In computing time under the charter, if seven days or less, "days" shall refer to secular days and shall not include Sunday's or legal holidays. If more than seven days, every day shall be counted.

Sec. 11-13. 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:

“Charter”, the charter and any amendments to the charter made through any of the methods provided under Article LXXXIX of the Amendments to the State Constitution.

“City”, the city of Newton.

“City agency”, any board, commission, committee, council, department or office of the city government; provided, however, that “city agency” shall not include a neighborhood area council as provided in article 9.

“Full council”, the entire authorized complement of the city council notwithstanding any vacancies which might exist.

“Initiative measure”, a measure proposed by initiative procedures under the charter.

“Majority vote”, a majority of those present and voting; provided, however, that a quorum of the body shall be present.

“Measure”, an ordinance passed or which could be passed by the city council or an order, resolution, vote or other proceeding passed or which could be passed by the city council or the school committee.

“Referendum measure”, a measure that is protested by referendum procedures under this charter.

“Voters”, the registered voters of the city of Newton.

ARTICLE 12. TRANSITIONAL PROVISIONS

Sec. 12-1. Continuation.

All ordinances, resolutions, rules and regulations of the City which are in force at the time the charter is adopted, not inconsistent with the provisions of the charter, shall continue in force until amended or repealed.

Sec. 12-2. Continuation of Government.

All City agencies shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

Sec. 12-3. Continuation of Administrative Personnel.

Any person holding an office or position in the administrative service of the city or any person serving in the employment of the city shall retain such office or position and shall continue to perform the duties of such office or position until provisions shall have been made in accordance with the charter for the performance of the duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the city shall forfeit such person’s pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

Sec. 12-4. 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 assigned in whole or part to another City agency shall be transferred forthwith to the City agency to which such powers and duties are assigned.

Sec. 12-5. Effect on Obligations, Taxes and Other Legal Acts.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the City before its adoption of the charter, and all taxes, special 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 remain unaffected by the charter; and no legal act done by or in favor of the City shall be rendered invalid by its adoption of the charter.

Sec. 12-6. Disposition of Special Acts.

(a) *Partial Repeal of Certain Special Acts*—The following Special Acts insofar as they confer power upon the

City of Newton which the City would not otherwise hold under the charter, General Laws or the constitution, are retained; otherwise, they are hereby repealed, it being the explicit intention of this paragraph that portions of any Special Acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the charter: *Chapter three hundred and forty-four of the acts of eighteen hundred and seventy-two; chapter three hundred and fifty-three of the acts of eighteen hundred and seventy-four; chapter one hundred and forty-five of the acts of eighteen hundred and seventy-four; chapter one hundred and twenty-five of the acts of eighteen hundred and seventy-four; chapter eighteen of the acts of eighteen hundred and seventy-six; chapter fifty-four of the acts of eighteen hundred and seventy-six; chapter one hundred of the acts of eighteen hundred and seventy-seven; chapter one hundred and forty-four of the acts of eighteen hundred and seventy-seven; chapter sixty-three of the acts of eighteen hundred and seventy-eight; chapter one hundred and forty-seven of the acts of eighteen hundred and seventy-eight; chapter sixty-nine of the acts of eighteen hundred and seventy-eight; chapter one hundred and nine of the acts of eighteen hundred and eighty-six; chapter three hundred and two of the acts of eighteen hundred and eighty-nine; chapter two hundred and thirty-four of the acts of eighteen hundred and ninety; chapter seventy of the acts of eighteen hundred and ninety-two; chapter two hundred and ninety-six of the acts of eighteen hundred and ninety-three; chapter one hundred and ninety-eight of the acts of eighteen hundred and ninety-five; chapter three hundred and forty of the acts of eighteen hundred and ninety-six; chapter two hundred and sixty-nine of the acts of eighteen hundred and ninety-eight; chapter sixty-three of the acts of eighteen hundred and ninety-eight; chapter eighty-nine of the acts of eighteen hundred and ninety-nine; chapter four hundred and fifteen of the acts of nineteen hundred; chapter two hundred and four of the acts of nineteen hundred and one; chapter one hundred and sixty-five of the acts of nineteen hundred and one; chapter four hundred and eighty of the acts of nineteen hundred and two; chapter one hundred and thirty-three of the acts of nineteen hundred and three; chapter one hundred and sixty-seven of the acts of nineteen hundred and six; chapter two hundred and two of the acts of nineteen hundred and ten; chapter seven hundred and sixty-nine of the acts of nineteen hundred and thirteen; chapter one hundred and eighty-nine of the acts of nineteen hundred and thirteen; chapter six hundred and eighty-three of the acts of nineteen hundred and thirteen; chapter one hundred and seventy-seven of the acts of nineteen hundred and fifteen; chapter three hundred and thirty-two of the acts of nineteen hundred and seventeen; chapter eighty-six of the acts of nineteen hundred and twenty; chapter five hundred and sixty-one of the acts of nineteen hundred and twenty; chapter thirty-four of the acts of nineteen hundred and twenty-four; chapter two hundred and forty-three of the acts of nineteen hundred and twenty-four; chapter thirty-five of the acts of nineteen hundred and twenty-five; chapter three hundred and thirty-six of the acts of nineteen hundred and twenty-seven; chapter seventy-three of the acts of nineteen hundred and twenty-eight; chapter twenty-five of the acts of nineteen hundred and thirty-two; chapter twenty of the acts of nineteen hundred and thirty-four; chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-five; chapter three hundred and fifteen of the acts of nineteen hundred and forty-nine; chapter three hundred and forty-four of the acts of nineteen hundred and forty-nine; chapter three hundred and sixty-seven of the acts of nineteen hundred and fifty-three; chapter four hundred and nineteen of the acts of nineteen hundred and fifty-five; chapter two hundred and eleven of the acts of nineteen hundred and fifty-five; chapter one hundred and two of the acts of nineteen hundred and fifty-six; chapter one hundred and one of the acts of nineteen hundred and fifty-six; chapter four hundred and thirty-nine of the acts of nineteen hundred and sixty-one; chapter three hundred and sixteen of the acts of nineteen hundred and sixty-two; chapter three hundred and thirty-seven of the acts of nineteen hundred and sixty-seven; chapter six hundred and thirty-one of the acts of nineteen hundred and sixty-nine.*

(b) *Special Acts Repealed Outright*—The following Special Acts are hereby repealed: *Chapter one hundred and sixteen of the acts of eighteen hundred and thirty-two; chapter two hundred and eighty-three of the acts of eighteen hundred and ninety-seven; chapter one hundred and thirty-five of the acts of nineteen hundred; chapter two hundred and eighty-two of the acts of nineteen hundred and two; chapter three hundred and seventy-six of the acts of nineteen hundred and two; chapter one hundred and fifty-two of the acts of nineteen hundred and three; chapter eighty-eight of the acts of nineteen hundred and five; chapter three hundred and sixty-two of the acts of nineteen hundred and ten; chapter five hundred and fifty-seven of the acts of nineteen hundred and ten; chapter one hundred and eight of the acts of nineteen hundred and thirteen; chapter three hundred and eighty-three of the*

acts of nineteen hundred and thirteen; chapter one hundred and five of the acts of nineteen hundred and fourteen; chapter eighty-six of the acts of nineteen hundred and nineteen; chapter eighty-five of the acts of nineteen hundred and nineteen; chapter one hundred and eighty-two of the acts of nineteen hundred and forty-three; chapter two hundred and eight of the acts of nineteen hundred and fifty-two; chapter five hundred and forty-nine of the acts of nineteen hundred and fifty-three; chapter five hundred and thirty-two of the acts of nineteen hundred and fifty-four; chapter one hundred twenty-one of the acts of nineteen hundred and fifty-five; chapter one hundred and eighty-two of the acts of nineteen hundred and sixty.

(c) *Special Acts Repealed: Action Taken Thereunder Preserved*—The following Special Acts are repealed; provided, however, that nothing contained in the charter shall be construed to revoke, invalidate or otherwise alter acts done in compliance therewith or under the authority thereof: *Chapter one hundred and twenty-five of the acts of eighteen hundred and sixty-nine; chapter one hundred and thirty-four of the acts of eighteen hundred and seventy-one; chapter two hundred and seventy-eight of the acts of eighteen hundred and ninety-three; chapter four hundred and fifty-seven of the acts of eighteen hundred and ninety-six; chapter one hundred and ninety-nine of the acts of nineteen hundred and two; chapter two hundred of the acts of nineteen hundred and two; chapter thirty-three of the acts of nineteen hundred and fifteen; chapter one hundred and six of the acts of nineteen hundred and fifteen; chapter eighty-seven of the acts of nineteen hundred and seventeen; chapter seventy-two of the acts of nineteen hundred and eighteen; chapter three hundred and thirty-two of the acts of nineteen hundred and twenty; chapter seventy-four of the acts of nineteen hundred and twenty-one; chapter one hundred and sixty-seven of the acts of nineteen hundred and twenty-three; chapter three hundred and ninety-four of the acts of nineteen hundred and twenty-four; chapter three hundred and twenty-seven of the acts of nineteen hundred and twenty-eight; chapter one hundred and sixty-four of the acts of nineteen hundred and forty-seven; chapter two hundred and ten of the acts of nineteen hundred and forty-seven; chapter four hundred of the acts of nineteen hundred and forty-nine; chapter fifty-two of the acts of nineteen hundred and fifty-five; chapter six hundred and twenty-one of the acts of nineteen hundred and sixty-three.*

(d) *Special Acts Specifically Retained*: The following Special Acts are hereby recognized, confirmed and retained—an act of *January 11, sixteen hundred and eighty-seven* ordering that Cambridge Village be a distinct village and place by itself; and an act of *December 15, sixteen hundred and ninety-one* ordering that Cambridge Village thenceforth be called New Town, except insofar as they are inconsistent with Section 1-1 of this charter, providing for the name, the "City of Newton", which portions are hereby repealed.

Sec. 12-7. Time of Taking Effect.

The charter shall become fully effective 12:01 p.m. on the first secular day of January following the election at which it is approved by the voters, except as follows:

- (a) The term of office of the mayor elected at the election at which the charter is approved shall be for the term of two years, and the provisions of Section 3-1 of the charter with respect to the term of office of the mayor being four years and with respect to the mayor's serving full time, not holding any other elected public office and not actively engaging in a business, occupation or profession shall not become effective until the term beginning after the regular City election next following the election at which the charter is adopted.
- (b) The counting of consecutive terms for the office of school committee member shall begin with the first term after the election at which the charter is adopted. Terms served prior to the effective date of the charter shall not be counted for the purpose of the limitation contained in Section 4-1(c) of the charter.

This act shall take effect on January 1, 2016. (Acts of 2015, Chap. 87.)

PREAMBLE

We, the people of Newton, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, adopt this charter with the expectation and intent that the charter will continue and enhance the city's strong traditions of active voter participation; ethical, transparent and responsive leadership; wise use of public resources; respect for all in the community; and an engaged populace. We expect and intend that our government will be welcoming and inclusive and will promote equality and respect for all people.

Definitions

Unless the context clearly requires otherwise, the following words as used in this charter shall have the following meanings:

"Charter", the city charter and any amendments to the charter made through any of the methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts.

"City", the city of Newton.

"City agency", any board, commission, committee, council, department or office of the city government; provided, however, that "city agency" shall not include a neighborhood area council as provided in article 9.

"Council member", a councilor-by-ward or councilor-at-large.

"Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

"Full council", the entire authorized complement of the city council notwithstanding any vacancies which might exist.

"Initiative measure", a measure proposed by initiative procedures under the charter. "Majority vote", a majority of those present and voting; provided, however, that a quorum of the body shall be present.

"Measure", an ordinance passed or which could be passed by the city council or an order, resolution, vote or other proceeding passed or which could be passed by the city council or the school committee.

