

City of Everett



City Charter

PART I CHARTER

Section 1. City of Everett incorporated.

The inhabitants of the Town of Everett, in case of the acceptance of this act by the voters of said town as hereinafter provided, shall continue to be a body politic and corporate under the name of the City of Everett, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations pertaining to and incumbent upon the said town as a municipal corporation.

Section 2. Government vested in the mayor and city council, etc.

The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the city council, except however that the general management and control of the public schools of the city of the buildings and property pertaining to such schools shall be vested in a school committee.

Section 3. Division into wards.

The territory of the city shall first be divided into six (6) wards, in the manner hereinafter provided. The number of wards may, in any year fixed by law for a new division of wards in cities, be changed by vote of the city council passed, with the assent of the mayor, at or prior to the making of such division; but the number of wards shall never be less than six (6).

Section 4. Warrant for calling meetings of qualified voters.

All meetings of the qualified voters of the city for the purpose of voting at elections, and for other municipal or legal purposes, shall be called by warrants issued by order of the board of aldermen, which shall be in such form and be served and returned in such manner and at such time as the city council may by ordinance direct.

Section 5. Municipal election.

The municipal elections shall be held biennially on the Tuesday next after the first Monday in November in each odd numbered year. The mayor, aldermen and common councilors shall be elected for terms of two (2) years from the first Monday in January following their election and until their successors are qualified, members of the school committee shall be elected to serve for four (4) years each and until their successors are qualified.

(Amended by St. 1902, c. 152; St. 1930, c. 361)

Editor's note--The term of office for the school committee was changed from four years to two years by Chapter 146 of the Acts of 1990. (See Section 44 of the charter).

Section 6. Election of mayor, city council and school committee.

At the municipal election the qualified voters shall, in the several wards, give in their votes by ballot for mayor and members of the city council and of the school committee, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two (2) or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Section 6.5. Initiative Petition Provisions.

Section 6.5.1. Initiative Petition.

A petition conforming to the requirements hereinafter provided and requesting the city council to pass a measure, except an order passed under, the municipal finance provisions of the General Laws which requires compliance with said statutes, or requesting the school committee to pass a measure, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided. In this and the seven following sections, "measure" shall mean an ordinance, resolution, order, or vote passed by a school committee, as the case may be.

Section 6.5.2. Signature to Initiative Petitions: Certification.

Signature to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with endorsement thereon of the names and addresses of three persons designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number if any.

Within five days after the filing of said petition the registrars of voters shall ascertain by what numbers of registered voters the petition is signed, and what percentage that number is of the total number of registered voters, and shall attach thereto their certificate showing the result of such examination.

The city clerk shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to one or more of the persons designated on the petition as filing the same.

When such certificate has been so transmitted, said petition shall be deemed to be valid unless written objections are made thereto by a registered voter of the city within forty-eight hours after such certification by filing such objections with the city council or the school committee, and a copy thereof with the registrars of voters or the board or commission having similar duties. A copy of the objections so filed shall forthwith be transmitted to the state ballot law commission which shall hold a public hearing on said objections, shall render a decision on the matter referred to it within fourteen days after the objections were filed and transmit a copy of its decision to the city council or the school committee.

Section 6.5.3. Action by city council or school committee if initiative petition is fully signed: referendum.

If any initiative petition is signed by registered voters equal in number to at least fifteen per cent of the whole number of registered voters, the city council or the school committee shall, within twenty days after the date of certificate of the registrars to that effect:

- (1) Pass said measure without alteration, subject to the referendum vote provided by this chapter, or

(2) The city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election; provided, that if any city election is otherwise to occur within ninety days after the date of said certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

Section 6.5.4. Proceedings if petition not fully signed.

If any initiative petition is signed by registered voters equal in number to at least eight per cent, but less than fifteen per cent of the total number of registered voters, and said measure per cent of the total number of registered voters, and said measure be not passed without alteration within twenty days by the city council or the school committee, as provided in the preceding section, such proposed measure, without alteration, shall be submitted by the city council to a vote of the registered voters of the city at the next regular municipal election.

