

**PART I**  
**CHARTER\***

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

**Sec. 1-1. Incorporation.**

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

**Sec. 1-2. Form of Government.**

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

**Sec. 1-3. Powers of the City.**

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

**Sec. 1-4. Construction.**

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 It is set out herein as enacted, with amendments worked into their proper places and repealed provisions deleted.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

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

### **Sec. 1-5. Intergovernmental Relations.**

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

## **ARTICLE 2. LEGISLATIVE BRANCH**

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

(a) Composition—There shall be a city council of 24 members which shall exercise the legislative powers of the city. Sixteen of these members, to be known as councilors at large, shall be nominated and elected by the voters at large, 2 such councilors at large to be elected from each of the 8 wards of the city. The other 8 members, to be known as ward councilors, shall be nominated and elected by and from the voters of each ward, 1 ward councilor to be elected from each of the 8 wards of the city. The city council shall be the judge of the election and qualification of its members.

(b) Eligibility—Only voters shall be eligible to hold the office of councilor. A candidate for the office of councilor shall be a resident of the ward from which the candidate seeks election as of the date that the election commission makes available blank forms for the nomination of candidates for office. In order to hold the office of councilor, a candidate shall have continuously been a resident of the ward from which the candidate is elected from the date that the election commission made the blank forms available until and including the first day of the term for which the candidate is elected. A member of the city council shall, notwithstanding the member's removal from 1 ward of the city to another, continue to serve and to perform the member's official duties during the member's term of office. The removal from residency within the city shall create a vacancy in such office.

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

### **Sec. 2-2. President and Vice-President of the City Council.**

After the mayor-elect and a majority of the councilors-elect have been sworn, the city council shall be called together by the mayor who shall preside. The city council shall then elect, from among its members, a president and vice-president to serve at the pleasure of the city council. The president shall preside at meetings of the city council and perform such other functions as may be assigned by the charter, by ordinance or by vote of the city council. The vice-president shall act as president during the absence or disability of the president.

### **Sec. 2-3. General Powers and Duties.**

Except as otherwise provided by law or this charter, all powers of the city shall be vested in the city council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

**Sec. 2-4. Prohibitions.**

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

(b) Interference in Administration—No member or committee of the city council shall directly or indirectly take part in the conduct of the executive or administrative business of the city.

**Sec. 2-5. Filling of Vacancies.**

(a) Special Election—If there be a vacancy, by failure to elect or otherwise, on the city council within the first 15 calendar months of the term for which councilors are elected, the city council shall forthwith call a special election to fill the vacancy. The election shall be by the voters of the whole city in the case of councilors at large or by the voters entitled to such representation in the case of ward councilors.

(b) After Regular City Election—If a vacancy shall occur after 15 calendar months of the term for which councilors are elected, no special election shall be held. In the case of a vacancy in the office of ward councilor, the person elected at the next regular city election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which that person was elected, serve for the balance of the then-unexpired term. In the case of a vacancy in the office of councilor at large, the person elected at the next regular city election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which that person was elected, serve for the balance of the then-unexpired term. If no incumbent councilor at large from the ward in which the vacancy exists is elected at the election for such office, the candidate who receives the highest number of votes shall be deemed to be elected to the seat in which the vacancy exists and shall serve as aforesaid.

**Sec. 2-6. Exercise of Powers; Quorum; Rules of Procedure.**

(a) Exercise of Powers—Except as otherwise provided by law or this charter, the legislative powers of the city council may be exercised in a manner determined by it.

(b) Quorum—A majority of the city council then in office shall constitute a quorum but a smaller number may meet and adjourn from time to time. The affirmative vote of a majority of the full council shall be necessary to adopt any appropriation order. While a quorum is present, any other motion or measure may be adopted by a majority vote except as otherwise provided by law or this charter.

(c) Rules of Procedure—The city council shall from time to time establish rules for its proceedings. Regular meetings of the city council shall be held at a time and place fixed by ordinance. Special meetings of the city council may be held on the call of the mayor as provided in subsection (b) of section 3-7, on the call of the president of the city council or on the call of any 7 or more members by written notice delivered to the place of residence or business of each member at least 24 hours in advance of the time set.

