

Chapter <sup>48</sup>  
of the Acts of 2023

T H E   C O M M O N W E A L T H   O F   M A S S A C H U S E T T S

*In the One Hundred and Ninety-Third General Court*

AN ACT AMENDING THE HOME RULE CHARTER OF THE CITY OF BEVERLY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 230 of the acts of 1993 is hereby repealed.

SECTION 2. The following shall be the charter of the city of Beverly:

Article 1

Incorporation; Short Title; Definitions

SECTION 1-1 Incorporation.

The inhabitants of the city of Beverly, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Beverly".

SECTION 1-2 Short title.

This instrument shall be known, and may be cited, as the "Beverly Home Rule Charter."

SECTION 1-3 Distribution of powers.

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

SECTION 1-4 Powers of City.

Subject only to express limitations on the exercise of any power or function by a municipal government in the Constitution of the Commonwealth or in the General Laws, it is the intention and the purpose of the voters of the city of Beverly through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

SECTION 1-5 Construction.

The powers of the city of Beverly under this charter shall be construed liberally in favor of the city and the specific mention of any particular power shall not limit the general powers of the city as stated in section 1-4.

SECTION 1-6 Intergovernmental relations.

Subject only to express limitations in the Constitution of the Commonwealth or the General Laws, the city of Beverly may exercise any of its powers or 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 agency or political subdivision thereof, or with the United States government or any agency thereof.

SECTION 1-7 Definitions.

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

(a) "Charter", this charter and any amendments to this charter as may hereafter be adopted.

(b) "City", the city of Beverly.

(c) "City agency", any multiple-member body and any department, division or office of the city of Beverly.

(d) "City bulletin board", the bulletin board located in City Hall on which the city clerk posts official notices of meetings and upon which other official city notices are posted, the bulletin boards at any other locations as may be designated city bulletin boards by the city council and the city website.

(e) "City officer", when used without further qualification or description, a person having charge of an office or department of the city who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the city.

(f) "City website", a site established and maintained by the city as its online repository of municipal information on the internet.

(g) "Department head", the person having responsibility and oversight for the operation and management of a city department.

(h) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

(i) "Full Council" or "full multiple-member body", the entire authorized complement of the city council, school committee or other multiple-member body, notwithstanding any vacancy which might exist.

(j) "general laws", laws enacted by the legislature which apply alike to all cities and towns, to all cities or to a class of 2 or more cities or 2 or more cities and towns of which the city of Beverly is a member.

(k) "General Laws", the General Laws of the commonwealth, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(l) "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.

(m) "Local newspaper", a newspaper of general circulation within the city of Beverly, with either a weekly or daily circulation.

(n) "Majority vote", when used in connection with a meeting of a multiple-member body, a majority of those present and voting, unless another provision is made by ordinance, by law or by its own rules.

(o) "Measure", any ordinance, order, resolution or other vote or proceeding adopted, or which might be adopted by the city council or the school committee.

(p) "Multiple-member body", any board, commission, committee, subcommittee or other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted, but not including the city council or the school committee.

(q) "Referendum measure", a measure adopted by the city council or the school committee which is protested under the referendum procedures of this charter.

(r) "Regular municipal election", the biennial election of municipal officers.

(s) "Voters", registered voters of the city of Beverly.

## Article 2

### Legislative Branch

#### SECTION 2-1 Composition; term of office.

(a) Composition - There shall be a city council of 9 members which shall exercise the legislative powers of the city. Three of these members, to be known as "councilors-at-large," shall be nominated and elected by and from the voters at large. Six of these members, to be known as "ward councilors," shall be nominated and elected by and from the voters of each ward, one such ward councilor to be elected from each of the 6 wards into which the city is divided, in accordance with section 7-5.

(b) Term of office - The term of office for all city councilors shall be for 2 years each, beginning on the first Monday of January in the year following their election and until their successors have been qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor shall at the time of election be a voter of the ward from which elected; provided, however, if any ward councilor shall during the first 18 months of the term of office remove to another ward in the city, such office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11. If such removal occurs after the first 18 months of the term of office, such councilor may continue to serve for the balance of the term to which elected. If a councilor-at-large or a ward councilor removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

SECTION 2-2 Council President.

(a) Election and term - The candidate for councilor-at-large receiving at the regular municipal election the largest number of votes for the office shall serve as council president during the ensuing term of office.