A measure proposed under this section or section thirty-nine shall become effective if it shall be approved by registered voters of the city equal in number to one third of the whole number thereof and also by a majority of the voters voting on such measure, but not otherwise.

Section 6.5.5. Ballots to state nature of measure.

The ballots used when voting upon a proposed measure under section thirty-nine or forty, or a measure or part therefore protected against under the following section, shall state the nature of the measure in terms sufficient to show the substance thereof.

Section 6.5.6. Referendum petition.

If within twenty days after the final passage of any measure, except a revenue loan order, by the city council or by the school committee, a petition signed by registered voters of the city, equal in number to at least twelve per cent of the total number of registered voters, and addressed to the city council or to the school committee, as the case may be, protesting against such measure, or any part thereof, taking effect, is filed with the city clerk, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method therein provided, to a vote of the registered voters of the city, either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the registered voters voting on the same at such election vote in favor thereof.

The petition described in this section shall be termed a referendum petition and section thirty-eight shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section wherever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

Section 6.5.7. City council may submit questions to voters.

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the registered voters of the city for adopting or rejection at a general or special election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Section 6.5.8. Measures with conflicting provisions.

If two or more proposed measures passes at the same election contain conflicting provisions, only the one receiving the highest vote shall be considered law of the municipality.

(inserted by St. 1977, c. 308)

Section 7. Filling of vacancies.

If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office or shall die before qualifying, or if a vacancy in the office shall occur more than four (4) months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed.

A vacancy in the board of aldermen of the City of Everett may be filled by a majority vote of the board, and a vacancy in the common council of said city may be filled by a majority vote of the council. A person so elected to fill such a vacancy shall hold office until his successor has qualified, who shall be elected at the next biennial city election.

(Amended by St. 1918, c. 183)

Section 8. Wardroom may be within limits of adjacent ward, etc.

When no convenient wardroom for holding the meetings of the qualified voters of a ward can be had within the territorial limits of such ward, the board of aldermen may, in the warrant calling for a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

Section 9. General meetings of qualified voters.

General meetings of the qualified voters of the city may from time to time be held according to the right secured to the people by the constitution of the Commonwealth, and such meetings may and upon the request in writing of fifty (50) qualified voters setting forth the purposes thereof shall be called.

Section 10. City council, board of aldermen, common council, members, election, terms, etc.

The city council shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council. The board of aldermen shall be composed of

seven (7) members, one at large, and one from each ward. Three (3) members of the common council shall be elected biennially by and from the voters of each ward.
(Amended by St. 1896, c. 366; St. 1902, c. 152; St. 1930, c. 361)

Section 10.5. Primary elections.

Section (a). Except as is otherwise provided herein, there shall not be printed on the official ballots to be used at any biennial or special city election the name of any person as a candidate for mayor, alderman, common councilman or member of the school committee unless such person be nominated as such candidate at a city primary election to be held as provided in this act. There shall not be printed on the official ballots to be used at a city primary election the name of any person as a candidate unless such person shall have filed, within the time limited by section four of this act, the statement of the candidate and the petition accompanying the statement described in that section.

Section (b). Except as otherwise provided herein, on the fourth Tuesday preceding every biennial or special city election at which a mayor, or any member of the school committee or of either branch of the city council is to be elected, there shall be held a city primary election for the purpose of nominating candidates for such offices as are to be filled at such biennial or special city election. No special election for the election of mayor, or of an alderman or common councilman shall be held until after the expiration of forty (40) days from the calling of the special city primary election, which is to be held on the fourth Tuesday preceding such special election. At every city primary election the polls shall be kept open during such hours as shall be fixed by the board of aldermen and, except as is otherwise provided in this act, every such city primary election shall be called by the same officers and held in the same manner as a biennial city election and polling places shall be designated, provided and furnished, official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such city primary election of the same number and kind, and in the same manner, and by the same officials as a biennial city election, and the same election officers shall officiate as at a biennial city election.