Except as otherwise authorized by sections 18 to 25, inclusive, of chapter 30A of the General Laws, all sessions of the city council shall be open to the public and press. Every matter coming before the city council for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate and up-to-date record of the proceedings of the city council shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

**Sec. 2-7. City Clerk; Comptroller of Accounts.**

As soon as practicable after the city council has been organized, it shall elect, by ballot or otherwise, a city clerk and a comptroller of accounts as officers of the city to hold office for the term of 2 years and until their successors are qualified, unless they are removed by vote of a majority of the full council taken by ballot. Vacancies in said offices shall be filled for the balance of any unexpired term by the city council.

(a) City Clerk—The city clerk shall have such powers and perform such duties as the city council may prescribe in addition to such duties as may be prescribed by law.

(b) Comptroller of Accounts—The comptroller of accounts shall keep and have charge of the accounts of the city. The comptroller shall regularly audit the books and accounts of all city agencies and shall have such powers and perform such other duties as the city council may prescribe in addition to such duties as may be prescribed by law. (Acts of 1991, Chap. 50.)

**Sec. 2-8. Clerk of the Council; Other Staff.**

(a) Clerk of the Council—The city council shall elect, by ballot or otherwise, a clerk of the council to hold office at its pleasure. The clerk of the council shall give notice of all meetings of the city council to its members and to the public, keep a record of its proceedings and perform duties as may be assigned by this charter, by ordinance or by other vote of the city council.

(b) Other Staff—The city council may by ordinance establish other staff positions, regular or special, as it shall from time to time deem necessary or desirable to assist the councilors in the performance of their duties.

(c) Salaries of Staff to the Council—The city council shall by ordinance establish, and may from time to time modify, a salary schedule and a job description for the clerk of the council and such other positions as it may create to serve as staff to the council.

**Sec. 2-9. Measures; Emergency Measures; Charter Objection.**

(a) In General—No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property. Except as otherwise provided by this charter, every adopted measure shall become effective at the expiration of 20 days after adoption or at any later date specified in this charter. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter or as provided in the initiative and referendum procedures.

(b) Emergency Measures—An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. The emergency as declared and defined in a preamble thereto shall be separately voted on and shall require the affirmative vote of 2/3 of the full council. An emergency measure may be passed with or without amendments or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or any franchise or special privilege shall be passed as an emergency measure and, except as provided in sections 70 and 71 of chapter 164 of the General Laws and chapter 166 of the General Laws relating to utility lines, no such grant, renewal or extension shall be made other than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. It shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection—On the first occasion that the question on adoption of a measure is put to the city

council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special. If 3 or more other members shall join the member in such objection, such postponement shall be until the next regular meeting; provided, however, that for an emergency measure, at least 5 members in all must object. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendments to the original matter.

#### **Sec. 2-10. Delegation of Powers.**

Except to the extent otherwise prohibited by law, the city council may delegate to 1 or more city agencies the powers vested in the city council by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such city agency and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

#### **Sec. 2-11. Inquiries and Investigations.**

The city council may require any city officer or member of a city agency to appear before it and give such information as it may require in relation to the office held, its function and performance. The city council shall give at least 48 hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section.

The city council may make investigations into the affairs of the city and into the conduct of any city agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

### **ARTICLE 3. EXECUTIVE BRANCH**

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

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

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

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

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

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

inquiries and complaints together with their resolutions. The citizen assistance officer shall analyze data on citizen complaints and inquiries and shall regularly submit reports as directed by the mayor.

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

(a) The mayor shall appoint all city officers, department heads and all volunteer members of city boards, commissions, committees and agencies for whom no other method of appointment is provided by this charter or by law. Appointments by the mayor of city officers and department heads shall become effective 30 days from the date of the first regularly scheduled city council meeting after notice of the proposed appointment is filed with the city clerk, unless the city council within said 30 days shall reject such appointment. Appointments by the mayor of volunteer members of city boards, commissions, committees and agencies shall take effect 60 days from the date of the first regularly scheduled city council meeting after the notice of the proposed appointment is filed with the city clerk, unless the city council within said 60 days shall reject such appointment. Rejection by the city council shall require a 2/3 vote.

