



Charter Subcommittee Agenda
City of Newton
In City Council

Tuesday, July 17, 2018

7:00PM
Room 205

Scheduled for Discussion:

Discussion and review:

- Article 4: School Committee (other than term limits)
- Article 11: General Provisions
- Article 12: Transition provisions
- General related matters

Respectfully Submitted,

R. Lisle Baker, Chair

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.

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, who~~ 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~~ 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.)~~

See (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.

Commented [JK1]: July 1 (prior to regular election) seemed to be a clearer deadline for residency.

Commented [JK2]: Charter Commission added explicit prohibitions on anyone holding multiple elected offices.

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.

Commented [JK3]: Standard reimbursement language. Currently appears in Article 9, but not Article 2 or 4.

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;~~
- ~~(i)~~(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.~~

Commented [JK4]: Charter Commission attempted to broaden the public nature of School Committee policies and documents.

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;

Commented [JK5]: Re-visit to the powers and duties was intended to modernize the charter regarding the School Committee responsibilities after the Education Reform Act of 1993 and reflecting current practices. Examples include: clarifying who is responsible for hiring and firing school department employees; and prescriptive language regarding 2% of operating budget towards building maintenance.

- (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
- ~~(i)~~(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.

See:

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.

See:

SECTION 4-5. Prohibitions-

Commented [JK6]: Language in 4-4 intended to clarify and reflect the actual role of the School Committee regarding school facilities.

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 30 days, act on that measure.~~ The election shall be by the voters of the ~~whole~~ city.

Commented [JK7]: Replaced "forthwith" with "at its next regular meeting" similar to City Council vacancies. Intended to spur action expeditiously.

(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 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.

Commented [JK8]: Intended to clarify and fill a gap in language that had not previously been specified in the charter.

ARTICLE 11.
GENERAL PROVISIONS

~~city agency under whom~~ **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 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.

The city council shall, ~~not later than 1 year after the charter is adopted and~~ at 5-year intervals ~~thereafter,~~

(a) ~~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

Commented [JK1]: Charter Commission tried to make public records requirements explicit in document.

Commented [JK2]: Chapter 268A is the State Law applicable to conflict of interest. General Laws include "municipal employees." Charter Commission wanted to explicitly require a high standard of behavior from elected officials and prohibit undue influence or coercion, but also protect constituent services function.

Commented [JK3]: With enhanced provisions on transparency, Charter Commission tried to ensure that residents would have access to all rules and regulations of city agencies. Requirement on agencies to file with Clerk already in Charter – timing of filing is new. Subsection (b) requires the Clerk to make rules and regulations available to the public, electronic availability is new.

Commented [JK4]: Removed language about recodification within 1 year after adoption of Charter because such language is more appropriate for Article 12 – transition section.

prepared under the supervision of the city solicitor or, if the city council so directs, by special counsel retained for that purpose, and shall include a review for consistency with the comprehensive plan.

Commented [JK5]: Along with enhanced language in Article 7 about Comprehensive Plan – Charter Commission wanted to ensure that recodification included a review for consistency with comprehensive plan.

(b) See. 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.

Commented [JK6]: Charter Commission wanted to deal with problem of outdated boards and commissions. In subsection (c), commission enabled this to be handled simultaneously with recodification.

(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.

~~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~~ 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.~~

Commented [JK7]: Charter Commission was unable to find any usage of "general meetings of qualified voters" and felt provision was outdated and superfluous.

See. 11-8. 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 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 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

Commented [JK8]: Updated language related to Designer Selection Committee and Design Review Committee to reflect actual practice and reference applicable state laws.

~~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 11-98. 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 11-109. 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 11-110. 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 11-121. 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. 11-13.~~

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

Commented [JK9]: MSBA requires this for any state funded project. City has utilized this effective strategy regardless of whether MSBA funding involved and for consistency across projects.

Commented [JK10]: Updated "computation of time" language to reflect current language being used all across the state. New language is more specific – but no substantive change.

Commented [JK11]: Common language around uniform procedures.

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.

Commented [JK12]: Big issue for Charter Commission was public comments and residents feeling that they could not accurately predict when their comments would be accepted. Charter language designed to require all bodies to craft and make public a policy on public comments to better prepare residents

SECTION 11-13. Periodic Charter Review

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.

Commented [JK13]: Many new charters include regular reviews of the charter. This is NOT a charter commission, but a body to make recommendations to the city for changes or updates.

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

ARTICLE 12-~~1~~
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.

Commented [JK1]: Replaced with language recommended by consultants. This language is being used in charters all across the state.

See: **SECTION 12-2-: Continuation of Government and Administration**

All Citycity 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.

Commented [JK2]: Also recommended by consultants for same reason.

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

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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~~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~~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~~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;

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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) 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 approved~~upon adoption by the voters; except as follows:

~~Section 2-1(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 composition 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~~city council shall ~~not become effective~~

(a) ~~until the term beginning after~~take effect for the regular ~~City~~city election ~~next following the election at which the charter is~~of November 2019.

~~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(e) of the charter.~~

(b) ~~This act~~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 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 shall meet for the purpose of 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

Commented [JK3]: Charter Commission reviewed special acts with consultants to determine which no longer needed to be references. Planning acts remain relevant along with a couple others. Many can be repealed because updated Charter language reflects edits made by special act.

Commented [JK4]: Subcommittee will need to re-visit all recommendations in order to provide clear implementation timing.

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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 age shall preside at such meeting.

(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.

~~(b)~~(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.