Section (c). The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties, shall apply to the city primary elections, except as is otherwise provided in this act.

Section (d). Any person who is qualified to vote for a candidate for mayor, alderman, common councilman or member of the school committee, and who is a candidate for nomination for any of the said offices may have his name, as such candidate, printed on the official ballots to be used at a city primary election; provided, that he shall, not later than four o'clock in the afternoon of the fourteenth day prior to such city primary election, file with the city clerk a statement in writing of his candidacy in substantially the following form:

Statement of Candidate

I, _____, on oath declare that I reside at (number, if any) on (name of street), in the city of Everett, that on April first of the current year I resided at (number, if any) on (name of street) in the said city, that I am a voter therein qualified to vote for a candidate for

the hereinafter mentioned office; that I am a candidate for nomination for the office of (mayor, alderman, common councilman or member of the school committee) for (state the term), to be voted for at the city primary election to be held on Tuesday, the _____ day of _____, 19_____, and I request that my name be printed as such candidate on the official ballots to be used at said city primary election.

(signed)

Commonwealth of Massachusetts

Middlesex, ss

Subscribed and sworn to on this _____ day of _____, 19_____, before me.

(signed)

Justice of the Peace

(or Notary Public).

Every such candidate shall at the same time file with the statement a petition signed by voters of the city, qualified to vote for a candidate for said office, to number at least five hundred for the office of mayor, two hundred and fifty for the office of alderman or member of the school committee and one hundred for the office of common councilman. The petition shall be in substantially the following form:

Petition Accompanying Statement of Candidate

Whereas (name of candidate) is a candidate for nomination for the office of (mayor, alderman, common councilman or member of the school committee) for (state the term), we, the undersigned voters of the City of Everett, duly qualified to vote for a candidate for the said office, do hereby request that the name of the said (name of candidate), as a candidate for nomination for said office, be printed on the official ballots to be used at the city primary election to be held on the _____ Tuesday of _____, 19_____. We further state that we believe him to be of good moral character and qualified to perform the duties of the office.

Name of Voter Street number, if any Street

No acceptance by a candidate for nomination named in the petition shall be necessary for its validity or for its filing, and the petition need not be sworn to.

(Amended by St. 1933, c. 57; St. 1934, c. 161)

Section (e). Women who are qualified to vote for members of the school committee may be candidates for nomination for that office at any city primary election at which any candidate for nomination for that office is to be voted for, and, at such election, may vote for candidates for nomination for that office, but for candidates for no other office. Women who are candidates for members of the school committee shall file the statement of a candidate, and the petition accompanying the statement, hereinbefore required to be filed by male candidates for nominations for that office.

Editor's note--This section is now obsolete.

Section (f). On the first day, not being Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one or more newspapers published in the city the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions,

and the offices and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the city primary election. The city clerk shall thereupon prepare the ballots to be used at the city primary election and shall cause them to be printed, and the ballots so prepared shall be the official ballots, and the only ballots, used at the said election. They shall be headed as follows:

Official Primary Ballot

Candidates for nomination for Mayor, Alderman, Common Councilman and School Committee of the City of Everett. At a City Primary Election held on the _____ day of _____, in the year nineteen hundred and _____. (The heading shall be varied in accordance with the offices for which nominations are to be made).

Section (g). Except as is otherwise provided herein, the name of each person who has filed a statement and accompanying petition as aforesaid, and his residence and the title and term of the office for which he is a candidate for nomination shall be printed on said ballots, and the names of no other candidates shall be printed thereon. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices, equal to the number to be nominated therefor, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office. There shall be printed on said ballot such directions as will aid the voter: for example, "vote for one," "vote for two," and the like; and, except as is otherwise provided herein, special ballots, headed:

Official Primary Ballot

Candidates for Nomination for Members of the School Committee of the City of Everett. At a City Primary Election held on the _____ day of _____, in the year nineteen hundred and _____, and containing the names and residences of the same candidates for nomination for member of the school committee as are on the regular official ballots furnished for such city primary election, and the title and term of that office, shall be prepared in like manner and printed for the use of women qualified to vote for members of the school committee.