PART I

CHARTER*

~~Art. 1. Incorporation; Form of Government; Powers of the City, §§ 1-1—1-5~~

~~Art. 2. Legislative Branch, §§ 2-1—2-11~~

~~Art. 3. Executive Branch, §§ 3-1—3-10~~

~~Art. 4. School Committee, §§ 4-1—4-6~~

~~Art. 5. Financial Procedures, §§ 5-1—5-4~~

~~Art. 6. Administrative Departments, §§ 6-1—6-3~~

~~Art. 7. Planning, §§ 7-1—7-5~~

~~Art. 8. Nominations and Elections, §§ 8-1—8-6~~

~~Art. 9. Neighborhood Area Councils, §§ 9-1—9-11~~

~~Art. 10. “Multiple member body”, any board, commission or committee consisting of 2 or more persons, whether elected or appointed or otherwise constituted, but not including the city council, the school committee or an *ad hoc* or advisory committee appointed by the mayor.~~

~~“Referendum measure”, a measure that is protested by referendum procedures under this charter.~~

~~“Reorganization plan”, a plan submitted by the mayor to the city council, which proposes the abolition or consolidation of 1 or more city agencies, including the reassignment of significant functions from 1 agency to another, or the establishment of 1 or more new city agencies as deemed necessary to deliver 1 or more municipal services.~~

~~“Voters”, the registered voters of the city of Newton.~~

~~Free Petition; Initiative; Referendum, §§ 10-1—10-19~~

~~Art. 11. General Provisions, §§ 11-1—11-13~~

~~Art. 12. Transitional Provisions, §§ 12-1—12-7~~

ARTICLE 1-

INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY

~~See~~SECTION 1--1. Incorporation.

—The inhabitants of the City of Newton, within the corporate limits as now established or as hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "City of Newton."

~~See~~SECTION 1--2. Form of Government.

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

~~See~~SECTION 1--3. Powers of the City.

—Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the Commonwealth, it is the intent and the purpose of the charter to confer upon the city all powers it is possible to confer under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated ~~herein in this charter~~.

~~See~~SECTION 1--4. Construction.

—The powers of the city under the charter shall be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in ~~Section~~section 1--3.

~~See~~SECTION 1--5. Intergovernmental Relations.

—Subject only to express ~~requirements~~limitations of the constitution and statutes of the Commonwealth, the city may exercise any of its powers and perform any of its functions, and may participate in the financing ~~thereof of any of its powers and functions~~, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any civil division or agency ~~thereof of the Commonwealth~~ or the United States government or any agency ~~thereof of the Unites States government~~.

ARTICLE 2-
LEGISLATIVE BRANCH

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

—(a) Composition — There shall be a city council of 2412 members which shall exercise the legislative powers of the city. ~~Sixteen~~Eight of ~~these~~the council members, to be known as councilors ~~at large~~by ward, shall be ~~nominated and elected by~~domiciled in the ~~voters at large, 2 such councilors at large to be elected~~ward from ~~each of the 8 wards which elected but shall be nominated and elected by the voters~~ of the city. ~~The other 8 members, to be known as ward councilors, shall be nominated and elected by and from the voters of each ward, 1 ward, 1~~ councilor to be elected from each of the 8 wards of the city. ~~The other 4 members, to be known as councilors-at-large, shall be nominated and elected by the voters 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 councilor ~~by ward~~ shall be a resident of the ward from which the candidate seeks election as of ~~the date that the~~July 1 of the year in which a regular election ~~commission makes available blank forms is held.~~ A candidate for the ~~nomination of candidates for office. In order to hold the~~ office of councilor, ~~a candidate at large shall have continuously been~~be a resident of the ~~ward from which the candidate is elected from the date that the city as of July 1 of the year in which a regular~~ election ~~commission made the blank forms available until and including the first day of the term for which the candidate is elected. A held.~~

No member of the city council shall, ~~notwithstanding the member's removal from 1 ward of the city to another,~~ hold any other elected office.

(c) Removal of Residency — If a councilor ~~by ward~~ moves to a different ward, the councilor ~~by ward shall~~ continue to serve and to perform the ~~member's~~councilor's official duties during the ~~member's~~councilor's term of office. The removal from residency within the city by any council member shall create a vacancy in ~~such~~the councilor's office.

—(e)(d) Election and Term — The ~~term~~term of ~~councilors~~council members shall be 2 years beginning on the first ~~secular~~ day of January after their election ~~and continuing~~ until their successors are qualified. ~~(Referendum of 11-04-75; Acts of 2002, Chap. 368.)~~ No person shall be eligible for election to the city council for a ninth consecutive full term.

~~See.~~(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 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, by council rules, or by vote of the city council. The vice-president shall act as president during the absence or disability of the president.

See SECTION 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.

See SECTION 2-4. Prohibitions.

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

See SECTION 2-5. Filling of Vacancies.

(a) Special Election— ~~If there be~~ a vacancy occurs, by failure to elect, removal from residency in the city, death, resignation or otherwise, on the city council ~~within~~ at any time before the ~~first 15 calendar~~ final 9 months of the term for which ~~councilors are~~ the council member was elected, the city council shall ~~forthwith call at its next regular meeting~~ introduce a measure calling for a special election to fill the vacancy for the remainder of the unexpired term and shall, within 30 days, act on that measure. The election shall be by the voters of the ~~whole city in the case of councilors at large or city~~.

~~(b) Councilor 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 occurs within the final 9 months of the term for which ~~councilors are~~ a councilor-by-ward is elected, no special election shall be held. ~~In to fill the case of a vacancy in the office of ward councilor, the person~~

~~elect~~ed 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, 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 ~~that~~the 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.~~

See, Councilor-at-large: 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 section 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 the city as of the date on which the city council calls the special election.

SECTION 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~~shall be exercised in a manner determined by ~~the~~the city council.

—(b) Quorum —~~A~~ — The presence of a majority of members of the city council then in office shall constitute a quorum ~~but a smaller number may meet and adjourn from time to time for the transaction of business.~~ 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 ~~may~~shall be held on the call of: the mayor as provided in ~~subsection (b) of section 3-7, on the call of (b);~~ the president of the city council; ~~or on the call of any 74~~ or more members of the city council by written notice delivered to the place of residence or business of each member at least 2448 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.~~

See SECTION 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~~. ~~Vacancies in said offices shall be filled for the balance of any unexpired term by the city council~~ a roll call vote.

—A vacancy in the office 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. ~~-(Acts of 1991, Chap. 50.)~~

See SECTION 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 establish by ordinance ~~establish~~, 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.

See (d) Legal Assistance 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 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 2021~~ days after adoption or at any later date specified in ~~this charter~~the measure. 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 then in office. 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 32 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 54 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. The city council may, by rule, limit the application of the charter objection procedure.

~~See.~~(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 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.

See:SECTION 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~~ 5 days 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.

**ARTICLE 3.
EXECUTIVE BRANCH**

See: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.

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

(d) The mayor shall receive such salary as the city council shall determine by ordinance ~~from time to time determine,~~ 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.

See 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.~~

See (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 and shall be especially fitted by education, training and experience to perform the duties of the office.

SECTION 3-3. Appointments by Mayor.

—(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~~take effect 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 rejects the appointment within ~~said~~those 30 days.

(c) All officers and city agencies shall reject such appointment, 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.

(d) 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 rejects the appointment within said those 60 days ~~shall reject such appointment. Rejection by the city council shall require a 2/3 vote.~~

~~—(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. 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) Rejection by the city council of an appointment by the mayor under (b) or (d) shall require a 2/3 vote.~~

(f) Appointments to multiple member bodies may include city employees only if allowed by the multiple member body's enabling language; provided that, unless otherwise required by law, such employees shall not serve as chair of the multiple member body. Unless otherwise required by law, no city employee shall serve on a multiple member body in a seat designated for a resident of the city.

(g) 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. (Acts of 1991, Chap. 50; Acts of 1992, Chap 173.)section 2-9(c).

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

See:SECTION 3--5. Removal of Officials; Vacancy Notification

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

See:(b) If the position of a city officer or department head becomes vacant, the mayor shall notify the city clerk and the city council within 48 hours.

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.

See: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 ~~from time to time throughout the year~~ not less frequently than semi-annually, by written communications to the city council, ~~keep it fully informed as~~ provide full disclosure of municipal revenues and all information related to the financial condition and future needs of the city and shall recommend such measures to ~~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.~~ Public notice of the meeting ~~shall~~ be posted at least ~~24~~ 48 hours in advance of the time set for the meeting; ~~or~~ for such lesser period as the mayor may determine in case of an emergency, of which the mayor shall be the judge.

See: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. ~~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.~~

~~_____~~, unless a city councilor has filed with the city clerk a motion to reconsider the measure under section 2-9(d). 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; ~~or (iii) the budget~~ (iii) a matter exclusively within the jurisdiction of the city council; (iv) 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 ~~not~~ 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 vetoed measure by a 2/3 vote of the ~~full~~ council then in office, 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.

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

~~_____ Whenever~~ if by reason of sickness, absence from the city or ~~other cause~~ otherwise, the mayor ~~shall be~~ is unable to ~~attend to~~ perform the duties of the office of the mayor, the president of the city council ~~or the vice president of the city council in the event of the president's disability through sickness or absence~~ shall, as acting mayor, possess the powers of the mayor only in those matters ~~not admitting of delay~~ 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. The city council, with approval of the mayor, may provide by ordinance for the handling of certain administrative duties of the mayor by other city councilors during the temporary absence of the 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 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. See.

SECTION 3-10. Vacancy in the Office of the Mayor.

~~————(a) If a vacancy occurs in the office of the mayor, by death, resignation, removal from office, failure to elect or otherwise at any time preceding the last 9 calendar months of the term for which the mayor was elected, the city council shall forthwith call, at its next regular meeting, introduce a measure calling for a special election to fill the vacancy for the remainder of the unexpired term; and shall, within 30 days, act on that measure. The special election shall be held within 150 days and, if a preliminary election is required under section 8-3, the preliminary election shall be held within 100 days of the calling of the election.~~

~~(b) 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 clerk of the council shall forthwith call a special meeting of the city council and the city council shall by majority vote of the full council elect 1 of its members as acting mayor for the remainder of the unexpired term. If the city council fails to elect an acting mayor as aforesaid within 30 days of the date of the meeting called by the clerk of the council, the president of the city council shall become acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful performance of the duties of the office. Upon the election and qualification of any member of the city council as acting mayor under this section, a vacancy shall exist in the member's council seat. president of the city council shall serve as the acting mayor until the next election for mayor is held. If the city council president is unable or unwilling to serve, the vice president of the city council shall serve as mayor. If both the council president and the council vice president are unable or unwilling to serve, the council shall elect from among its membership a councilor to serve as the acting mayor.~~

~~————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.~~ (c) 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 mayor's removal from residency within the city shall create a vacancy in the office.—
(Referendum of 11-04-75.)

**ARTICLE 4.
SCHOOL COMMITTEE**

See SECTION 4-1. Composition; Eligibility; Election and Term.

~~————(a) Composition — There shall be a school committee of 9 members, which shall exercise control and management; 8 of the public schools of the city. Eight of these members, whom shall be known as school committee members; . The school committee members shall be nominated~~

and elected by the voters ~~at large~~of the city, 1 school committee member to be elected from each ~~of the 8 wards~~ward of the city. The mayor shall serve, *ex officio*, as a member of the school committee with full power to vote. The school committee shall be the judge of the election and qualification of its members.

———(b) Eligibility — Only voters shall be eligible to hold the office of school committee member. A candidate for the office of school committee member 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 school committee member, 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 such blank forms available until and including the first day of the term for which the candidate is elected. A member of the school committee shall, notwithstanding the member's removal from 1 ward of the city to another,~~July 1 of the year in which a regular election is held.

