

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.~~

~~See SECTION 11-12. 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 the state conflict of interest laws.

(b) The city councilors, school committee members and members of multiple member bodies shall not seek to individually influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office, or to interfere in any way with the performance by such officers of their duties. This provision shall not prohibit:

- (1) assistance to constituents in their dealings with city officials;
- (2) advocacy of particular outcomes on matters pending before the city; or
- (3) submission of recommendations or references on behalf of a candidate for city employment which are consistent with this charter.

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.

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, appoint a special-recodification committee of the city council to propose revisions to or recodification of all ordinances of the city. ~~The special committee's~~ The recodification committee's proposal 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.

(b) The city council shall, not later than 1 year after the charter is adopted and at 5-year intervals thereafter, shall appoint a special committee to evaluate all boards and commissions that have been established in the city and make a recommendation as to whether the boards and commissions shall continue.

~~(a)(c)~~ The recodification committee under (a) and the special committee under (b) may be combined into a single committee by the city council.

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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 cCity 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.~~

SECTION 11-~~7~~8. 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. ~~Said~~ The ordinance shall provide that require the designer selection committee ~~shall to~~ be consulted and directed to make recommendations whenever ~~an architect~~ 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 design review committee for all public buildings or it may provide that separate committees be established for each facility.~~

SECTION 11-~~89~~. 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~~.

SECTION 11-~~910~~. 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.

SECTION 11-~~101~~. References to General Laws

All references to the General Laws contained in the charter refer to the General Laws of the ~~C~~ommonwealth 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-~~112~~. 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. 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.~~

~~Sec. 111-13. Definitions.~~

~~Unless another meaning is clearly apparent from the manner in which the word is used, 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 State Massachusetts 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.

SECTION 11-123. 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. ~~prescribe. 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, electronically or 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. ~~These rules and records shall be a public record, and certified copies shall be placed in the Newton Public Library. 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 any 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 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; provided, however that, and that General Law related to any vote to meet in “executive session” shall always require a majority of members of the body.

(e) Public Comments - 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. 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 11-134. 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.

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