(b) The mayor shall appoint a collector-treasurer for a term coterminous with the mayor's term and until a successor for the position of collector-treasurer is qualified unless removed by the mayor prior to the expiration of such term. The mayor shall submit the proposed appointment to the city council as soon as possible after the mayor's term commences or as soon as possible after a vacancy occurs in the collector-treasurer's office. The city council must approve this appointment by majority vote of the full council within 90 days from the date on which notice of the proposed appointment is filed with the city clerk as provided in section 3-4, or the proposed appointment shall not take effect. Removal of the collector-treasurer by the mayor prior to expiration of the collector-treasurer's term in office shall not take effect until approved by majority vote of the full city council. The collector-treasurer shall receive and pay out all money belonging to the city according to the order of its authorized officers. No other person shall have authority to pay any bill of any municipal department. The collector-treasurer shall have such other powers and perform such other duties as the mayor may prescribe in addition to such duties as may be prescribed by law.

(c) The question on rejection of any appointment made by the mayor shall not be subject to charter objection as provided in subsection (c) of section 2-9. (Acts of 1991, Chap. 50; Acts of 1992, Chap 173.)

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

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

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

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

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

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

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

(a) Communications—Within 6 weeks following the start of each fiscal year, the mayor shall submit to the city council, and make available to the public, a complete report on the financial and administrative activities of the city for the preceding fiscal year. The mayor shall from time to time throughout the year, by written communications to the city council, keep it fully informed as to the financial condition and future needs of the city and shall recommend such measures to it as the mayor judges the needs of the city require.

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

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

Not sooner than 24 nor more than 96 hours after the adjournment of any meeting of the city council, the clerk of the council shall present to the mayor the record of the proceedings of the meeting and copies of all measures passed at the meeting. If during the 24 hours immediately following such adjournment, a motion to reconsider is filed with the clerk of the council by any member of the city council who is entitled to make such a motion, the measure shall not be presented to the mayor but shall be presented to the city council for reconsideration at its next meeting.

Every measure relative to the affairs of the city passed by the city council shall be presented to the mayor for the mayor's approval except: (i) any measure relating to the internal affairs of the city council; (ii) any measure relating to the election of officers whose election by the city council is authorized by law or this charter; or (iii) the budget.

Within 10 days of receipt of a measure, the mayor shall return it to the clerk of the council with or without approval, or with a veto. Upon the mayor's approval of a measure it shall be considered adopted. If a measure is vetoed, the mayor shall attach a written statement explaining the reasons for the veto. Measures vetoed by the mayor shall be considered again by the city council at a meeting no sooner than 7 days after receipt of the mayor's veto. If the city council, notwithstanding such veto by the mayor, shall again pass such measure by a 2/3 vote of the full council, it shall then be considered adopted. Every measure not approved or vetoed by the mayor shall be considered adopted 10 days after it has been presented to the mayor.

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

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

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

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

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

The restriction contained in section 3-1 relative to holding other office or actively engaging in a business, occupation or profession shall not apply to an acting mayor holding office under this section. The removal from residency within the city shall create a vacancy in the office. (Referendum of 11-04-75.)

#### **ARTICLE 4. SCHOOL COMMITTEE**

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

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

(b) Eligibility—Only voters shall be eligible to hold the office of school committee member. A candidate for the office of school committee member shall be a resident of the ward from which the candidate seeks election as of the date that the election commission makes available blank forms for the nomination of candidates for office. In order to hold the office of school committee member, a candidate shall have continuously been a resident of the ward from which the candidate is elected from the date that the election commission made such blank forms available until and including the first day of the term for which the candidate is elected. A member of the school committee shall, notwithstanding the member's removal from 1 ward of the city to another, continue to serve and to perform the member's official duties during the member's term of office. The removal from residency within the city shall create a vacancy in such office.

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

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

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

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

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

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

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

#### **Sec. 4-3. General Powers and Duties.**

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

#### **Sec. 4-4. New School Buildings.**

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

#### **Sec. 4-5. Prohibitions.**

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

#### **Sec. 4-6. Filling of Vacancies.**

If there be a vacancy, by failure to elect or otherwise, on the school committee within the first 15 calendar months of the term for which school committee members are elected, the city council shall forthwith call a special election to fill the vacancy. The election shall be by the voters of the whole city.

If the vacancy shall occur after 15 calendar months of the term for which school committee members are elected, no special election shall be held and the person elected at the next regular city election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which the member was elected, serve for the balance of the then-unexpired term.