Editor's note--The provisions relative to special ballots for women are obsolete.

Section (h). No ballot used at any biennial or special city election or at any city primary election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated, or indicating his views or opinions.

Section (i). Voters qualified to vote at city elections shall be qualified to vote at the city primary elections.

Section (j). The election officers shall immediately, upon the closing of the polls at city primary elections, count the ballots and ascertain the number of votes cast in the voting places where they officiate, for each person for nomination for each office, and shall make return thereof to the city clerk forthwith upon blanks to be furnished as in city elections.

Section (k). On the first day, not being Sunday or a legal holiday, following the city primary election, the city clerk shall canvass the returns so received from the election officers, and shall forthwith publish the results of the canvass in one or more newspapers published in said city.

Section (l). Except as is otherwise provided herein, the two (2) persons receiving at a city primary election the highest number of votes for nomination for an office shall be the candidates, and the only candidates, for that office whose names shall be printed on the official ballots to be used at the biennial or special city election for the making of nominations for which the city primary election was held, and if two (2) or more persons are to be elected to the same office at such biennial or special city election the several persons, to a number equal to twice the number [sic] elected, receiving at such city primary election the highest number of votes for nomination for that office shall be the candidates, and the only candidates, for that office whose names shall be printed on the official ballots to be used at the biennial or special city election.

If the primary election results in a tie vote among the candidates for nomination receiving the smallest number of votes, which, but for the tie vote, would entitle the person receiving such number to have his name printed on the official ballots for the election, all candidates participating in such tie vote shall have their names printed on the official ballots, although thereby there be printed upon them the names of candidates to a number exceeding twice the number to be elected.

Section (m). If, at the expiration of the time for filing statements of candidates to be voted for at any city primary election, not more than twice as many such statements have been filed with the city clerk for the office of mayor, alderman, or school committee as there are persons to be elected to the said offices respectively, then the candidates whose statements have thus been filed shall be deemed to have been nominated for the offices respectively, and their names shall be used at such biennial or special city election, and the city clerk shall not print said names upon the ballots to be used at said primary election, and no other nomination or nominations for said offices shall be made. And if in any ward, at the expiration of the time for filing the statements of candidates to be voted for at any city primary election, not more than twice as many such statements have been filed with the city clerk for the office of councilman as there are persons to be elected to said offices respectively, then the candidates whose statements have thus been filed shall be deemed to have been nominated for such offices respectively, and their names shall be printed on the official ballots to be used at such biennial or special city election, and the city clerk shall not print said names on the ballot to be used at said primary election, and no other nominations for said offices shall be made. And if it shall appear that no names are to be printed upon the official ballot to be used at any city primary election in any ward or wards of the city, or in the city at large, then no primary election shall be held in any such ward or wards, or in the city at large.

Section (n). No acceptance of a nomination made at a city primary election shall be necessary for its validity.

Section (o). At city elections, other than the above described city primary elections, the person receiving the highest number of votes for an office shall be deemed and declared elected to that office; and if two or more persons are to be elected to the same office, the several persons, to the number to be chosen to the office, receiving the highest number of votes shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen. On ballots to be used at biennial or special city elections blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

Section (p). Except as is otherwise provided in this act, the laws of the Commonwealth governing biennial city elections, special elections of city officers and special elections in cities shall, so far as they may be applicable, govern such elections in said city.

State law reference(s)--Similar provisions, M.G.L.A. c. 50--57.

Editor's note--This section was inserted editorially. The primary election procedure made available to the city by chapter 260 of the Acts of 1917, which did not amend the Charter. References to annual elections have been changed to biennial (See chapter 361 of the Acts of 1930).

Section 11. Administration of oath of office to mayor and members of city council.