(b) Powers and duties - The council president shall preside at all meetings of the city council, regulate its proceedings and shall decide all questions of order. The council president shall appoint all members of all committees of the city council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the city council as any other member of the city council. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the city council.

(c) Council Vice-President - As soon as practicable after the councilors-elect have been qualified following each regular municipal election, the members of the city council shall elect from among its members a vice president who shall act as council president while the council president is unable to serve. The powers of an acting council president shall be limited to only those powers which are indispensably essential to perform the duties of acting council president during the inability to serve of the council president while the council president is unable to serve.

SECTION 2-3 Prohibitions.

No member of the city council shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the city council shall hold any compensated

appointed city office or city employment until one year following the date on which such former member's service on the city council has terminated.

SECTION 2-4 Compensation; expenses.

(a) Salary - The city council may, by ordinance, provide an annual salary for its members. No ordinance increasing or decreasing such salary shall be effective, however, unless it shall have been adopted during the first 12 months of a term of office and it provides that such salary is to take effect with the organization of the city government following the next regular municipal election.

(b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties.

SECTION 2-5 General powers.

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

SECTION 2-6 Exercise of powers; quorum; rules.

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

(b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of business. Except as otherwise provided by general law or by this charter, the affirmative vote of 5 members shall be required to adopt any ordinance or appropriation order.

(c) Rules of procedure - The city council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

(i) Regular meetings of the city council shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the city council shall be held at the call of the council president or, on the call of any 3 or more members, by written notice delivered in hand or to the place of residence of or by electronic mail to each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council president shall be judge, such notice shall be delivered at least 48 hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the city bulletin board.

(iii) All sessions of the city council, and of every committee or subcommittee thereof, shall at all times be open to the public and to the press, unless another provision is made by law.

(iv) A full, accurate, up-to-date account of the proceedings of the city council and of every committee and subcommittee thereof shall be kept, which account shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting.

SECTION 2-7 Access to information.

(a) In general - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

(b) City officers, members of city agencies, employees - The city council or any committee or subcommittee thereof may require any city officer, member of a city agency or city employee to appear before it to give such information as the city council may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of such person and within the jurisdiction of the city council.

(c) Mayor - The city council may require the mayor to provide the city council with specific information on the conduct of any aspect of the business of the city or any matter within the jurisdiction of the city council. The city council may require the mayor to appear before the city council, in person, to respond to written questions made available to the mayor at the time the request to appear is made to the mayor. The mayor may bring to such meeting any assistant, department head or other city officer or employee the mayor may deem necessary to assist in responding to the questions posed by the city council.

(d) Notice - The city council shall give not less than 5 days' notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific questions on which the city council seeks information and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

SECTION 2-8 Officers elected by City Council.

(a) Budget/Management Analyst - The city council shall elect a budget/management analyst to serve for a term of 3 years and until a successor is chosen and qualified. In the case of a vacancy in the position, the city council shall fill such vacancy promptly. The council may advertise for the position and shall post the vacancy in accordance with section 8-12 or retain consultant services for an individual to serve as budget/management analyst. The council may pursue either or both options for selection prior to determining whether the budget/management analyst shall serve as an employee or as a consultant. The budget/management analyst shall perform a legislative oversight and a post-audit function and shall not be involved in the day-to-day administrative detail of the financial operations of the city. The budget/management analyst shall have free access to all books, accounts, bills and vouchers of the city and shall continuously review and examine the same. The budget/management analyst shall make periodic reports thereon to the city council, with such frequency as the city council by ordinance, by rule or by other vote may direct, but not less frequently than quarterly. All officials of the city shall cooperate with the budget/management analyst in the performance of this oversight function. The budget/management analyst shall have such other powers and duties as may be provided by this charter, by ordinance or by other vote of the city council. If the budget/management analyst is an employee, the salary for the position shall never be less than 50 per cent of the amount provided for the office of finance director.

(b) City Clerk - The city council shall elect a city clerk to serve for a term of 3 years and until a successor is chosen and qualified. The city clerk shall have the powers and duties relating to the keeping of records and vital statistics, the regulation and conduct of elections and the issuance of licenses as are provided to city clerks by general laws and such additional powers and duties as may be provided by general laws, by this charter, by ordinance or by other vote of the city council.

(c) Clerk of the Council - The city council shall elect a clerk of the council, who may be the city clerk, to serve for a term of 3 years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the city council.