If member of the school committee moves to a different ward, the member shall 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 any school committee member shall create a vacancy in such office.

———No member of the school committee shall hold any other elected office.

(c) Election and Term — The ~~term~~term of each school committee ~~members~~member shall be 2 years beginning on the first ~~secular~~ day of January after ~~their~~the member's election and shall continue until ~~their successors are~~ successor is qualified. No person shall be eligible for election to the school committee for a fifth consecutive full term. ~~(Referendum of 11-04-75; Acts of 2002, Chap. 368.)~~

~~Sec.~~(d) Compensation — School committee members 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 school committee in office at the time of the adoption of the ordinance making such change.

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

SECTION 4-2. Organization; Quorum; Rules of Procedure; Posting of Policies

———(a) Organization — ~~After~~ Upon the mayor ~~elect~~ and ~~a majority of the~~ school committee members ~~elect have been~~ being sworn, ~~the school committee shall be called together by~~ into office, the mayor ~~who~~ shall preside. ~~The~~ convene the school committee, which shall ~~then~~ elect a chair and vice-chair from among its members ~~a chair and a.~~ The vice-chair, ~~who~~ shall act as chair during the absence or disability of the chair. The school committee shall ~~also elect~~ appoint a secretary who

shall not be 1 of its members. The chair, vice-chair and secretary shall serve at the pleasure of the school committee.

——(b) Quorum—~~A. The presence of a~~ majority of members of the school committee then in office shall constitute a quorum ~~but a smaller number may meet and adjourn from time to time for the transaction of business.~~

——(c) Rules of Procedure—The school committee shall ~~from time to time~~ establish and periodically update rules for its proceedings.

——Except as otherwise authorized by ~~sections 18 to 25, inclusive, of chapter 30A of the~~ General Laws, all sessions of the school committee shall be open to the public ~~and press~~. A full, accurate and up-to-date record of the proceedings of the school committee and policies adopted by the school committee shall be kept and ~~shall be open;~~

(i) made electronically available to inspection by the public. It in a timely manner;

(ii) shall include a record of each roll call vote.; and

See.(iii) shall be available in such other forms and venues as the school committee determines.

SECTION 4-3. General Powers and Duties.

——The school committee shall aim for educational excellence in accordance with this charter and the Massachusetts General Laws. The school committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as provided by the city council ~~may by ordinance from time to time assign, or this charter.~~ The powers of the school committee shall include, but not be limited to, the power to: ~~(i) appoint a~~

(i) establish a mission statement for the Newton Public Schools and policies that align with that statement;

(ii) select, evaluate and remove the superintendent; ~~(ii) appoint~~

(iii) adopt all other officers and employees connected with the schools, fix their compensation and define their duties, make reasonable rules concerning their tenure of office and discharge them at its pleasure; ~~(iii) furnish and regulations for the management of the public school system;~~

(iv) adopt and oversee the administration of an annual operating budget for the school department, as provided in the city's budget;

(v) oversee all school buildings and grounds including, but not limited to, furnishing all school buildings with proper fixtures, furnishings and equipment; and ~~(iv) provide~~ providing ordinary

~~maintenance and repairs on all school buildings up to a maximum expenditure equal to 2 per cent of the school department's operating budget adopted for the preceding fiscal year; provided, however, that sums in excess of the maximum for the provision of ordinary maintenance and repairs may be appropriated by the mayor and the city council and no sums appropriated to accounts for ordinary maintenance and repairs shall be transferred without a 2/3 vote of the city council. (Referendum;~~

(vi) upon the recommendation of the superintendent, establish and appoint associate or assistant superintendents who shall report to the superintendent; and

(vii) serve as the employer representative for all employment agreements and labor contracts of employees under the jurisdiction of 41-04-75, the Newton Public Schools.

Sec. SECTION 4-4. New School Buildings.

~~Whenever in the opinion of~~ if the school committee determines that a new ~~schoolhouse~~ school building or a major renovation is required ~~or material alterations are needed, it,~~ the school committee shall send a written communication to the city council ~~stating the locality and the nature~~ describing the determination. The city council shall not approve a new building or a major renovation unless the school committee has approved the educational specifications of the new building or major renovation that align with the best practices established by the commonwealth.

This section shall also apply to a new building or renovation on property that the city acquires to address the educational needs of the ~~further provisions for schools which are needed; provided, however, that no schoolhouse shall be located, built or materially altered until the school committee shall have been consulted as to the proposed location and plans and had full opportunity to set forth its requirements~~ community.

Sec. SECTION 4-5. Prohibitions.

~~—~~ No former school committee member shall ~~hold~~ be appointed to any compensated ~~appointive~~ city office or ~~city~~ employment until 1 year after the expiration of the member's service on the school committee. This ~~provision~~ section shall not prohibit a former city employee or city officer from resuming the ~~duties~~ same position of the city officer or city employee ~~at~~ within 1 year of the conclusion of service on the school committee.

Sec. SECTION 4-6. Filling of Vacancies.

~~—~~ (a) If there be a vacancy occurs, by failure to elect, removal from the city, death, resignation or otherwise, on the school committee ~~within~~ at any time before the ~~first 15-~~ calendar ~~final~~ 9 months of the term for which the school committee ~~members are~~ member was elected, the city council shall ~~forthwith call~~ at its next regular meeting introduce a measure calling for a special election to fill the vacancy for the remainder of the unexpired term and shall, within 30 days, act on that measure. The election shall be by the voters of the ~~whole~~ city.

~~_____~~ (b) If thea vacancy shall occur after 15 calendar occurs within the final 9 months of the term for which a school committee members are member 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 member was elected, serve for the balance of the then-unexpired term.

(c) A candidate for the office of school committee member shall be a resident of the ward in which there is a vacancy as of the date on which the city council calls the special election.

ARTICLE 5- FINANCIAL PROCEDURES

See SECTION 5-1. Financial Condition of the City

The mayor shall annually prepare a forecast of city revenues, expenditures and the general financial condition of the city. The forecast shall cover at least 5 years and shall include all funds subject to appropriation. The forecast shall also include, but need not be limited to, an identification of factors with significant impact on the financial condition of the city, revenue and expenditure trends, potential sources of new or expanded revenues and long or short-term actions which may enhance the financial condition of the city. The mayor shall submit the forecast to the city council at least 6 months prior to the mayor's submission of the next fiscal year's operating budget and shall make the forecast available to the public for inspection.

SECTION 5-2. Submission of Budget; Budget Message.

~~_____~~ Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message and supporting documents.

~~_____~~ The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall: (i) outline the proposed financial policies of the city for the ensuing fiscal year; (ii) describe the important features of the budget; (iii) indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues and the reasons for such changes; (iv) summarize the city's debt position; and (v) include such other material as the mayor deems desirable or the city council may reasonably require.

~~See.~~ The budget shall include funding for legal assistance to the city council and an independent audit of all city accounts. The amount of funding for legal assistance to the city council may be amended by ordinance; provided however, that such an ordinance shall not take effect until the fiscal year following its adoption.

SECTION 5-23. Action on the Budget.

—The city council shall adopt the budget, with or without amendments, within 45 days following the day the budget is received by the city council. In amending the budget, the city council may delete or decrease any programs or amounts, except expenditures required by law or for debt service, but it may not increase any programs or amounts.

—If the city council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, 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.

See SECTION 5-34. Capital Inventory and Capital Improvement Program.

~~(a) Submission—The mayor shall prepare and submit to the~~ and city council ~~a 5-year capital improvement program at least 6 months prior to receipt~~ shall be active stewards of the ~~next fiscal year's operating budget~~ city's physical assets.

~~(b) Contents—The capital improvement program~~ (b) Capital Inventory — The mayor shall establish and update not less frequently than annually, an inventory of significant capital assets, such as: buildings; infrastructure (water, sewer, storm water, and road systems); moveable equipment; and such other property as determined by ordinance. The city council shall, by ordinance, establish the requirements of the inventory, such as: age; condition; maintenance and repair history; remaining useful life; and other features the city council deems appropriate.

(c) Capital Improvement Program— The mayor shall create a capital improvement program, which shall include: (i) a clear summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years with supporting data and rationale; (iii) cost estimates, method of financing and recommended time schedules; and (iv) the estimated annual cost of operating and maintaining the facilities capital assets included. The ~~above information~~ capital improvement program shall be revised and extended ~~each year~~ annually.

~~(e) Public Hearing—The city council shall publish in 1 or more newspapers of general circulation~~ (d) Submission — The mayor shall submit to the city council the general summary of inventory and the 5-year capital improvement program and a notice stating: (i) at least 6 months prior to the times and places where copies mayor's submission of the operating budget for the next fiscal year.

(e) Public Hearing—The city council shall make the proposed capital improvement program are available for inspection by to the public; and (ii) the date, time and place, not less than 2 weeks after the publication, when a and shall hold at least 1 public hearing, in accordance with state law, on the capital improvement program ~~will be held by the city council.~~

~~(d)~~ (f) Adoption —After the public hearing, concurrently with the passage of the next fiscal year's budget, the city council may amend and shall, by resolution, adopt the capital improvement program ~~with or without amendments. (Referendum of 11-04-75).~~

~~Sec.(g) Annual Report—The mayor shall annually report on the city’s progress regarding the capital improvement program.~~

SECTION 5-4-5. Contracts.

—All contracts entered into for or in behalf of the city by any officer or city agency shall be subject to the approval of the mayor, unless otherwise provided by law.

SECTION 5-6. Independent Audit

The city council shall annually provide for an independent audit of all city funds to be conducted by a certified public accountant in accordance with generally accepted accounting principles. The city council shall, by ordinance, establish procedures for oversight and administration of the annual audit including: (i) method of selection of an independent auditor; (ii) the scope of the audit; and (iii) receipt of the report and any recommendations from the auditor, including recommendations regarding internal controls.

**ARTICLE 6.
ADMINISTRATIVE DEPARTMENTS**

Sec. SECTION 6-1. Reorganization Plans by City Council.

~~—Except as otherwise provided by law or this charter, the city council may by ordinance: (i) reorganize, consolidate or abolish any existing city agency in whole or in part; (ii) establish new city agencies; and (iii) prescribe the functions of any city agencies. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by the mayor.~~

Sec. 6-2. Reorganization Plans by Mayor.

—(a) The mayor may, ~~from time to time,~~ prepare and submit to the city council reorganization plans which may, subject to applicable law and this charter, reorganize, consolidate or abolish any city agency, in whole or in part, or establish new city agencies as the mayor considers necessary or expedient. ~~The reorganization plan shall be accompanied by an explanatory memo which shall include: (i) reference to any ordinances to be repealed or modified; and (ii) a summary of proposed ordinance language changes to be put into effect by the plan.~~

—(b) Every reorganization plan shall, upon receipt by the ~~clerk of the city~~ council, be referred to an appropriate committee of the city council which shall, not more than 30 days ~~later~~ after receipt of the plan, hold a public hearing on the matter and shall, not later than the second regular meeting of the city council following the hearing, report either that it approves

or disapproves of the plan. A reorganization plan shall become effective 90 days after the date it is received by the city council unless the city council has prior to that date voted to disapprove the reorganization plan or unless a later effective date is specified in the plan. A reorganization plan presented by the mayor to the city council under this section ~~may~~ shall not be amended by the city council but shall either be approved or rejected as submitted ~~and~~. Reorganization plans shall not be subject to charter objection as provided in subsection (e) of section 2-9. (Referendum of 11-04-75; Acts of 1992, Chap 174.) (c).

~~See (c) The mayor shall provide notice, not later than March 1, to the city council of any reorganization plan reasonably expected to affect the budget for the ensuing fiscal year.~~

SECTION 6-3-2. Publication of Reorganization Plan.