The mayor elect and the members of the city council elect shall, on the first Monday in the January succeeding their election, except when said first Monday falls on a legal holiday, in which event on the following day, at eight o'clock in the evening, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court, or by a justice of the peace, and the oath may be administered to the members of the city council by the mayor, or by the city clerk, or by a justice of the peace. In the case of the absence of the mayor elect on said day, or if the mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time after said day the oath of office may be administered in the presence of either branch of the city council to a member of such branch who was absent thereon or who shall subsequently be elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has been so taken by the members of that branch.

(Amended by St. 1902, c. 152; St. 1933, c. 135; St. 1935, c. 64)

Section 12. City council, organization, presiding officers, city clerk, clerk of common council, city messenger, etc.

Directly after the oaths of office have been administered each branch of the city council shall meet and organize by the election by ballot of a president, and no other business shall be in order until a president has been chosen. [The two (2) branches shall by concurrent vote elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is chosen and qualified.] The city clerk shall also be the clerk of the board of aldermen; but in case of delay in the election of a city clerk, or in case of a vacancy in the office, the board of

aldermen may elect a temporary clerk, who shall act as the clerk of the board until a city clerk is chosen and qualified. The city clerk shall be sworn to the faithful performance of his duties in the presence of the board of aldermen, by the president of the board, or by a justice of the peace. The common council shall elect its own clerk, who shall be sworn to the faithful discharge of his duties in the presence of the council by the president or by a justice of the peace. Each clerk shall attend the sessions of the branch for which he is elected and shall keep a record of its proceedings and shall perform such further service as such branch may require. The president of the board of aldermen may be removed from office by the affirmative votes of two-thirds of all the members of said board. [The city clerk may be removed by the affirmative votes of two-thirds of all the members of each branch of the city council.] The president and the clerk of the common council may each be removed by the affirmative votes of two-thirds of all the members of the common council. In case of the temporary absence or disability of the city clerk the mayor may, with the consent of the board of aldermen, appoint a clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by concurrent vote of the two (2) branches. The two (2) branches may likewise by ordinance provide for the election by concurrent vote of a city messenger.

Editor's note--The references to the election of a city clerk have been placed in brackets because of the operation of St. 1926, c. 8, the text of which is set out following this section.

The city clerk and the assistant city clerk of the City of Everett, and their successors in office, shall hold office continuously during good behavior unless incapacitated by physical or mental disability from performing the duties of their respective offices; provided, that the city council may, subject to the provisions of law governing the removal of civil service employees, remove any incumbent of either of said offices. Any vacancy in the office of city clerk or assistant city clerk in said city shall be filled by election by the city council voting by ballot.

Section 13. City council to be judge of election of members, etc.

Each branch of the city council shall be the judge of the election and qualifications of its own members, shall determine the rules for its own proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

Section 14. Special meetings of city council may be called by mayor, etc.

The mayor may at any time call a special meeting of the city council or of either branch thereof by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four (24) hours previous to the time appointed for the meeting, and no other business shall be transacted at such special meeting. On petition of any seven (7) members of the common council the mayor shall call a special meeting of that branch, and on petition of any three (3) members of the board of aldermen the mayor shall call a special meeting of that board, to act upon any matters set forth in said petition. Notice of said special meeting shall be given as herein provided.

(Amended by St. 1896, c. 366)

Section 15. City council, quorum, etc., transaction of business, etc.

In each branch of the city council a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The two (2) branches shall sit separately for the transaction of all business, and subsequent to the day of organization they shall not both act on the same day upon a matter involving the appropriation or expenditure of money.

Section 16. Salary of mayor.

The city council shall by ordinance determine the salary of the mayor, and may in like manner change such salary from time to time, but no ordinance changing the salary shall take effect until the municipal year succeeding that in which the ordinance is passed.
State law reference(s)--Salary of mayor, M.G.L.A. c. 39, § 6A.

Section 17. Salary of members of city council.

The city council may by ordinance provide for the payment of salaries to the members of either branch of the city council, but no ordinance establishing a salary or increasing a salary already established shall take effect until the municipal year succeeding that in which the ordinance is passed.
State law reference(s)--Salary of council members, M.G.L.A. c. 39, § 6A.