### **ARTICLE 5. FINANCIAL PROCEDURES**

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

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

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

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

#### **Sec. 5-2. Action on the Budget.**

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

If the city council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, such amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

#### **Sec. 5-3. Capital Improvement Program.**

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

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

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

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

#### **Sec. 5-4. Contracts.**

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

### **ARTICLE 6. ADMINISTRATIVE DEPARTMENTS**

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

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

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

### **Sec. 6-2. Reorganization Plans by Mayor.**

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

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

### **Sec. 6-3. Publication of Reorganization Plan.**

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

## **ARTICLE 7. PLANNING**

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

There shall be a Department of Planning and Development.

### **Sec. 7-2. Comprehensive Plan.**

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

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

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

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

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

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

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

## **ARTICLE 8. NOMINATIONS AND ELECTIONS**

### **Sec. 8-1. Nonpartisan Elections.**

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

### **Sec. 8-2. Regular City Elections.**

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

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

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

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

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

(b) Signature Requirements—The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election, or any special election for an office other than mayor, shall be as follows: for the office of mayor, four hundred signatures; for councilor at large, one hundred fifty signatures; for ward alderman, fifty signatures from the ward in which the election is to be held; for school committee

member, one hundred fifty signatures.

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

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

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

#### **Sec. 8-4. Special Elections.**

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

#### **Sec. 8-5. Wards.**

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

#### **Sec. 8-6. Application of State Laws.**

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

### **ARTICLE 9. NEIGHBORHOOD AREA COUNCILS**

#### **Sec. 9-1. Purpose.**

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

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

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

**Sec. 9-3. Creation by Petition.**

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

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

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

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

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

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

**Sec. 9-5. Considerations in Setting Boundaries.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Sec. 9-10. Annual Report.**

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

**Sec. 9-11. Financial Records.**

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

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

**Sec. 10-1. Individual, Discretionary Petitions.**

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

**Sec. 10-2. Group Petitions; Action Required.**

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

**Sec. 10-3. Initiative: Repeat Matters.**

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

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

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

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

Within 15 days after receipt of the petition, the city solicitor shall advise the city clerk in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, the city solicitor shall state the reason or reasons for the opinion in the reply. The city clerk shall furnish a copy of the city solicitor's opinion to the person whose name first appears on the initiative petition.

**Sec. 10-6. Initiative: Additional Signatures.**

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

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

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

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

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

Within 45 days after notice of the rejection of an initiative measure has been given by the city clerk, a supplemental initiative petition addressed to the city council or the school committee on forms prepared in accordance with section 10-13 may be filed with the city clerk. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to 5 per cent of the total number of voters registered to vote at the most recent preceding regular city election. The sufficiency of the number of signatures to a supplemental initiative petition shall be determined in accordance with section 10-14. If the number of signatures to a supplemental initiative petition is sufficient, the city council shall provide for submission of the initiative measure to the voters in accordance with section 10-15.

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

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

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

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

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

The sufficiency of the number of signatures to a referendum petition shall be determined in accordance with

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

#### **Sec. 10-12. Initiative and Referendum: Ineligible Measures.**

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

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

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

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

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

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

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

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

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

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

Name\*

Present Address (Street and Number)

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

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

1.....

2.....

3.....

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

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

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

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

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

Whenever an initiative measure is to be submitted to the voters or a referendum measure is to be referred to the voters, the city council shall provide for the submission or referral at the next regular city election; but in the case of a referendum measure the city council may (i) within 30 days after a decision by the city council or the school committee not to repeal or rescind a measure or (ii) in the case of inaction by the city council or the school committee on the repeal or rescission of a measure within 30 days following the 30-day period referred to in section 10-11, call a special election to be held within 120 days of the vote.

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

(a) At the election at which an initiative measure is submitted to the registered voters, the ballot shall contain a question in substantially the following form:

“Shall the following measure which was proposed by an initiative petition addressed to the (City Council) (School Committee) take effect? (Text of proposed measure) Yes—— No——?”.

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

“Shall the following measure which was passed by the (City Council) (School Committee) be approved? (Text of measure) Yes—— No——?”; or

“Shall the following provisions of the (describe measure in general terms) which was passed by the (City Council) (School Committee) be approved? (Text of provisions) Yes—— No——?”.