(d) Salaries/Compensation - The officers and employees appointed or elected by the city council shall receive such salaries or other compensation

as may from time to time be provided for such offices and employees, by ordinance.

(e) Removal/Suspension - Any person appointed or elected by the city council may be removed or suspended by the city council by the use of procedures contained in section 8-14.

SECTION 2-9 Ordinances and other measures.

(a) Emergency ordinances - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of 6 or more members of the city council.

Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

(b) Measures, in general - The city council may pass a measure through all of its stages at any meeting, except proposed ordinances, appropriation orders and loan authorizations, provided that no member of the city council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the city council.

On the first occasion that the question of adopting any measure is put to the city council, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the city council, regular or special. If, when the matter is next taken up for a vote, 3 or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional 5 days, but no later than the next scheduled council meeting following the passage of the 5 days above. This procedure shall not be used more than once for any measure, notwithstanding any amendments made to the original measure.

(c) Publication - Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances as provided in section 2-9(a), shall be posted and published on the city bulletin board, city website and in the local newspaper, and in any additional manner required by this charter or state or federal law, as well as be made available at the office of the city



clerk at least 10 days before final passage. Whenever a proposed ordinance would exceed in length more than 10 column inches of ordinary newspaper notice print, then in lieu of publication of the full text of the ordinance in the local newspaper, the city clerk shall prepare and cause to be published in a local newspaper a summary of the proposed ordinance, including its purpose and provisions, along with notice stating the times and places where the full text of the ordinance may be reviewed by the public. Such summary shall be subject to review by and approval by the city solicitor prior to publication in a local newspaper. After final passage, the full text of any ordinance shall be posted on the city bulletin board and the city website and steps shall be taken by the city clerk to forthwith incorporate such ordinance into the official publication of the complete city ordinances.

(d) Council reconsideration - The clerk of the city council shall hold every measure adopted by the city council for a period of 72 hours, Saturdays, Sundays and legal holidays excepted, and if during said time notice of an intent to file a motion to reconsider the matter is filed with the clerk of the council by a member entitled to make such a motion, the measure shall be returned to the city council for further action. If no such statement of intent is filed with the clerk of the council during such period, the clerk shall, at the expiration of the said 72-hour period, forthwith present the matter to the mayor.

SECTION 2-10 Council review of certain appointments.

The mayor shall submit to the city council the name of each person the mayor desires to appoint to any city office, as a department head or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The city council shall refer each such name as is submitted to it to a standing committee of the city council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full city council not less than 7 days nor more than 21 days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the city council, to give such information relevant to such appointment as the committee, or the city council, may require.

Appointments made by the mayor shall become effective on the thirtieth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless the city council shall within the said 30 days vote to reject such appointment, or unless the city council has sooner voted to affirm the appointment. Rejection by the city council shall

require a two-thirds vote of the full council, except that an appointment to a multiple-member body may be rejected by a majority vote of the full council. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9(b).

SECTION 2-11 Filling of vacancies.

(a) Councilor-at-Large - If a vacancy shall occur in the office of councilor-at-large during the first 18 months of the term for which councilors are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding regular municipal election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the said election. The city clerk shall certify such candidate to the office of councilor-at-large to serve for the balance of the concluding term.

(b) Ward Councilor - If a vacancy shall occur in the office of ward councilor in the first 18 months of the term to which councilors are elected, it shall be filled in the same manner as provided in section 2-11(a) for the office of councilor-at-large except that the list shall be of the candidates for the office of ward councilor in the ward in which the vacancy occurs.

(c) Filling of vacancies by City Council - Whenever a vacancy shall occur in the office of councilor-at-large or in that of ward councilor and (1) there is no available candidate to fill such vacancy in the manner provided in section 2-11(a) or (b) and (2) more than 6 months remains on the existing term, the vacancy shall be filled by vote of the remaining members of the city council. The council shall post notice of the vacancy for 14 days, and the council shall include among such candidates for the vacancy any candidates for the now vacant seat in the prior regular municipal election who were not elected and did not meet the criteria of section 2-11(a) or (b). The council president shall provide the opportunity for each candidate seeking to fill a vacancy to address the council prior to its vote to fill any vacancy. Persons elected to fill a vacancy by the city council shall serve only until the next regular municipal election, at which time the vacancy shall be filled by the voters and the person elected to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the balance of the concluding term in addition to the term for which elected.