Section 18. Votes on appropriations or loans.

All votes of the city council making appropriations or loans of money shall be in itemized form, and when brought before the city council, on recommendation of the mayor, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative votes of two-thirds of the members of each branch present and voting thereon.
State law reference(s)--Votes on appropriations, M.G.L.A. c. 44, §§ 32, 33.

Section 19. Public and private sittings of city council.

Either branch of the city council may by special vote hold private sittings for the consideration of candidates for election, and the board of aldermen may likewise hold private sittings for the consideration of nominations by the mayor, but all other sittings shall be public and all votes on election and on confirmation of appointments by the mayor shall be taken in public.
State law reference(s)--Open meetings, M.G.L.A. c. 39, § 23B.

Section 20. Members of the city council not to hold certain other offices, etc.

No member of the city council shall, during the term for which he is elected, hold any other office or position created during said term, the salary or compensation of which is payable from the city treasury unless he resigns as such member, nor shall he act as counsel or attorney before the city council or either branch or any committee thereof.
(Amended by St. 1949, c. 259)

Section 21. Employment of labor, making of contracts, etc.

Neither the city council nor either branch thereof, nor any committee or member thereof, shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the city council or of either branch thereof.

State law reference(s)--Conduct of public officials, M.G.L.A. c. 268A.

Section 22. Ordinances may be made with penalties affixed, etc.

The city council shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made and established shall be forthwith published in one (1) or more newspapers designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or if a penalty for their violation is provided, at the expiration of thirty (30) days from the day of such approval.

Section 23. Laying out, etc., of streets and ways, etc.

The city council shall, subject always to the approval of the mayor, have, to the exclusion of any other officer or board of said city, authority and power to order the laying out, locating anew and discontinuing of and the making of specific repairs in all streets and ways and all highways within the limits of the city; to assess the damages sustained thereby, by any person and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing, but in all such matters action shall first be taken by the board of aldermen. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen. Nothing in this section shall be construed to exclude the jurisdiction of the county commissioners of Middlesex County in respect to ways, streets and highways in said city.

(Amended by St. 1939, c. 60)

Section 24. General powers and duties of city council.

Except as herein otherwise provided the city council shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils under the general laws of the Commonwealth, and be subject to the duties imposed on city councils; and the board of aldermen shall have and exercise all the powers, other than executive, given to selectmen of towns, and shall have all the powers and authority given to boards of aldermen of cities, and shall be subject to the duties imposed upon such boards.

Section 25. Term of office of mayor, etc.

Beginning with the year nineteen hundred and twenty-nine, the mayor shall be elected biennially in each odd numbered year from the qualified voters of the city for the two (2)

municipal years next succeeding his election. When elected to fill a vacancy he shall hold office only for the unexpired term. In either case he shall continue in office until his successor is elected and qualified.

(Amended by St. 1928, c. 349)

Section 26. Mayor to be chief executive officer, etc.

The mayor shall be the chief executive officer of the city, and the executive powers of the city shall be vested in him and be exercised by him either personally or through the several officers and boards in their respective departments, under his general supervision and control.

Section 27. To cause laws, ordinances, etc., to be enforced.

The mayor shall communicate to the city council such information and shall recommend such measures as in his judgment the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced; and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city and the harmonious and concerted action of the different administrative and executive departments.

Section 28. President of board of aldermen to act in absence of mayor.

In case of a vacancy in the office of the mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least ten (10) days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

Section 29. Mayor to appoint officers, confirmation by board of aldermen.

The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city unless their election or appointment is herein otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one (1) week from the time when the appointment is transmitted to the board. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

Section 30. Official record, etc.

The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may without the confirmation of the board of aldermen appoint one or more clerks, whose number and compensation shall be fixed by the city council.

Section 31. To call heads of departments for consultation.

The mayor shall as often as once in each month call together for consultation upon the affairs of the city, the heads of departments, who shall whenever called upon furnish such information relative to their respective departments as he may request.

Section 32. Estimates of amounts deemed necessary for the several departments.