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

**Sec. 10-17. Initiative and Referendum: Time of Taking Effect.**

An initiative measure shall take effect and a referendum measure shall be repealed or rescinded if a majority of the persons voting on the question so vote. Such measure shall take effect upon certification by the Election Commission of such vote.

**Sec. 10-18. Initiative and Referendum: Inconsistent or Conflicting Provisions.**

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

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

Nothing in this article shall be construed to impair a mayor's power to veto action by the city council to the extent that the power is conferred on the mayor, except that the mayor shall not have any power to veto city council proceedings providing for the submission of an initiative measure or the referral of a referendum measure to the voters. If the mayor vetoes an initiative measure passed by the city council or vetoes proceedings of the city council repealing or rescinding a referendum measure and the city council fails to override the mayor's veto, the city council shall provide for submitting the initiative measure or referring the

referendum measure to the voters.

## **ARTICLE 11. GENERAL PROVISIONS**

### **Sec. 11-1. Certificate of Election and Appointment.**

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

### **Sec. 11-2. Appointments and Removals.**

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

### **Sec. 11-3. Rules and Regulations.**

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

### **Sec. 11-4. Reenactment and Publication of Ordinances.**

The city council shall, not later than 1 year after the charter is adopted and at 5-year intervals thereafter, cause to be prepared by a special committee of the city council appointed for that purpose a proposed revision or recodification of all ordinances of the city which shall be presented to the city council for reenactment. The revisions or recodifications shall be prepared under the supervision of the city solicitor or, if the city council so directs, by special counsel retained for that purpose.

### **Sec. 11-5. Liability of City Officers and Agencies.**

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

### **Sec. 11-6. Prohibition.**

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

### **Sec. 11-7. Meetings of Qualified Voters.**

General meetings of the voters may be held from time to time, according to the right secured to the people by

the constitution of the Commonwealth; and all such meetings may, and upon the request in writing of fifty voters setting forth the purposes thereof, shall be duly called by the city council.

**Sec. 11-8. Construction of Public Facilities.**

There shall be established by ordinance a designer selection committee. Said ordinance shall provide that the designer selection committee shall be consulted and directed to make recommendations whenever an architect is to be engaged by the city for any purpose. There shall also be established by ordinance a design review committee which shall be responsible for the coordination of the design review process on any public facility for which an architect has been engaged. The ordinance may provide for one design review committee for all public buildings or it may provide that separate committees be established for each facility.

**Sec. 11-9. Severability.**

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

**Sec. 11-10. Specific Provisions Shall Prevail.**

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

**Sec. 11-11. References to General Laws.**

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

**Sec. 11-12. Computation of Time.**

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

**Sec. 11-13. Definitions.**

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

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

“City”, the city of Newton.

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

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

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

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

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

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

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

## **ARTICLE 12. TRANSITIONAL PROVISIONS**

### **Sec. 12-1. Continuation.**

All ordinances, resolutions, rules and regulations of the City which are in force at the time the charter is adopted, not inconsistent with the provisions of the charter, shall continue in force until amended or repealed.

### **Sec. 12-2. Continuation of Government.**

All City agencies shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

### **Sec. 12-3. Continuation of Administrative Personnel.**

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

### **Sec. 12-4. Transfer of Records and Property.**

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

### **Sec. 12-5. Effect on Obligations, Taxes and Other Legal Acts.**

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the City before its adoption of the charter, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the City, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the City shall be rendered invalid by its adoption of the charter.

### **Sec. 12-6. Disposition of Special Acts.**

(a) *Partial Repeal of Certain Special Acts*—The following Special Acts insofar as they confer power upon the