Persons serving as city councilors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

(d) If the vacancy shall occur during the last 6 months of the term of office, such vacancy for a ward councilor shall be filled by the person at the next regular municipal election who receives the highest number of votes for the office of ward councilor from that ward. Such vacancy for a councilor-at-large council seat shall be filled by the person at the next regular municipal election who is not presently serving and receives the highest number of votes for councilor-at-large from among the candidates for the office who are not presently serving. Such ward councilor or councilor-at-large shall forthwith be certified by the city clerk to serve for the balance of the concluding term in addition to the term to which elected.

Article 3

Executive Branch

SECTION 3-1 Mayor: qualifications; term of office; compensation.

(a) Mayor, qualifications - The chief executive officer of the city shall be a mayor, elected by and from the voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be actively engaged in any other business, occupation or profession during the period of service as mayor.

(b) Term of office - The term of office of the mayor shall be two years beginning on the first Monday of January following the biennial city election at which chosen and until a successor is qualified.

(c) Compensation - The city council shall, by ordinance, establish an annual salary for the mayor. No ordinance increasing or decreasing the salary of the mayor shall be effective unless it shall have been adopted in the first 12 months of the term for which the mayor is elected and it provides that such salary is to become effective in January of the year following the next regular municipal election that includes the election of a mayor.

SECTION 3-2 Executive powers; enforcement of ordinances.

The executive 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 general supervision and control of the office of the mayor. The mayor shall cause the charter, laws, ordinances and other orders for the government of the city to be enforced and shall cause a record of all official acts of the executive branch of the city to be kept.

The mayor shall exercise a general supervision and direction over all city agencies, unless otherwise provided by law, by this charter or by ordinance. Each city agency shall furnish to the mayor, forthwith upon request, any information, materials or otherwise as the mayor may request and as the needs of the office and the interest of the city may require.

The mayor shall be the chief procurement officer for the city responsible for buying, purchasing, renting, leasing, or otherwise acquiring all supplies and all services for all departments and all activities of the city and including all functions that pertain to the obtaining of a supply or a service, including description of requirements, selection and solicitation of sources, preparation and award of all contracts and all phases of contract administration. The mayor may delegate all or any portion of such powers and duties to a subordinate officer, but no such delegation shall in any way absolve the mayor from the ultimate responsibility for all procurement activities.

The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law, by this charter, by ordinance or otherwise. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city of Beverly and for this purpose shall have authority consistent with law to call together for consultation, conference and discussion at all reasonable times all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise.

The mayor shall hold no other city office or city employment for which a salary or other emolument is payable from the city treasury. No former mayor shall hold any compensated appointed city office or city employment until one year following the date on which such former mayor's city service has terminated.

SECTION 3-3 Appointments by Mayor.

The mayor shall appoint, subject to the review of such appointments by the city council as provided in section 2-10, all city officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by this charter, excepting only persons serving under the school committee, and persons serving under the city council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for periods not to exceed 3 years; provided, however, that the mayor may appoint the head of a department

related to the public safety for a term of not less than 3 years nor more than 5 years. The mayor may suspend or remove any person appointed by the mayor in accordance with the procedure established in section 3-4. The decision of the mayor in suspending or removing a department head shall be final.

All persons categorized as department heads shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible. The department head may suspend or remove any assistant, subordinate or other employee of the agency for which such person is responsible in accordance with the procedures established in section 8-14.

SECTION 3-4 Removal or suspension of certain officials.

(a) In general - The mayor may, in writing, remove or suspend any city officer, member of a multiple-member body, or the head of any city department appointed by the mayor by filing a written statement, with the city clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said city officer, member of a multiple-member body or head of a department. The said city officer, member of a multiple-member body or head of a department may make a written reply by filing such a reply statement, with the city clerk, within 10 days following the date the statement of the mayor has been filed but such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The said city officer, member of a multiple-member body or head of a department may request permission to appear at a public meeting of the city council to read the written reply concerning removal or suspension. If permission for said city officer, member of a multiple-member body or head of a department to attend a meeting of the city council is granted for such purpose, the mayor may attend the same meeting to read the statement of removal or suspension filed by the mayor in the first instance. The city council shall have no authority to vote or otherwise express its views concerning such removal or suspension.