The mayor shall (in the month of January of each year) cause to be made to him by the heads of departments and by all other officers and boards having authority to spend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the (first day of the following February), and he shall, not later than (the first week in February), transmit such estimates to the city council, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Editor's note--The references to dates in this section have been placed in parentheses as they have been superseded by the provisions of state statutes. The fiscal year of all cities is established by M.G.L.A. c. 44, § 56A. The time for submission of estimates is governed by M.G.L.A. c. 44, §§ 31A and 32.

Section 33. Appropriations and expenditures.

No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability together with all prior unpaid liabilities which are payable therefrom, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one-sixth of the total of the appropriation made for similar purposes in the preceding year. State law reference(s)--Similar provisions, M.G.L.A. c. 44, § 31.

Section 34. Detailed estimates of receipts and expenditures to be published.

The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property, to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Section 35. Administrative officers of the city.

There shall be the following administrative officers who shall perform the duties by law prescribed for them respectively, and such further duties, not inconsistent with the nature of their respective offices and with general laws, as the city council may prescribe: 1. A city treasurer. 2. A city collector. 3. A city auditor. 4. A city solicitor. 5. A board of assessors, consisting of three (3) persons. 6. [A board of overseer of the poor, consisting of three (3) persons]. 7. A board of health, consisting of three (3) persons. 8. A board of license commissioners, consisting of three (3) persons, in case the city authorizes the sale of intoxicating liquors. 9. An Executive Director of City Services who shall have the powers of a street commissioner and surveyor of highways; as well as supervisory powers over engineering, surveying and buildings and parks and cemeteries. The city council may from

time to time, subject to the provisions of this act and in accordance with the General Laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and other offices for the construction and care of the various public works and buildings, for the direction and custody of public parks, for the management and control of a public library and a public hospital, and for other municipal purposes; may determine the number and duties of incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase the number of persons constituting either of the boards above specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office hereafter established as above provided, and may abolish an office or board so hereafter established. It shall be the duty of the mayor to appoint all the officers above specified, and unless otherwise provided all those for whom provision shall hereafter be made, on or before the first Monday in February in the municipal year, and their terms of office shall begin on the first Monday in March and shall continue for one year or for such other period as the city council shall by ordinance in any case provide, except that the terms of office of all the officers so specified who shall be first appointed hereunder shall begin respectively upon their appointment and qualification. Every administrative officer shall unless sooner removed hold office until his successor is appointed and qualified.

Editor's note--The reference to a board of overseer of the poor has been placed in brackets as all such local boards have been abolished by state statute. Subsection 9 amended in 2001.

Section 36. Administrative officers, oaths, official records.

All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the mayor; all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Section 37. Treasurer, collector, etc., may be required to give bonds.

The city council may require the city treasurer, the city collector, the city auditor and such other officers whose appointment is provided for in the preceding sections as are intrusted with the receipt, care or disbursement of money, to give back bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

State law reference(s)--Similar provisions, M.G.L.A. c. 44, § 35; M.G.L.A. c. 60, § 13.

Section 38. Administrative boards, etc., may appoint and discharge subordinate officers, etc.

The administrative boards and officers specified in section thirty-five, and every administrative board and officer hereafter established by the city council under the provisions of section thirty-five to forty-three, inclusive, and having the charge of a department, shall have the power, except as herein otherwise provided, to appoint and employ and to discharge and remove all subordinate officers, clerks and assistants in their respective departments; and

they shall keep a record, subject to inspection, of all so appointed and employed and of all discharged and removed, and, in case of discharge and removal, of the grounds therefor.

Section 39. May employ labor, make contracts, etc.

The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties, to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars (\$300.00) shall, in order to be valid, require the signature of the mayor, and except as herein otherwise provided or by law required, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

Section 40. Police department.

The city council may establish a police department and provide for the appointment of a chief of police and of other members of the police force by the mayor, or by a police board, or for the appointment of other members of the force by a chief of police to be appointed by the mayor.

Section 41. Fire department.