~~—An~~ The city clerk shall maintain an up-to-date record of any reorganization plan adopted under this article shall be kept on file in the office of the city clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

ARTICLE 7. PLANNING

~~See~~ **SECTION 7-1. Department of Planning and Development.**

~~—There shall be a Department of Planning and Development.~~

~~See~~ There shall be a department of planning and development and a planning and development board. The membership and term of office of the planning and development board shall be determined by ordinance. The mayor shall appoint the members of the board subject to council confirmation as provided in section 3-3(a).

SECTION 7-2. Comprehensive Plan.

~~—(a) Content—~~ There shall be a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the entire city. The containing the plan shall cover the entire city and all of its functions and services or shall consist of a combination elements described in section 81D of plans governing specific functions and chapter 41 of the General Laws; provided however, that the city may also undertake planning activities relating to particular services or specific geographic areas within the city.

~~—(b) Adoption—~~ Within 2 years of the swearing in of a new mayor, the mayor shall submit to the city council reaffirmation of the comprehensive plan or a modification of the plan, including the recommendations of the planning and development board, for the city council's approval with or without amendments.

The mayor may submit to the city council a new comprehensive plan or modifications to the comprehensive plan as the mayor deems necessary.

Upon receipt ~~from the mayor~~ of a proposed new comprehensive plan, or a proposed modification of the ~~existing plan~~, the city council shall refer the proposal to the ~~planning and development board~~ which shall, within a time specified by the city council, report its recommendations on the proposal. After receipt of comprehensive plan, and the recommendations of the planning and development board, the city council shall hold at least 1 public hearing on the proposed ~~comprehensive plan or the proposed modification of the~~ or new comprehensive plan and shall, by resolution, adopt the same new comprehensive plan or modification of the comprehensive plan with or without amendments. ~~The city council may thereafter from time to time modify the comprehensive plan.~~

~~—(c) Effect—The ordinances of the city, including but not limited to, the zoning ordinances, shall be not inconsistent with the comprehensive plan shall serve as a guide to all future action by the city council concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.~~

See SECTION 7-3. Implementation of the Comprehensive Plan.

~~—(a) Land Use and Development Regulations—~~In accordance with the General Laws, the city council may by ordinance adopt land use and development regulations including, but not limited to, an official map and zoning regulations reflecting the intent of the city's comprehensive plan.

~~—(b) Urban Renewal—~~In accordance with the General Laws, the city council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for the alleviation or prevention of slums, obsolescence, blight or other conditions or deterioration.

~~—(c) Action by the City Council—~~Before acting on and the Planning and Development Board ~~—~~ If any proposed ordinance concerning land use and development regulations, urban renewal or expenditures for capital improvements, where the ordinance involves a matter covered by addressed in the comprehensive plan concerning land use, development regulations, or capital improvement expenditures, the city council shall first refer the ~~proposal~~ proposed ordinance to the planning and development board ~~which.~~ The board shall, ~~within a time specified by the city council and prior to the public hearing on the proposed ordinance,~~ report in writing its recommendations on the proposal. Upon adopting any such ordinance, the city council shall make findings and report on the relationship between the ordinance and the comprehensive plan and the comprehensive plan shall be deemed to be amended in accordance with the findings and report in writing to the city council on the proposed ordinance in accordance with section 5 of chapter 40A of the General Laws.

**ARTICLE 8.
NOMINATIONS AND ELECTIONS**

Sec. SECTION 8--1. Nonpartisan General Provisions for All Elections.

~~————~~ ~~All elections~~ (a) Elections of City ~~city~~ officers shall be nonpartisan, and election ballots or ballot labels for such officers shall be printed without any party mark, emblem, or designation ~~whatsoever~~.

Sec. (b) Signature Requirements — The number of signatures of voters in the city required to place the name of a candidate on the official ballot to be used at an election shall be:

(1) for mayor: 400 signatures; and

(2) for councilor-by-ward, councilor-at-large or school committee member: 150 signatures.

(c) Ballot Position — The election commission shall randomly draw lots to determine the order in which names of candidates shall appear on the ballot for each office.

(d) Information to Voters — The name and street address of each candidate, but not any other information regarding the candidate, shall appear on the ballot at any city election; provided, however, that if the candidate in a regular city election is an incumbent of the office to which the candidate seeks election, the phrase "Candidate for Re-election" shall appear beside the candidate's name.

SECTION 8--2. Regular City Elections.

~~————~~ ~~(a) Date~~ — The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-~~—~~ numbered year.

~~— (b) Ballot Position — The order in which names of candidates appear on the ballot for each office in a regular city election shall be determined by a drawing by lot conducted by the election commission.~~

~~— (c) Information to Voters — If the candidate in a regular city election is an incumbent of the office to which the candidate seeks election, against the candidate's name shall appear the phrase "Candidate for Re-election".~~

Sec. SECTION 8--3. Preliminary Elections: Special Elections.

~~————~~ ~~(a) Date~~ — For ~~each regular city election and~~ any special election called to fill a vacancy in the office of mayor, ~~there shall be held and for each regular city election,~~ a preliminary election ~~for the purpose of nominating~~ shall be held to nominate candidates. - The city council shall set the date for each preliminary election. ~~(Acts of 2008, chapter 152; Acts of 2015, chapter 26)~~

~~—(b) 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, or any special election for an office other than mayor, shall be as follows: for the office of mayor, four hundred signatures; for councilor at large, one hundred fifty signatures; for ward alderman, fifty signatures from the ward in which the election is to be held; for school committee member, one hundred fifty signatures.~~

~~—(c) 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 election commission.~~

~~—(d) Information to Voters—Every petition requesting the placement of the name of a candidate for nomination on the official ballot for use at a preliminary election, or for use at any special election for an office other than mayor, may state in not more than eight words the elected public offices which the candidate for nomination holds or has held. Against the name of any such candidate there shall be printed on the official ballot for a preliminary election, or any special election for an office other than mayor, the statement contained in the petition.~~

~~—(e) Provision~~ (b) Conditions Making Preliminary Election Unnecessary —If at the expiration of the time for filing petitions for nomination of candidates to be voted for any preliminary election, not more than twice as many such petitions have been filed for an office as are to be elected to such office, the candidates whose petitions have ~~thus~~ been filed shall be ~~deemed to have been~~ considered nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, ~~as the case may be,~~ and the ~~Election Commission~~ election commission shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. ~~If in consequence it shall appear that~~ if no names are to be printed upon the official ballot to be used at any preliminary election ~~in any ward or wards of the city,~~ no preliminary election shall be held ~~in any such ward or wards.~~

~~See~~ SECTION 8-4. **Special Elections.**

~~—Special elections—The city council shall set the date for a special election~~ The city council shall set the date for a special election to fill the office of councilor, ~~mayor-by-ward, councilor-at-large,~~ or school committee member as provided in sections 2-5, ~~3-10~~ and 4-6; provided that the date shall be held within 120 days ~~following~~ after the date on which the election is called. ~~Persons~~ No special election under section 2-5, 3-10 or 4-6 shall be held during the month of July or August and any election that would otherwise be scheduled to take place in July or August shall be held at the earliest possible date in September. A person elected at ~~the elections~~ a special election shall immediately be sworn and assume ~~their~~ that office.

~~Sec.~~**SECTION 8--5. Wards.**

~~—~~The territory of the city shall be divided into ~~eight~~**8** wards.

~~Sec.~~**SECTION 8--6. Application of State Laws.**

~~—~~Except as expressly provided in the charter and authorized by state law, ~~all~~ city elections shall be governed by the laws of the ~~Commonwealth~~**commonwealth** relating to the composition, powers, and duties of the election commission, the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular, and special elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

~~ARTICLE 9.~~

~~NEIGHBORHOOD AREA COUNCILS~~

~~Sec. 9-1. Purpose.~~

~~—It is the purpose of this article to encourage citizen involvement in government at the neighborhood level by permitting limited self government through the establishment of neighborhood area councils as legal entities of the city government.~~

~~Sec. 9-2. Establishment of Neighborhood Service Areas.~~

~~—The city council may establish 1 or more neighborhood service areas to provide services or functions that the neighborhood area council is authorized to undertake.~~

~~Sec. 9-3. Creation by Petition.~~

~~—(a) A petition may be submitted to the city council requesting the establishment of a neighborhood service area to provide any service or services which the city is otherwise authorized by law to provide. The petition must be signed by 20 per cent of the voters residing in the area. The petition shall describe the territorial boundaries of the proposed service area, shall specify the services to be provided, and shall indicate the size of the neighborhood area council.~~

~~—(b) Upon receipt of the petition, the council shall submit the petition for verification of signatures on the petition and, within 30 days following verification, the city council shall hold a public hearing on the question of whether or not the requested neighborhood service area shall be established. The hearing may be adjourned from time to time but shall be completed within 60 days of its commencement.~~

~~—(c) Within 30 days following the public hearing, the city council shall by resolution approve or disapprove the establishment of the requested neighborhood service area.~~

~~—(d) A resolution approving the creation of the neighborhood service area may contain amendments or modifications of the area's boundaries, functions, or the size of the neighborhood area council as set forth in the petition. (Referendum of 11-04-75.)~~

~~**Sec. 9-4. Boundary Changes of a Neighborhood Service Area.**~~

~~—The city council may, pursuant to a request from a neighborhood area council accompanied by a petition signed by at least 20 per cent of the voters residing in the area to be added or deleted, enlarge, diminish or otherwise alter the boundaries of any existing neighborhood service area following the procedures set forth in subsections (b) to (d), inclusive, of section 9-3.~~

~~**Sec. 9-5. Considerations in Setting Boundaries.**~~

~~—In establishing neighborhood service area boundaries and determining those services to be undertaken by a neighborhood area council, the city council shall study and take into consideration, but not be limited to, the following: (i) the extent to which the area constitutes a neighborhood with common concerns and a capacity for local neighborhood initiative, leadership and decision making with respect to city government; (ii) city agency authority and resources which may appropriately be either transferred or shared with the neighborhood council; (iii) population density, distribution and growth within a neighborhood service area to assure that its boundaries reflect the most effective territory for local participation and control; and (iv) citizen access to, control of and participation in neighborhood service area activities and functions.~~

~~**Sec. 9-6. Dissolution of a Neighborhood Service Area.**~~

~~—(a) The city council may, after a public hearing, dissolve a neighborhood service area on the initiative of the city council or pursuant to a petition signed by at least 20 per cent of the voters living within the neighborhood service area.~~

~~—(b) The city council shall give notice, in a newspaper of general circulation in the neighborhood service area, of its intention to hold a public hearing on a proposed dissolution. The notice shall be given not less than 14 days before the date of the public hearing.~~

~~**Sec. 9SECTION 8-7. Election of Neighborhood Area Councils; Vacancies.**~~

~~—(a) A neighborhood area council shall consist of 5 to 9 members. The term of office of each member shall be 2 years and until a successor is qualified.~~

~~—(b) The neighborhood area council members shall be elected at large by and from voters residing in the neighborhood service area at the time of the election. The city council shall determine the time and manner of holding the elections. The ward city councilor or ward city councilors who represent any portion of the area included in a neighborhood service area shall serve, ex officio with no power to vote, as members of the neighborhood area council.~~

~~—(c) A vacancy shall be filled by the neighborhood area council by appointment. Members so appointed shall serve for the remainder of the unexpired term and until their successors are qualified.~~

~~**Sec. 9-8. Neighborhood Area Council Powers and Functions.**~~

~~—A neighborhood area council may exercise any powers and perform any functions within the neighborhood service area expressly authorized by the city council, which may include but not be limited to:~~