(b) Public safety - The mayor may, in writing, remove or suspend the head of any city department relating to the public safety appointed by the mayor by filing a written statement, with the city clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said head of a

department. The said city officer or head of a department may make a written reply by filing such a reply statement, with the city clerk, within 10 days following the date the statement of the mayor has been filed but such reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The said city officer or head of a department may request permission to appear at a public meeting of the city council to contest the decision of the mayor concerning a removal from office and to read the written reply filed with the city clerk concerning such removal. If permission for said head of a department to attend a meeting of the city council is granted for such purpose, the mayor may attend the same meeting to read the statement of removal filed by the mayor in the first instance. The city council shall have the authority to vote to approve or disapprove of the action of the mayor, but it shall have no other power to otherwise express its views concerning such removal or suspension. The removal shall not take effect unless at least 5 members of the city council shall vote to confirm the action of the mayor.

SECTION 3-5 Temporary appointments to City offices.

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate the head of another city agency or a city officer or city employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by this charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Beverly.

(signed)

Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary appointment and no others. In the case of a temporary vacancy, no temporary appointment shall be for more than 60 days, which may be extended for 1 30-

day period. When a permanent vacancy exists in the office, the initial appointment shall be for not more than 60 days, which may be extended for not more than 3 30-day periods.

SECTION 3-6 Communications; special meetings.

(a) Communications to the City Council - Within 6 weeks following the start of each fiscal year, the mayor shall submit to the city council, and make available for public distribution, 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, recommend to the city council for its consideration such measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, from time to time throughout the year, but at least quarterly, by written communications, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative problems of the city.

(b) Special meetings of the City Council - The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the residence of or by electronic mail to each member of the city council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the city bulletin board.

SECTION 3-7 Approval of Mayor; exception (veto).

Every order, ordinance, resolution or vote adopted or passed by the city council relative to the affairs of the city, except memorial resolutions, the selection of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval. If the mayor approves of the measure, the mayor shall sign it. If the mayor disapproves of the measure, the mayor shall return the measure, with the specific reason or reasons for such disapproval attached thereto, in writing, to the city council. The city council shall enter the objections of the mayor on its records and not sooner than 10 days, nor after 30 days from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding

the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-8 Temporary absence of Mayor.

(a) Acting Mayor - Whenever, the mayor shall be unable to perform the duties of the office for a period of 5 days or more, the president of the city council shall be the acting mayor. If the city council president is unwilling or unable to serve, the councilor-at-large with the second highest number of votes in the most recent regular municipal election shall serve as acting mayor, and if said councilor is unwilling or unable to serve, the councilor-at-large with the third highest number of votes in the most recent regular municipal election shall serve as acting mayor. If none of the councilors-at-large are willing or able to serve as mayor, the council shall elect from among its membership a councilor to serve as acting mayor.

The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, designate a qualified city officer or city employee to exercise the powers and perform the duties of the office during the temporary absence of the mayor for periods of less than 5 days and to serve only when the needs of the city require and only to the extent necessary under the then circumstances.

(b) Powers of Acting Mayor - The acting mayor shall have only those powers of the mayor as may be necessary to the conduct of the business of the city in an orderly and efficient manner and which may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from city service unless the mayor's inability to serve shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the city council is serving as acting mayor, such councilor shall not vote as a member of the city council.

SECTION 3-9 Vacancy in office of Mayor.

(a) Special election - If a vacancy in the office of mayor occurs in the first 15 months of the term for which the mayor is elected, except for a vacancy as the result of a recall, the city council shall forthwith order a special election, to be held within 90 days following the date the vacancy is created, to fill such vacancy for the balance of the concluding term.



(b) Council election - If a vacancy in the office of mayor occurs in the last 9 months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office or otherwise, the president of the city council shall become the mayor. If the city council president is unwilling or unable to serve, the vacancy shall be filled in the manner set forth in section 3-8(a). Upon the qualification of the president of the city council other councilor-at-large or ward councilor as the mayor under this section, a vacancy shall exist in that council seat on the city council, which shall be filled in the manner provided in section 2-11.

(c) Vacancy as a result of a recall election - If a mayoral vacancy exists as a result of a recall election, the vacancy shall be filled by a special election as provided in section 7-14(g) if such election can be held within the requirements of section 7-14(f) of this charter.