The city council may establish a fire department and provide for the appointment of a chief engineer and of other members of the department by the mayor, or by a fire board, or for the appointment of other members of the department by a chief engineer appointed by the mayor.

Section 42. Administrative boards etc., give information, etc., upon request of city council, etc.

Every administrative board, through its chairman, and every officer having charge of a department shall, at the request of either branch of the city council, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Section 43. Salaries to be established by ordinance, etc.

The city council shall establish by ordinance the salary or compensation of every administrative officer, but after the first municipal year no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

Section 44. School committee.

The management and control of the schools of the city shall be vested in a school committee consisting of nine members, three of whom shall be members-at-large and six of whom shall be members from wards. The three members-at-large shall be inhabitants of the city and shall be elected by the qualified voters of the entire city to serve for a term of two years. Each of the six ward members shall be inhabitants of the city of Everett and also be inhabitants of a different ward. All six members shall be elected by the qualified voters of the entire city to serve for a term of two years.

(Amended by St. 1930, c. 361; St. 1943, c. 525; St. 1990, c. 146)

Section 45. Vacancy on school committee.

In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the president of the board of aldermen shall preside, and such vacancy shall, by vote of a majority of all the members of the two (2) bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the next regular city election; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

Section 46. School committee, organization, quorum, etc.

The school committee shall meet on the first Monday in January in each year and organize by the election by ballot of one of its members as chairman and by the election of a clerk. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Section 47. To elect superintendent of schools, etc.

The school committee may elect a superintendent of schools and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and duties and fix their compensation, and may remove and discharge them at pleasure.

Section 48. May purchase lands for school purpose, etc.

The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees, shall subject to the approval of the mayor, have full power and authority to order repairs to school buildings and to provide, when necessary, temporary accommodations for school purposes. The making of plans for all school buildings, the erection and alteration of such buildings, the making of additions thereto, and the purchasing of land for school purposes, shall be committed to agents appointed by the mayor and confirmed by the board of aldermen.

(Amended by St. 1896, c. 355, 366)

Section 49. To make estimates for expenses for financial year.

The school committee shall [in the month of January] in each year submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the city council, and shall recommend such appropriations as he shall deem necessary.

Editor's note--The time reference has been placed in brackets as this subject is governed by the General Laws.

Section 50. Not to incur liability, etc., beyond the specific appropriation, etc.

Unless thereto required by law the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the city council, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one-sixth of the total of the appropriation made for similar purposes in the preceding year.

Section 51. Orders, etc., for expenditures of money to be presented to mayor for approval.

All orders, resolutions and votes of the school committee which involve the expenditure of money shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had as are provided by law in relation to similar orders, resolutions and votes of the city council.

Section 52. Salaries of members of school committee.

The city council may determine that salaries shall be paid to the members of the school committee, may fix the amount thereof, and may change the same from time to time.
State law reference(s)--Similar provisions, M.G.L.A. c. 71, § 52.

Section 53. Removal of member from ward not to disqualify.

The removal of a member of the school committee from the ward for which he is elected, to another ward of the city, shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected.

Section 54. Municipal indebtedness, etc.

The General Laws relating to municipal indebtedness of cities, the General Laws requiring the approval of the mayor to the doings of a city council or of either branch thereof, and relative to the exercise of the veto power by the mayor of a city, and the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four and all acts in amendment thereto, shall have full force, application and effect in said city.

State law reference(s)--Veto powers of the mayor, M.G.L.A. c. 39, § 4.

Editor's note--The following sections, shown by title only, were contained in the original Charter for the purpose of making the transition from a "town" to a "city" and are no longer relevant.

- Section 55. Present officers to continue until new organization.
- Section 56. Pending legal proceedings not affected.
- Section 57. Trust funds.
- Section 58. Powers and duties of selectmen when act goes into effect.
- Section 59. Selectmen to notify persons first elected.
- Section 60. General and special acts to continue in force.
- Section 61. Meetings for submission of question of acceptance.
- Section 62. When to take effect.