- ~~(1) advisory or delegated substantive authority or both, with respect to such programs as a community action program, urban renewal, relocation, public housing, planning and zoning actions and other physical development programs, crime prevention and juvenile delinquency programs, health services, code inspection, recreation, education, and workforce training; provided, however, that nothing contained herein shall be construed to authorize the city council to delegate to any neighborhood area council any substantive authority with regard to zoning;~~

~~(ii) self help projects, such as supplemental refuse collection, beautification, minor street and sidewalk repair, establishment and maintenance of neighborhood community centers, street fairs and festivals, cultural activities, recreation and housing rehabilitation and sale; and~~

~~(iii) acceptance of funds from the public, but not including the city and private sources, including public subscriptions; and~~

~~(iv) expenditure of monies to meet overhead costs of council administration and support for neighborhood service area projects.~~

~~Sec. 9-9. Compensation; Meetings; By Laws; Quorum.~~

~~—(a) Members of a neighborhood area council shall receive no compensation but may receive reimbursement of actual and necessary travel and other expenses incurred in performance of official duties.~~

~~—(b) A neighborhood area council shall adopt by laws providing for the conduct of its business and the selection of a presiding officer and other officers. Copies of all by laws adopted by neighborhood area councils shall be made available to the public upon request.~~

~~—(c) A majority of the voting members of a neighborhood area council shall constitute a quorum for the transaction of business. Each member entitled to vote shall have one vote.~~

~~Sec. 9-10. Annual Report.~~

~~—Each neighborhood area council shall make an annual report of its activities to the city council which annual report shall be open to the public.~~

~~Sec. 9-11. Financial Records.~~

~~Each neighborhood area council shall keep complete financial records which shall be subject to city audit.~~

~~ARTICLE 10.~~

~~FREE PETITION; INITIATIVE; REFERENDUM~~

~~Sec. 10-1. Individual, Discretionary Petitions.~~

~~The city council and the school committee shall receive all petitions addressed to either of them and may in their discretion take such action with regard to the petitions as they deem necessary and advisable.~~

~~Sec. 10-2. 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, which is signed by at least 50 voters, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee or, in either case, by a committee or subcommittee of either the city council or school committee and the action by the city council or school committee shall be taken not later than 3 months after the petition is filed with the city clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and place and the city clerk shall mail notice of the hearing to the first 50 certified signers whose names appear on each petition at least 48 hours before the hearing. Notice by publication of all such hearings shall be at public expense. (Referendum of 11-04-75.)~~

~~Sec. 10-3. Initiative: Repeat Matters.~~

~~Except as otherwise provided by law or this charter, a measure may be proposed to the city council or the school committee in accordance with this article, but no measure which is substantially the same as any other measure submitted or referred to the voters and disapproved by them within 2 years or which would have the effect of repealing any measure so submitted or referred and approved by the voters within 2 years may be proposed by initiative procedures.~~

~~Sec. 10-4. Initiative: Commencement of Proceedings; Referral to City Solicitor.~~

~~Initiative procedures shall be started by the filing of an initiative petition with the city clerk. The~~

~~petition shall be addressed to the city council or the school committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by at least 50 voters. If the city clerk determines that at least 50 of the filers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.~~

~~Sec. 10-5. Initiative: Opinion of Solicitor.~~

~~—Within 15 days after receipt of the petition, the city solicitor shall advise the city clerk 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, the city solicitor shall state the reason or reasons for the opinion in the reply. The city clerk shall furnish a copy of the city solicitor's opinion to the person whose name first appears on the initiative petition.~~

~~Sec. 10-6. Initiative: Additional Signatures.~~

~~—The signatures of additional voters who support the petition in addition to those in Section 10-4, may be gathered on forms prepared in accordance with Section 10-13. The separate pages bearing additional signatures shall be filed at one time with the city clerk not more than six months after the filing of the original petition with the city clerk and shall be deemed to be part of the initiative petition. Such additional signatures together with those of the first fifty filers of the petition shall be at least equal in number to ten per cent of the total number of voters registered to vote at the most recent preceding regular city election.~~

~~Sec. 10-7. Initiative; Validation of Signatures; Action on Petition.~~

~~—The sufficiency of the number of signatures to an initiative petition shall be determined in accordance with section 10-14. Within 30 days after an initiative petition is presented to the city council or the school committee, the city council or the school committee shall act with respect to the initiative measure by passing it without change, by rejecting it or by passing some other measure stated to be in lieu of the initiative measure. 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 30 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 city clerk shall promptly give written notice of that fact to the first 10 petitioners. Initiative measures shall not be subject to charter objection as provided in subsection (c) of section 2-9.~~

~~Sec. 10-8. Initiative: Supplemental Petitions; Submission to Voters.~~

~~—Within 45 days after notice of the rejection of an initiative measure has been given by the city clerk, a supplemental initiative petition addressed to the city council or the school committee on forms prepared in accordance with section 10-13 may be filed with the city clerk. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to 5 per cent of the total number of voters registered to vote at the most recent preceding regular city election. The sufficiency of the number of signatures to a supplemental initiative petition shall be determined in accordance with section 10-14. If the number of signatures to a supplemental initiative petition is sufficient, the city council shall provide for submission of the initiative measure to the voters in accordance with section 10-15.~~

~~Sec. 10-9. Referendum: Right to Refer to Registered Voters.~~

~~—Except as otherwise provided by law or this charter, any measure passed by the city council or the school committee, including a measure proposed by initiative procedures and passed by the city council or the school committee, may be protested and referred to the voters in accordance with this article.~~

~~Sec. 10-10. Referendum: Commencement of Proceedings.~~

~~—Referendum procedures shall be started by the filing of a referendum petition with the city clerk within 20 days after the final passage by the city council or the school committee of the measure to which the petition relates. The petition shall be addressed to the city council or the school committee on forms prepared in accordance with section 10-13 and shall be signed by a number of voters which is at least equal to 5 per cent of the total number of voters registered to vote at the most recent preceding regular city election. Whenever referendum procedures are started in accordance with this section, the referendum measure shall thereupon be suspended from taking effect and such suspension shall remain in force until: (i) it is determined that there is an insufficient number of signatures to the petition; (ii) the referendum measure has been repealed or rescinded by the city council or the school committee; or (iii) the question of whether the measure should take effect has been determined by the voters. (Referendum of 11-04-75.)~~

~~Sec. 10-11. Referendum: Validation of Signatures; Action on Petition.~~

~~—The sufficiency of the number of signatures to a referendum petition shall be determined in accordance with section 10-14. Within 30 days after a referendum petition is presented to the city council, it shall reconsider the referendum measure and shall repeal or rescind it or the city council shall provide for referring the matter to the voters in accordance with section 10-15. Within 30 days after a referendum petition is presented to the school committee it shall likewise reconsider and repeal or rescind the referendum measure or shall notify the city council that it has failed to take such action with respect to the measure. Upon receipt of such notice, the city council shall thereupon provide for referring the matter to the voters in accordance with said section 10-15.~~

Sec. 10-12. Initiative and Referendum: ~~Ineligible Measures.~~

~~—None of the following measures shall be subject to initiative or referendum procedures: (i) proceedings relating to the organization or operation of the city council or school committee; (ii) an emergency measure passed in conformity with this charter; (iii) the city budget or the school committee budget; (iv) revenue loan orders; (v) any appropriations for the payment of the city's debts or obligations; (vi) appropriations of funds necessary to implement a written agreement executed under section 7 of chapter 150E of the General Laws; (vii) any proceedings or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee; (viii) any proceedings repealing or rescinding a measure or a part of a measure, which is protested by referendum procedures; and (ix) any proceeding providing for the submission or referral of a matter to the voters at an election.~~

Sec. 10-13. Initiative and Referendum: Forms of Petitions.

~~—(a) Signatures to initiative, supplemental initiative and referendum petitions need not all be on 1 paper.~~

~~—(b) Each separate page of an initiative, supplemental initiative and referendum petition on which signatures in addition to those of the original filers of the petition are obtained shall bear the names and addresses of any 10 original filers of the petition and shall also have the following 2 sentences in substantially the following form at the top of the petition:~~

~~—“Each of the undersigned requests that the (City Council) (School Committee) of the City of Newton pass the following measure (set forth initiative measure in full). Each of the undersigned certifies that the signer is a registered voter of the city and that the signer has not signed this initiative petition more than once.”~~

~~—(c) Each separate page of a supplemental initiative petition shall have the following 2 sentences in substantially the following form at the top:~~

~~—“Each of the undersigned requests that the following measure which was presented by an initiative petition and then rejected by the (City Council) (School Committee) of the City of Newton be submitted to all the registered voters of the city (set forth initiative measure in full). Each of the undersigned certifies that the undersigned is a registered voter of the city and has not signed this supplemental initiative petition more than once.”~~

~~—(d) Each separate page of a referendum petition shall have 2 sentences in substantially the following form at the top:~~

~~—“(Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton whereby it passed the following measure: (set forth the protested measure in full), and requests that such measure be repealed or rescinded.); or (Each of the undersigned protests the action of the (City Council) (School Committee) of the City of Newton in passing (describe measure in general terms) insofar as said measure contains the following provisions: (set forth the protested provisions in full), and requests that such provisions be repealed or rescinded.) Each of the undersigned certifies that the signer is a registered voter of the city and the signer has not signed this referendum petition more than once.”~~

~~—(e) All initiative, supplemental initiative, and referendum petitions shall require the following information to be furnished by each signer in accordance with the following instructions which shall appear on each page:~~

~~Name*~~

~~Present Address (Street and Number)~~

~~* Written signature of voter; provided, however, that a registered voter prevented from writing by physical disability may authorize another person to write the voter’s signature and address.~~

~~Registered Address (Street and Number on January 1, 20**)~~

~~1.....~~

~~2.....~~

~~3.....~~

~~** If a voter was registered later than this date, the registered address on the later date shall be used.~~

~~—(f) If a petition is expected to be filed in the period between July 15 and December 31, the year inserted in "Registered Address" in subsection (e) shall be the then current year. If a petition is expected to be filed in the period between January 1 and July 15, the year inserted in "Registered Address" in said subsection (e) shall be the preceding year. (Referendum of 11-04-75.)~~

~~Sec. 10-14. Initiative and Referendum Procedures; Validation; Notice; Objections.~~

~~—Whenever a completed initiative petition, a supplemental initiative petition, or a referendum petition is filed with the city clerk, the city clerk shall submit the petition to the election commission forthwith. The election commission shall thereupon examine the petition and place a check mark against each signature which the commission determines is the name of a voter, except that when the commission has checked a number of signatures which is 40 per cent greater than the minimum number of signatures required for a valid petition, the commission need not examine or check any further signatures. The commission shall prepare a certificate showing the number of signatures to the petition which have been checked by the commission and the number of voters who were entitled to vote at the most recent preceding regular city election and the commission shall return the petition with the certificate to the city clerk. The number of persons who were so entitled to vote shall be deemed to be the number of voters for the purposes of sections 10-6, 10-8 and 10-10. The city clerk shall hold the petition and the commission's certificate available for public inspection during ordinary office hours for 2 full days; provided, however, that unless written objections to the certificate of the commission are filed by a voter within said period, the commission's certificate shall be deemed conclusive. If objections are so filed, the city clerk shall promptly give written notice of that fact to the first 10 petitioners. Objections to the sufficiency or validity of the signatures on any petition shall be disposed of forthwith in the manner provided by the General Laws and, to the extent required, the commission shall revise the certificate accordingly. If the certificate of the commission or its revised certificate, if any, shows that the number of signatures to the petition is~~

~~insufficient, the city clerk shall give written notice of that fact to the first 10 petitioners and shall retain the petition for at least 6 months after which period the city clerk may destroy the petition. If the original or revised certificate shows that the number of signatures is sufficient, the city clerk shall present the petition and the applicable certificate to the city council or the school committee as may be appropriate.~~