(d) Powers; term of office - The mayor elected under section 3-9(a) or (b) shall have all the powers of the mayor. A person elected pursuant to section 3-9(a) shall serve for the balance of the concluding term at the time of election to the office. A person chosen pursuant to section 3-9(b) shall serve until the time of the next regular municipal election at which time the person elected as mayor shall forthwith be certified by the city clerk and shall serve for the balance of the concluding term, in addition to the term to which such person was elected.

Article 4

School Committee

SECTION 4-1 School Committee.

(a) Composition; term of office - There shall be a school committee, which shall consist of 7 members. Six of these members, to be known as "ward school committee members," shall be nominated and elected by and from the voters of each ward, 1 such ward school committee member to be elected from each of the 6 wards into which the city is divided, in accordance with section 7-5. The mayor shall serve as the seventh member of the school committee. The term of office for all school committee members shall be for 2 years each, beginning on the first Monday of January in the year following their election, and until their successors have been qualified.

(b) Eligibility - A ward school committee member shall at the time of election be a voter of the ward from which elected; provided, however, that if any ward school committee member shall, during the first 18 months of the term of office, remove to another ward in the city, such office shall be deemed vacant and the balance of the unexpired term shall be filled in the

manner provided in section 4-1(f). If such removal occurs after the first 18 months of the term of office, such school committee member may continue to serve for the balance of the term for which elected. If a ward school committee member removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 4-1(f).

(c) Powers and duties - The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by this charter, by ordinance or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee;

2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as the general laws so provide;

3) To adopt and administer an annual operating budget for the school department, subject to appropriation by the city council.

4) To have general charge and superintendence of all school buildings and grounds, furnish all school buildings with proper fixtures, furniture and equipment and provide ordinary maintenance of all school buildings and grounds; provided, however, that the city council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. If the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the school committee, or designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

(d) Prohibitions - No member of the school committee shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the school committee shall hold any compensated appointed city office or city employment until 1 year following the date on which such member's service on the school committee has terminated.

(e) Salary - The city council may, by ordinance, provide an annual salary for the members of the school committee. No ordinance increasing such

salary shall be effective unless it shall have been adopted during the first 12 months of a term of office and it provides that such salary is to take effect with the organization of the city government following the next regular municipal election.

(f) Filling of vacancies - If a vacancy shall occur in the office of ward school committee member during the first 18 months of the term for which school committee members are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of ward school committee member from such ward at the preceding regular municipal election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of ward school committee member in such ward. If there be no such candidate eligible and willing to serve, the vacancy shall be filled by a majority vote of the remaining members of the school committee and the city council sitting in joint convention, from among the voters of such ward. If the vacancy shall occur during the last 6 months of the term of office, such vacancy shall be filled by the person at the regular municipal election who receives the highest number of votes for the office of ward school committee member from such ward. Such person shall forthwith be certified and shall serve for the balance of the concluding term in addition to the term for which such person was elected. The city clerk shall certify such candidate to the office of ward school committee member to serve for the balance of the then concluding term as well as the term to which elected.

SECTION 4-2 School Committee President.

(a) Election and term - The school committee shall organize by electing 1 of the ward school committee members to serve as school committee president during the ensuing term of office.

(b) Powers and duties - The school committee president shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee president shall appoint all members of all committees of the school committee, whether special or standing. The school committee president shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee president shall perform such other duties consistent with the office as may be provided by this charter, by ordinance or by other vote of the school committee.

SECTION 4-3 School Committee budget.

The mayor and city council shall annually provide an amount of money sufficient for the support of the public schools as required by the General Laws. In acting on appropriations for educational costs, the city council shall vote on the total amount of appropriations requested and shall not allocate appropriations among accounts or place any restrictions on such appropriations. The vote of the city council shall establish the total appropriation for the support of the schools, but may not limit the authority of the school committee to determine expenditures within the total appropriations.

Article 5

Administrative Organization

SECTION 5-1 Organization of City agencies.

Administrative Code - The mayor may from time to time prepare and submit to the city council plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the city; provided, however, that no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides. The mayor may, through the administrative code, and subject only to express prohibitions in a general law or this charter, reorganize, consolidate or abolish any city agency, in whole or in part; establish such new city agencies as are deemed necessary; and for such purpose may transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the city, transfer the appropriation of 1 city agency to another.