City of Newton which the City would not otherwise hold under the charter, General Laws or the constitution, are retained; otherwise, they are hereby repealed, it being the explicit intention of this paragraph that portions of any Special Acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the charter: *Chapter three hundred and forty-four of the acts of eighteen hundred and seventy-two; chapter three hundred and fifty-three of the acts of eighteen hundred and seventy-four; chapter one hundred and forty-five of the acts of eighteen hundred and seventy-four; chapter one hundred and twenty-five of the acts of eighteen hundred and seventy-four; chapter eighteen of the acts of eighteen hundred and seventy-six; chapter fifty-four of the acts of eighteen hundred and seventy-six; chapter one hundred of the acts of eighteen hundred and seventy-seven; chapter one hundred and forty-four of the acts of eighteen hundred and seventy-seven; chapter sixty-three of the acts of eighteen hundred and seventy-eight; chapter one hundred and forty-seven of the acts of eighteen hundred and seventy-eight; chapter sixty-nine of the acts of eighteen hundred and seventy-eight; chapter one hundred and nine of the acts of eighteen hundred and eighty-six; chapter three hundred and two of the acts of eighteen hundred and eighty-nine; chapter two hundred and thirty-four of the acts of eighteen hundred and ninety; chapter seventy of the acts of eighteen hundred and ninety-two; chapter two hundred and ninety-six of the acts of eighteen hundred and ninety-three; chapter one hundred and ninety-eight of the acts of eighteen hundred and ninety-five; chapter three hundred and forty of the acts of eighteen hundred and ninety-six; chapter two hundred and sixty-nine of the acts of eighteen hundred and ninety-eight; chapter sixty-three of the acts of eighteen hundred and ninety-eight; chapter eighty-nine of the acts of eighteen hundred and ninety-nine; chapter four hundred and fifteen of the acts of nineteen hundred; chapter two hundred and four of the acts of nineteen hundred and one; chapter one hundred and sixty-five of the acts of nineteen hundred and one; chapter four hundred and eighty of the acts of nineteen hundred and two; chapter one hundred and thirty-three of the acts of nineteen hundred and three; chapter one hundred and sixty-seven of the acts of nineteen hundred and six; chapter two hundred and two of the acts of nineteen hundred and ten; chapter seven hundred and sixty-nine of the acts of nineteen hundred and thirteen; chapter one hundred and eighty-nine of the acts of nineteen hundred and thirteen; chapter six hundred and eighty-three of the acts of nineteen hundred and thirteen; chapter one hundred and seventy-seven of the acts of nineteen hundred and fifteen; chapter three hundred and thirty-two of the acts of nineteen hundred and seventeen; chapter eighty-six of the acts of nineteen hundred and twenty; chapter five hundred and sixty-one of the acts of nineteen hundred and twenty; chapter thirty-four of the acts of nineteen hundred and twenty-four; chapter two hundred and forty-three of the acts of nineteen hundred and twenty-four; chapter thirty-five of the acts of nineteen hundred and twenty-five; chapter three hundred and thirty-six of the acts of nineteen hundred and twenty-seven; chapter seventy-three of the acts of nineteen hundred and twenty-eight; chapter twenty-five of the acts of nineteen hundred and thirty-two; chapter twenty of the acts of nineteen hundred and thirty-four; chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-five; chapter three hundred and fifteen of the acts of nineteen hundred and forty-nine; chapter three hundred and forty-four of the acts of nineteen hundred and forty-nine; chapter three hundred and sixty-seven of the acts of nineteen hundred and fifty-three; chapter four hundred and nineteen of the acts of nineteen hundred and fifty-five; chapter two hundred and eleven of the acts of nineteen hundred and fifty-five; chapter one hundred and two of the acts of nineteen hundred and fifty-six; chapter one hundred and one of the acts of nineteen hundred and fifty-six; chapter four hundred and thirty-nine of the acts of nineteen hundred and sixty-one; chapter three hundred and sixteen of the acts of nineteen hundred and sixty-two; chapter three hundred and thirty-seven of the acts of nineteen hundred and sixty-seven; chapter six hundred and thirty-one of the acts of nineteen hundred and sixty-nine.*

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

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

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

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

#### **Sec. 12-7. Time of Taking Effect.**

The charter shall become fully effective 12:01 p.m. on the first secular day of January following the election at which it is approved by the voters, except as follows:

- (a) The term of office of the mayor elected at the election at which the charter is approved shall be for the term of two years, and the provisions of Section 3-1 of the charter with respect to the term of office of the mayor being four years and with respect to the mayor's serving full time, not holding any other elected public office and not actively engaging in a business, occupation or profession shall not become effective until the term beginning after the regular City election next following the election at which the charter is adopted.
- (b) The counting of consecutive terms for the office of school committee member shall begin with the first term after the election at which the charter is adopted. Terms served prior to the effective date of the charter shall not be counted for the purpose of the limitation contained in Section 4-1(c) of the charter.

This act shall take effect on January 1, 2016. (Acts of 2015, Chap. 87.)