~~Sec. 10-15. Initiative and Referendum: Referral to Voters.~~

~~—Whenever an initiative measure is to be submitted to the voters or a referendum measure is to be referred to the voters, the city council shall provide for the submission or referral at the next regular city election; but in the case of a referendum measure the city council may (i) within 30 days after a decision by the city council or the school committee not to repeal or rescind a measure or (ii) in the case of inaction by the city council or the school committee on the repeal or rescission of a measure within 30 days following the 30-day period referred to in section 10-11, call a special election to be held within 120 days of the vote.~~

~~Sec. 10-16. Initiative and Referendum: Form of Question.~~

~~—(a) At the election at which an initiative measure is submitted to the registered voters, the ballot shall contain a question in substantially the following form:~~

~~—“Shall the following measure which was proposed by an initiative petition addressed to the (City Council) (School Committee) take effect? (Text of proposed measure) Yes — No —?”.~~

~~—(b) At the election at which a referendum measure is referred to the voters, the ballot shall contain a question in substantially the same form as 1 of the following:~~

~~—“Shall the following measure which was passed by the (City Council) (School Committee) be approved? (Text of measure) Yes — No —?”; or~~

~~—“Shall the following provisions of the (describe measure in general terms) which was passed by the (City Council) (School Committee) be approved? (Text of provisions) Yes — No —?”.~~

~~—(c) Whenever an initiative measure or referendum measure is to be submitted or referred to the voters, the city clerk shall furnish a copy of the measure to the election commission. If the election commission deems it necessary or desirable, the commission shall prepare a fair and concise summary of the measure for use on the ballot or ballot label in lieu of the full text of the measure. The full text of the measure which is the subject matter of the petition shall be mailed to each household in which a voter resides.~~

~~**Sec. 10-17. Initiative and Referendum: Time of Taking Effect.**~~

~~—An initiative measure shall take effect and a referendum measure shall be repealed or rescinded if a majority of the persons voting on the question so vote. Such measure shall take effect upon certification by the Election Commission of such vote.~~

~~**Sec. 10-18. Initiative and Referendum: Inconsistent or Conflicting Provisions.**~~

~~—If two or more questions are submitted or referred to the voters at one election and as a result of the election inconsistent measures, which were contained in such questions, would be in effect thereafter, only the measure receiving the greater number of votes in favor of its effectiveness shall take effect or remain in effect.~~

~~**Sec. 10-19. Initiative and Referendum: Effect of Veto by the Mayor.**~~

~~—Nothing in this article shall be construed to impair a mayor's power to veto action by the city council to the extent that the power is conferred on the mayor, except that the mayor shall not have any power to veto city council proceedings providing for the submission of an initiative measure or the referral of a referendum measure to the voters. If the mayor vetoes an initiative measure passed by the city council or vetoes proceedings of the city council repealing or rescinding a referendum measure and the city council fails to override the mayor's veto, the city council shall provide for submitting the initiative measure or referring the referendum measure to the voters.~~

~~**ARTICLE 11.**~~

~~**GENERAL PROVISIONS**~~

~~**Sec. 11-1. Certificate of Election and Appointment.**~~

~~—Every person who is elected, including those elected by the city council, or appointed by the mayor, city council or school committee to an office, shall receive a certificate of the election or~~

appointment from the city clerk. Except as otherwise provided by law, before performing any act under the election or appointment, the person shall take and subscribe to an oath to qualify the person to enter upon the duties of the office. A record of the taking of the oath shall be made by the city clerk. Any oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths. Records of transactions of all officers and boards shall be properly kept and shall, subject to such reasonable restrictions as the city council may prescribe, be open to the inspection of the public.

ARTICLE 9 NEIGHBORHOOD AREA COUNCILS

~~Sec. 11-2. Appointments and Removals.~~

~~All officers~~ SECTION 9-1. Purpose

The purpose of this article is to reaffirm the existence of Newton's neighborhood area councils which provide a means for engagement at the neighborhood level. Neighborhood area councils are intended to facilitate communication between residents and city agencies officials.

SECTION 9-2. Authorization

The city council shall, by ordinance, establish the governance of neighborhood area councils.

SECTION 9-3. Boundaries and Creation

(a) The city council shall establish guidelines for neighborhood area council boundaries and creation. The guidelines shall include a minimum and a maximum number of residents to be represented by a neighborhood area council; provided, that at the time of the establishment of a neighborhood area council, the number of residents contained within the service area shall not be greater than the average number of residents in a ward.

(b) The city council may approve resident petitions for the establishment of neighborhood area councils.

(c) Neighborhood area council boundaries shall conform to the guidelines established by the city council and be reasonably compact.

SECTION 9-4. Elections

The city council shall establish, by ordinance, the manner in which the elections for neighborhood area councils will be conducted.

SECTION 9-5. Powers and Duties

Neighborhood area councils shall perform advisory and communications functions and such other functions as prescribed by ordinance. All functions allowed by ordinance shall apply equally to all neighborhood area councils.

SECTION 9-6. Additional Requirements

The ordinances that establish the governance of neighborhood area councils shall include requirements for area council bylaws providing for their structure and the conduct of their business, annual reporting, and maintenance of financial records. The neighborhood area councils shall propose bylaws conforming to the guidelines established by ordinance. Such bylaws shall require approval from the city council before implementation.

ARTICLE 10

FREE PETITION, INITIATIVE AND REFERENDUM

SECTION 10-1. Free Petition

(a) Individual, Discretionary Petitions.

The city council and the school committee shall receive all petitions addressed to either of them and may take such action with regard to the petitions as they deem necessary.

(b) Group Petitions to City Council or School Committee

If 100 or more voters sign a petition seeking the passage of a measure, and deliver the petition to the city council or the school committee, the city council or school committee shall hold a public hearing and act with respect to the petition. The hearing shall be held by the city council or the school committee, or, in either case, by a committee or sub-committee of the city council or school committee, not later than 3 months after the petition is filed with the clerk of the council or the secretary of the school committee. Hearings on 2 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 hearing to the 10 persons whose names appear first on the petition at least 7 days before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 10-2. Initiative Measures

(a) Commencement — Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure, which shall appear in full in the petition, and shall be signed by at least 200 voters. The petition shall be accompanied by an affidavit signed by 10 voters and containing

each voter's residential address stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor —If the election commissioners determine that the number of signatures of voters is sufficient, the petition shall be delivered to the clerk of the council or the secretary of the school committee, who shall, immediately following receipt of such certification, deliver a copy of the petition to the city solicitor. The city solicitor shall, within 15 days following receipt of a copy of the petition, advise the city council or the school committee, in writing, whether the measure may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for such opinion. A copy of the opinion of the city solicitor shall also be mailed to those identified on the affidavit as the petitioners committee.

(c) Additional Signatures —If the city solicitor determines that the petition is in a proper form, the city clerk shall provide blank petition forms within 10 days for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the members of the petitioners committee. The city clerk shall notify the petitioners committee that the blank petition forms are issued. Within 180 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least 10 per cent of the total number of registered voters as of the date of the most recent regular city election.

Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. The street and number of the residence of each signer shall appear with each signature on the petition.

Within 10 days following the filing of the petition, the election commissioners shall determine the number of voters that signed the petition and the percentage represented by that number of the total number of voters as of the date of the most recent regular city election. The election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the clerk of the council or the secretary of the school committee, depending on how the petition is addressed. A copy of the election commissioners' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions —Within 30 days following the date a petition and certificate has been returned to the clerk of the council or the secretary of the school committee by the election commissioners, the city council or the school committee shall pass the measure without change, pass a measure which is stated to be in lieu of the initiative measure, or reject the measure. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within 30 days following the date

it is returned to either the council or school committee by the election commissioners the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee shall promptly give notice of that fact to the members of the petitioners committee by certified mail. Initiative measures shall not be subject to the charter objection in section 2-9(c).

(e) Supplemental Petitions — Within 45 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to 5 percent of the total number of voters as of the date of the most recent regular city election.

(f) Scheduling of Election — If the number of signatures to such supplemental petition is found to be sufficient by the election commissioners for petitions submitted to the school committee, the city clerk shall notify both the secretary of the school committee and the city council. For petitions submitted to the council, the clerk shall notify the city council. For either a petition addressed to the school committee or the city council, the city council shall call a special election to be held on a date fixed by it not less than 45 nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other city election is to be held within 180 days following the date of said certificate, the city council may omit the calling of such special election and cause said question to appear on the municipal election ballot at such approaching election for determination by the voters.

(g) Publication — The city clerk shall provide a Notice to Voters by mail to every household in the city with at least 1 registered voter. The notice shall contain a fair, concise summary of the initiative measure as prepared by the city solicitor and the full text of the measure which is to be submitted to the voters. Such notice shall be sent not fewer than 14 days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk, at the public library, and by electronic means as determined by the city clerk.

(h) Form of Question — The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form: Shall the following measure which was proposed by voters in an initiative petition take effect? (Here insert the full text of the proposed measure, or a fair, concise summary prepared by the city solicitor)

YES _____

NO _____

(i) Time of Taking Effect — If a majority of the votes cast on the question is in the affirmative, and participation in the election complies with section 10-5, the measure shall be effective immediately, unless a later date is specified in the measure.

SECTION 10-3. Referendum Procedures

(a) Petition, Effect on Final Vote —Within 20 days following the date on which the city council or the school committee has voted finally to approve any measure, voters may file a petition protesting the measure or any part of the measure.

If such a petition is:

(1) signed by a number of voters equal to 5 percent of the total number of voters as of the date of the most recent regular city election as certified by the election commissioners;

(2) accompanied by an affidavit signed by 10 voters and containing each voter’s residential address stating those voters will constitute the petitioners committee; and

(3) addressed to the city council, or to the school committee and filed with the secretary of the school committee or the clerk of the council, the effective date of the measure shall be temporarily suspended.

The school committee or the city council shall immediately reconsider its vote on such measure or part of the measure, and if such measure or part of the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular city election, but pending such submission and determination, the effect of such measure shall continue to be suspended. Action by the council on referendum measures shall not be subject to the charter objection in section 2-9(c).

(b) Certain Initiative Provisions to Apply —The petition described in this section shall be termed a referendum petition and insofar as applicable section 10-2(b) providing for referral to the city solicitor for a legal opinion and section 10-2(g) providing for Notice to Voters of a summary and full text of the measure, shall apply to such referendum petitions, except that the words “measure or part of the measure protested against” shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it may occur in said sections.

(c) Form of Question —At the election at which a referendum measure is referred to the voters, the ballot shall contain a question in substantially the same form as 1 of the following:

“Shall the following measure which was passed by the (City Council) (School Committee) be approved? (Here insert the full text of the proposed measure being considered for repeal, or a fair, concise summary prepared by the petitioners and approved by the city solicitor)”

Yes No ?”; or

“Shall the following provisions of the (describe measure in general terms and the full text or a fair, concise summary prepared by the city solicitor of the affected provision(s) being considered for repeal) which was passed by the (City Council) (School Committee) be approved
Yes _____

No _____ ?”

(d) Time of Taking Effect —If a majority of the votes cast on the question is in the affirmative, the measure or part of the measure shall take effect immediately, but if the majority of votes cast is in the negative and complies with section 10-5, the measure shall be null and void.

SECTION 10-4. Ineligible Measures ~~laws of the Commonwealth~~

None of the following shall be subject to the initiative or the referendum procedures:

(1) any proceedings relating to the ~~city~~ internal organization or operation of the city council or of the school committee;

(2) any emergency measure adopted in conformity with the charter;

(3) the city budget or the school committee budget;

(4) any revenue loan orders;

(5) any appropriation for the payment of the city's debt or debt service, ~~appoint their subordinates;~~

(6) any appropriation of funds to implement a collective bargaining agreement;

(7) any proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion, of a city officer or employee or other personnel action;

(8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures; and

(9) any proceedings providing for the submission or referral of a matter to the voters at an election.

SECTION 10-5. Required Voter Participation

For any measure to be effective under initiative, or for any measure or part of a measure to be declared null and void under a referendum procedure, at least 20 per cent of the total number of voters as of the most recent regular city election shall have participated in the election to adopt the measure proposed under the initiative or to rescind the measure protested by the referendum.

SECTION 10-6. Conflicting Provisions

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

SECTION 10-7. Submission of Other Matters to Voters

As authorized by chapter 127 of the acts of 2014, the city of Newton may place a non-binding public opinion advisory question on the ballot for either a regular or special municipal election under the procedures established by section 18A of chapter 53 of the General Laws.

SECTION 10-8. Repeat Matters

A measure submitted to the voters through the initiative procedures as authorized by this Article and not approved by the voters shall not be resubmitted for a minimum of 2 years following such vote.

This prohibition shall also apply to any proposed initiative measure deemed by the city solicitor to: (a) be substantially the same as the defeated measure or (b) effectively repeal an adopted initiative measure.

Any measure that was the subject of a referendum and repealed by the voters shall not be the subject of an initiative procedure for a minimum of 2 years following such vote.

ARTICLE 11 **GENERAL PROVISIONS**

SECTION 11-1. Public Records

All public records shall be kept and made available to the public in accordance with the General Laws.

SECTION 11-2. Conflict of Interest

(a) All city employees ~~to hold office until they are removed by the officer or city agency under whom~~ shall be considered municipal employees under chapter 268A of the General Laws and shall comply with state conflict of interest laws.

(b) The city councilors, school committee members, and area councilors shall not seek to unduly influence or coerce the official acts of any city official.

This provision shall not prohibit assistance to constituents in their dealings with city officials.

(c) The city councilors, school committee members, and members of multiple member bodies shall not seek to unduly influence or coerce the appointment or removal of any person to or from office, except that they serve; but all appointments in the Police and Fire Departments shall be approved by the mayor, who shall also have the power of removal in said departments may submit recommendations or references on behalf of a candidate for city employment which are consistent with this charter.

See. SECTION 11--3. Rules and Regulations.

———(a) All rules and regulations adopted by any city agency shall be filed with the city clerk within 2 weeks of being approved. No rule or regulation may take effect sooner than 5 days after filing.

(b) A copy of all rules and regulations adopted by any city agency shall be filed in the office of the city clerk and made available for review by any person who requests such information at a reasonable time. All rules and regulations shall be made available electronically to the public.

See.

SECTION 11-4. Reenactment and Publication of Ordinances.

———(a) The city council shall, not later than 1 year after the charter is adopted and at 5-year intervals thereafter, cause to be prepared by, appoint a special recodification committee of the city council appointed for that purpose a proposed revision to propose revisions to or recodification of all ordinances of the city which, The recodification committee's proposal shall be presented to the city council for reenactment enactment. The revisions or recodifications recodification shall be prepared under the supervision of the city solicitor or, if the city council city council so directs, by special counsel retained for that purpose, and shall include a review for consistency with the comprehensive plan.

———See.(b) The city council shall, at 5-year intervals, appoint a special committee to evaluate all boards and commissions that have been established by the city and make a recommendation as to whether the boards and commissions shall continue.

(c) The recodification committee under (a) and the special committee under (b) may be combined into a single committee by the city council.

SECTION 11-5. Liability of City Officers and Agencies.

———All city officers and members of city agencies shall be deemed to be public or municipal officers or officials. Subject to appropriation, the city may indemnify any such officer or member for expenses or damages incurred in the defense or settlement of a claim against the officer or member which arose while acting within the scope of the officer or member's official duties or employment, but only to the extent and subject to the limitations imposed by the General Laws.

Sec. SECTION 11-6. Prohibition.

— No member of the executive or legislative branch or of the school committee shall appear as counsel before any Citycity officer or agency.

Sec. SECTION 11-7. Meetings of Qualified Voters.

~~— General meetings of the voters may be held from time to time, according to the right secured to the people by the constitution of the Commonwealth; and all such meetings may, and upon the request in writing of fifty voters setting forth the purposes thereof, shall be duly called by the city council.~~

Sec. 11-8-7. Construction of Public Facilities.

— There shall be established by ordinance a designer selection committee. ~~Said to comply with section 54 of chapter 7C of the General Laws regarding selection of design service professionals for municipal building projects. The~~ ordinance shall ~~provide that~~ require the designer selection committee ~~shall to~~ be consulted and directed to make recommendations whenever ~~an architecta design professional~~ is to be engaged by the city for ~~any purposea project that meets or exceeds the thresholds in said section 54.~~ There shall also be established by ordinance a design review committee which shall be responsible for the coordination of the design review process on any public ~~facilitybuilding~~ for which ~~an architecta design service professional~~ has been engaged. ~~The ordinance may provide for one~~ Whenever a school project is reviewed, at least 1 member of the school committee shall be included as a voting member of the design review committee ~~for all public buildings or it may provide that separate committees be established for each facility.~~

Sec. SECTION 11-9-8. Severability.

— If any provision of the charter is held invalid, the other provisions of the charter shall not be affected ~~thereby~~. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter ~~and its provisions~~ to other persons and circumstances shall not be affected ~~thereby~~.

Sec. SECTION 11-10-9. Specific Provisions Shall Prevail.

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

Sec. SECTION 11-11-10. References to General Laws.

—All references to the General Laws contained in the charter refer to the General Laws of the ~~Commonwealth~~commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.

SeeSECTION 11-12-11. Computation of Time.

~~—In computing time under the charter, if seven days or less, "days" shall refer to secular days and shall not include Sunday's or legal holidays. If more than seven days, every day shall be counted.~~

See.In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. If the period of time designated is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included; if the period is 7 days or more, Saturdays, Sundays and legal holidays, shall be included.

SECTION 11-12. Uniform Procedures

(a) Meetings —All appointed multiple member bodies of the city shall meet regularly at the times and places that they prescribe by their own rules. Special meetings of any multiple member body shall be held on the call of the chair or by 1/3 of the members of the body by written notice delivered electronically or in hand, to the place of residence of each member at least 48 hours before the time set, which shall contain notice of the subjects to be acted upon. A copy of the notice shall also be posted in accordance with law. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall, at all times, be open to the public.

(b) Rules and Journals —Each appointed multiple member body shall determine its own rules and order of business and shall provide for keeping records of its proceedings. Unless otherwise provided in a body's rules, procedures of all bodies shall be governed by the most recent edition of Robert's Rules of Order.

(c) Voting —If requested by any member, any vote of an appointed multiple member body shall be taken by a call of the roll and the vote of each member shall be recorded in the records, but if the vote is unanimous, only that fact need be recorded.

(d) Quorum —A majority of the members of an appointed multiple member body then in office shall constitute a quorum. Unless some other provision is made by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an exercise of the

powers of the multiple member body, unless otherwise required by law; provided, however that a vote to meet in “executive session” shall require a majority of members of the body then in office.

(e) Public Comments —Multiple member bodies shall develop and adopt a public comment policy. The policy shall include regular times throughout the year when public comment shall be scheduled at meetings, shall require that public comment periods appear on meeting agendas posted prior to the meeting and shall consider the convenience of the public when scheduling such public comment periods. Each multiple member body shall post its public comment policy by electronic means and shall, not less frequently than annually, review the policy and make revisions as needed.

SECTION 11-13. Periodic 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:~~

~~——“Charter”, the charter and any amendments to the charter made through any of the methods provided under Article LXXXIX of the Amendments to the State Constitution. **Review**~~

~~—“City”, the city of Newton.~~

~~—“City agency”, any board, commission, committee, council, department or office of the city government; provided, however, that “city agency” shall not include a neighborhood area council as provided in article 9.~~

~~——“Full council”, the entire authorized complement of the city council notwithstanding any vacancies which might exist.~~

~~“Initiative measure”, a measure proposed by initiative procedures under the charter.~~

~~——“Majority vote”, a majority of those present and voting; provided, however, that a quorum of the body shall be present.~~

~~——“Measure”, an ordinance passed or which could be passed by the city council or an order, resolution, vote or other proceeding passed or which could be passed by the city council~~

~~or the school committee.~~

~~“Referendum measure”, a measure that is protested by referendum procedures under this charter.~~

~~“Voters”, the registered~~ Not later than July 1, at 10-year intervals in each year ending in a 5, the mayor and city council shall establish, by ordinance, a charter review committee to review the city charter. The charter review committee shall submit its report to the city clerk as specified by ordinance. The report shall be made available to the public electronically or at a cost not to exceed the actual cost of reproduction.

All members of the charter review committee shall be voters of the city ~~of Newton.~~

ARTICLE 12. TRANSITIONAL PROVISIONS

See SECTION 12--1: Continuation of Existing Laws

~~—All general laws, special laws, city ordinances, resolutions, rules and regulations of the City or pertaining to Newton, including special acts creating regional entities and arrangements of which the city is a member, that are in force at the time the~~ when this charter is adopted, takes effect, and not specifically or by

implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter, shall continue to be decided in force until amended or repealed ~~favor of this charter.~~

See SECTION 12--2: Continuation of Government and Administration

~~—All City~~ city agencies shall continue to perform their duties until re-elected, reappointed, ~~re-elected,~~ or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another city agency.

See SECTION 12-3: Continuation of Administrative Personnel.

~~—Any person holding an office or position in the administrative service of the city or any person serving in the employment of the city shall retain such office or position and shall continue to perform the duties of such office or position until provisions shall have been made in accordance with the charter for the performance of the duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the city shall forfeit such person’s pay grade or time in~~

~~service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.~~

~~See. All city officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the adoption by the voters of this home rule charter.~~

SECTION 12--4.: Transfer of Records and Property.

~~—All records, property, and equipment ~~whatsoever~~ of any Citycity agency, or part ~~thereof~~ of a city agency, the powers and duties of which are assigned in whole or in part to another Citycity agency, shall be transferred ~~forthwith~~ immediately to ~~the City~~ that agency ~~to which such powers and duties are assigned.~~~~

See. SECTION 12--5.: Effect on Obligations, Taxes and Other Legal Acts, Etc.

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

See. SECTION 12--6.: Disposition of Special Acts. Legislation

~~—(a) *Partial Repeal of Certain Special Acts*—The following Special Acts insofar as they confer power upon the City of Newton which the City would not otherwise hold under the charter, General Laws or the constitution, are retained; otherwise, they are hereby repealed, it being the explicit intention of this paragraph that portions of any Special Acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the charter: Chapter three hundred and forty four of the acts of eighteen hundred and seventy two; chapter three hundred and fifty three of the acts of eighteen hundred and seventy four; chapter one hundred and forty five of the acts of eighteen hundred and seventy four; chapter one hundred and twenty five of the acts of eighteen hundred and seventy four; chapter eighteen of the acts of eighteen hundred and seventy six; chapter fifty four of the acts of eighteen hundred and seventy six; chapter one hundred of the acts of eighteen hundred and seventy seven; chapter one hundred and forty four of the acts of eighteen hundred and seventy seven; chapter sixty three of the acts of eighteen hundred and seventy eight; chapter one hundred and forty seven of the acts of eighteen hundred and seventy eight; chapter sixty nine of the acts of eighteen hundred and seventy eight; chapter one hundred and nine of the acts of eighteen hundred and eighty six; chapter three hundred and two of the acts of eighteen hundred and eighty nine; chapter two hundred and thirty four of the acts of eighteen hundred and ninety; chapter seventy of the acts of eighteen hundred and ninety two; chapter two hundred and ninety six of the acts of eighteen hundred and~~

~~ninety three; chapter one hundred and ninety eight of the acts of eighteen hundred and ninety five; chapter three hundred and forty of the acts of eighteen hundred and ninety six; chapter two hundred and sixty nine of the acts of eighteen hundred and ninety eight; chapter sixty three of the acts of eighteen hundred and ninety eight; chapter eighty nine of the acts of eighteen hundred and ninety nine; chapter four hundred and fifteen of the acts of nineteen hundred; chapter two hundred and four of the acts of nineteen hundred and one; chapter one hundred and sixty five of the acts of nineteen hundred and one; chapter four hundred and eighty of the acts of nineteen hundred and two; chapter one hundred and thirty three of the acts of nineteen hundred and three; chapter one hundred and sixty seven of the acts of nineteen hundred and six; chapter two hundred and two of the acts of nineteen hundred and ten; chapter seven hundred and sixty nine of the acts of nineteen hundred and thirteen; chapter one hundred and eighty nine of the acts of nineteen hundred and thirteen; chapter six hundred and eighty three of the acts of nineteen hundred and thirteen; chapter one hundred and seventy seven of the acts of nineteen hundred and fifteen; chapter three hundred and thirty two of the acts of nineteen hundred and seventeen; chapter eighty six of the acts of nineteen hundred and twenty; chapter five hundred and sixty one of the acts of nineteen hundred and twenty; chapter thirty four of the acts of nineteen hundred and twenty four; chapter two hundred and forty three of the acts of nineteen hundred and twenty four; chapter thirty five of the acts of nineteen hundred and twenty five; chapter three hundred and thirty six of the acts of nineteen hundred and twenty seven; chapter seventy three of the acts of nineteen hundred and twenty eight; chapter twenty five of the acts of nineteen hundred and thirty two; chapter twenty of the acts of nineteen hundred and thirty four; chapter two hundred and sixty one of the acts of nineteen hundred and thirty five; chapter three hundred and fifteen of the acts of nineteen hundred and forty nine; chapter three hundred and forty four of the acts of nineteen hundred and forty nine; chapter three hundred and sixty seven of the acts of nineteen hundred and fifty three; chapter four hundred and nineteen of the acts of nineteen hundred and fifty five; chapter two hundred and eleven of the acts of nineteen hundred and fifty five; chapter one hundred and two of the acts of nineteen hundred and fifty six; chapter one hundred and one of the acts of nineteen hundred and fifty six; chapter four hundred and thirty nine of the acts of nineteen hundred and sixty one; chapter three hundred and sixteen of the acts of nineteen hundred and sixty two; chapter three hundred and thirty seven of the acts of nineteen hundred and sixty seven; chapter six hundred and thirty one of the acts of nineteen hundred and sixty nine.~~

~~—(b) *Special Acts Repealed Outright*—The following Special Acts are hereby repealed: Chapter one hundred and sixteen of the acts of eighteen hundred and thirty two; chapter two hundred and eighty three of the acts of eighteen hundred and ninety seven; chapter one hundred and thirty five of the acts of nineteen hundred; chapter two hundred and eighty two of the acts of nineteen hundred and two; chapter three hundred and seventy six of the acts of nineteen hundred and two; chapter one hundred and fifty two of the acts of nineteen hundred and three; chapter eighty eight of the acts of nineteen hundred and five; chapter three hundred and sixty two of the acts of nineteen hundred and ten; chapter five hundred and fifty seven of the acts of nineteen hundred and ten; chapter one hundred and eight of the acts of nineteen hundred and thirteen; chapter three hundred and eighty three of the acts of nineteen hundred and thirteen; chapter one hundred and five of the acts of nineteen hundred and fourteen; chapter eighty six of the acts of nineteen hundred and nineteen; chapter eighty five of the acts of nineteen hundred and nineteen; chapter one hundred and eighty two of the acts of nineteen hundred and forty three; chapter two hundred and eight of the acts of nineteen hundred and fifty two; chapter five hundred and forty nine of the acts of nineteen hundred and fifty three; chapter five hundred and thirty two of the acts of nineteen hundred and fifty four;~~

~~chapter one hundred twenty one of the acts of nineteen hundred and fifty five; chapter one hundred and eighty two of the acts of nineteen hundred and sixty;~~

~~—(c) *Special Acts Repealed: Action Taken Thereunder Preserved*—The following Special Acts are repealed; provided, however, that nothing contained in the charter shall be construed to revoke, invalidate or otherwise alter acts done in compliance therewith or under the authority thereof: *Chapter one hundred and twenty five of the acts of eighteen hundred and sixty nine; chapter one hundred and thirty four of the acts of eighteen hundred and seventy one; chapter two hundred and seventy eight of the acts of eighteen hundred and ninety three; chapter four hundred and fifty seven of the acts of eighteen hundred and ninety six; chapter one hundred and ninety nine of the acts of nineteen hundred and two; chapter two hundred of the acts of nineteen hundred and two; chapter thirty three of the acts of nineteen hundred and fifteen; chapter one hundred and six of the acts of nineteen hundred and fifteen; chapter eighty seven of the acts of nineteen hundred and seventeen; chapter seventy two of the acts of nineteen hundred and eighteen; chapter three hundred and thirty two of the acts of nineteen hundred and twenty; chapter seventy four of the acts of nineteen hundred and twenty one; chapter one hundred and sixty seven of the acts of nineteen hundred and twenty three; chapter three hundred and ninety four of the acts of nineteen hundred and twenty four; chapter three hundred and twenty seven of the acts of nineteen hundred and twenty eight; chapter one hundred and sixty four of the acts of nineteen hundred and forty seven; chapter two hundred and ten of the acts of nineteen hundred and forty seven; chapter four hundred of the acts of nineteen hundred and forty nine; chapter fifty two of the acts of nineteen hundred and fifty five; chapter six hundred and twenty one of the acts of nineteen hundred and sixty three.*~~

~~—(d) *Special Acts Specifically Retained*: The following Special Acts are hereby recognized, confirmed and retained—an act of *January 11, sixteen hundred and eighty seven* ordering that Cambridge Village be a distinct village and place by itself; and an act of *December 15, sixteen hundred and ninety one* ordering that Cambridge Village thenceforth be called New Town, except insofar as they are inconsistent with Section 1-1 of this charter, providing for the name, the "City of Newton", which portions are hereby repealed.~~

See (a) All provisions of Article XII, section 6 as appearing in the city's Home Rule Charter adopted in 1971, identified as *Partial Repeal of Certain Special Acts, Special Acts Repealed Outright, Special Acts Repealed: Action Taken Thereunder Preserved, and Special Acts Specifically Retained* are hereby retained by reference.

(b) The following acts pertaining to the City of Newton are hereby retained: chapter 705 of the acts of 1975, chapter 479 of the acts of 1982, chapter 499 of the acts of 1989, chapter 73 of the acts of 2007, and chapter 127 of the acts of 2014.

(c) The following acts pertaining to the City of Newton are hereby repealed: chapter 50 of the acts of 1991, chapter 173 of the acts of 1992, chapter 174 of the acts of 1992, chapter 368 of the acts of 2002, chapter 152 of the acts of 2008, chapter 26 of the acts of 2015 and chapter 87

of the acts of 2015.

SECTION 12--7-- Time of Taking Effect.

~~—The~~This charter shall ~~become fully~~be effective ~~12:01 p.m. on the first secular day of January~~ following the election at which it is approvedupon adoption by the voters, except as follows:

~~(a) The term of office of the mayor elected at the election at which the charter is approved shall be for the term of two years, and the provisions of Section 3-1 of the charter with respect to the term of office of the mayor being four years and with respect to the mayor's serving full time, not holding any other elected public office and not actively engaging in a business, occupation or profession shall not become effective until the term beginning after the regular City election next following the election at which the charter is adopted.~~

(a) Section 2-1(a) relative to the composition of the city council shall take effect for the regular city election of November 2019.

(b) The counting of consecutive terms for the office of Sections 2-1(d), 3-1, and 4-1(c) relative to term limits shall take effect for the mayor, city council and school committee member shall begin with the first term after the elected in 2017; provided, however, that school committee members re-elected to office at such election shall continue to be bound by the term limit requirements in effect at the time of their initial election to office.

(c) Section 2-5 relative to vacancies on the council shall take effect on January 1, 2020.

(d) Section 2-6 relative to the adoption and revision of council rules shall take effect as follows:

(1) Within 20 days of its election, the council-elect elected in the November 2019 municipal election at which the charter is adopted. Terms served prior to the effective date of the charter shall not be counted shall meet for the purpose of the limitation contained examining the current rules and determining the need for any revisions to adhere to the provisions of Section 2-6. The meeting shall be called by the city clerk. The councilor-elect with the highest number of years of service on the council shall preside. If 2 or more councilors have served the same number of years on the council, the member oldest in Section 4-1(c) of the charter age shall preside at such meeting.

~~—This act~~(2) Subsection (c) relative to the number of councilors required to call a special meeting of the city council shall take effect on January 1, 2020.

(e) Section 2-9(c) relative to charter objection shall take effect on January 1, 2016. (Acts of 2015, Chap. 87.) 2020.

(f) Section 3-3(d) relative to the service of city employees on boards and commissions shall take

effect as follows:

(1) any city employee serving as chair of a board or commission shall be replaced as chair upon the completion of the term to which appointed or by June 30, 2018, whichever shall occur sooner; and,

(2) no additional city employees shall be appointed as members of any board or commission until the number of such employees does not exceed 1/3 of the board or commission membership nor shall sitting city employees continue to serve beyond the completion of the term to which appointed, or no later than January 1, 2021, whichever shall occur sooner.

(g) The mayor shall file the initial required listing of all vacancies on boards and commissions under Section 3-3(f) by June 30, 2018.

(h) Section 3-7(a) shall be in effect as of the close of FY2018, with the mayor submitting the close of fiscal year report within 6 weeks after the close of FY2018.

(i) The first forecast submitted to the city council by the mayor under section 5-1 shall be submitted no later November 1, 2018.

(j) The third paragraph of section 5-2 shall take effect upon the mayor's submission of the FY2019 budget; the amount appropriated for legal assistance to the city council in the FY2019 budget shall be 2 per cent of the proposed budget for the city law department.

(k) The city council shall adopt an ordinance establishing the requirements and deadline for the first submission of the capital inventory required under section 5-4(b) no later than June 30, 2018. The first inventory shall be submitted to the council within 6 months of the adoption of such ordinance or by November 1, 2018, whichever shall occur sooner.

(l) The city council shall by ordinance establish the procedures for oversight and administration of the audit required under section 5-6 no later than June 30, 2018.

(m) (1) Until such time as ordinances are adopted pursuant to (2) below, Neighborhood Area Councils shall continue to operate under their existing resolutions.

(2) To implement Article 9, the city council shall adopt ordinances under sections 9-2, 9-4 and 9-6 and the guidelines required by section 9-3, no later than January 1, 2020.

(n) Any petitions for initiative and referendum pursuant to section 10-4 and 10-10 of the charter adopted in 1971, as amended, filed with the city clerk prior to adoption of this charter shall proceed and be completed as provided in the charter adopted in 1971, as amended; provided, however, that the requirement for voter participation appearing in section 10-5 shall be in effect for such initiative or referendum elections scheduled to be held after adoption of this charter.

(o) Section 11-3(a) and 11-3(b) shall apply to any rules or regulations adopted, amended or revised after January 1, 2018.

(p) The city council shall appoint the committees referenced under of section 11-4(a) and 11-4(b) no later than January 1, 2019.

(q) Section 11-12 establishing uniform procedures for multiple member bodies shall take effect on January 1, 2018; provided, however, that public comment policies under section 11-12 (e) shall be adopted and electronically posted by June 30, 2018.