Whenever the mayor proposes such a plan any proposed changes to the administrative code shall be accompanied by a message from the mayor which explains the expected benefits and advises the city council if changes proposed shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. The city council shall hold at least 1 public hearings on the proposal, giving notice by publication in a local newspaper and on the city website, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than 7 days nor more than 14 days following said publication.

An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within such

period vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter the plan.

SECTION 5-2 Publication of Administrative Code.

For the convenience of the public, the administrative code and any amendments to it shall be printed as an integral part of the ordinances of the city of Beverly.

SECTION 5-3 Merit principle.

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which the person is chosen.

SECTION 5-4 Department of Municipal Finance.

(a) Establishment; scope - There shall be a department of municipal finance responsible for the performance of all of the fiscal and financial activities of the city. The department of municipal finance shall assume all of the duties and responsibilities related to municipal finance activities which shall include treasury, collection, accounting and assessing and the department of municipal finance may have such additional powers, duties and responsibilities with respect to municipal finance related functions and activities as the city may from time to time provide by ordinance.

(b) Director of Municipal Finance - The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by and who shall be responsible to the mayor. The mayor shall also appoint the person, or persons, with management and oversight responsibility for treasury or collection functions. The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of municipal finance shall be responsible for the supervision and coordination of all activities of the department of municipal finance in accordance with the general laws, city ordinances, the administrative code and any accompanying rules and regulations. The mayor may specify that the director of municipal finance shall serve, ex officio, as the city treasurer, collector, treasurer-collector or city accountant.

SECTION 5-5 Department of Planning and Development.

(a) Establishment; scope - There shall be a department of planning and development responsible for the coordination of all the planning and

development related activities of the city. The department of planning and development shall be responsible for the coordination of all of the duties and responsibilities related to planning and development activities which, prior to the adoption of this charter, were performed by or under the authority of the planning board, board of appeals, and the conservation commission; and the department of planning and development may have such additional powers, duties and responsibilities with respect to the coordination of planning and development related functions and activities as the city may from time to time provide by ordinance, which may include the coordination of all land acquisition and land management proposals, economic development planning, the preparation of a comprehensive or master plan and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.

(b) Director of Planning and Development - The department of planning and development shall be under the direct control and supervision of a director of planning and development, who shall be appointed by and be responsible to the mayor. The director of planning and development shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of planning and development shall be responsible for the supervision and coordination of all activities of the department of planning and development in accordance with the general laws, city ordinances, administrative code and rules and regulations.

SECTION 5-6 Planning and construction of buildings and other facilities.

(a) Composition, mode of appointment and term of office - There shall be a permanent buildings and other facilities planning and construction committee which may be referred to as the "planning and construction committee" consisting of 7 members. Six of the committee members shall be appointed by the mayor for terms of 3 years each so arranged that the term of 2 members shall expire each year. In making appointments to the committee, the mayor shall seek persons having experience in the fields of architecture, engineering, construction, real estate or law. The seventh member of the committee shall be designated by the school committee and may, but need not, be a member of the school committee.

(b) Powers and duties - The planning and construction committee shall be responsible for monitoring the physical condition of all municipal buildings and other facilities. The committee shall meet from time to time with representatives of municipal agencies to evaluate the need for additions, renovations or remodeling of any existing building or facility or for the

construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the mayor in which it shall make recommendations as to the need for any project or projects.

Whenever any construction work on any municipal building or other facility is authorized, the planning and construction committee shall be responsible for all work in connection with the project including site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction.

SECTION 5-7 Department of Human Resources.

(a) Establishment, scope - There shall be a department of human resources which shall be responsible for all personnel and employee-related functions and activities of the city government and its administration. The department of human resources shall assume all of the duties and responsibilities related to human resources activities which, prior to the adoption of the this charter, were performed by or under the authority of the city auditor, the city treasurer and the heads of city agencies; and the department of human resources may have such additional powers, duties and responsibilities with respect to human resources related functions and activities as the city may from time to time provide, by ordinance. The functions of the department shall include the following:

1. Planning, administering and directing all phases of all municipal personnel plans and collective bargaining agreements, including job description, position classification, sick and vacation day administration, accident prevention programs, employee grievance procedures, physical examination processing, testing, review and evaluation of work records and all other record keeping related to city employees.

2. Developing new and revised personnel policies and practices to maintain and keep current the existing high standards for municipal personnel and ensure compliance with federal, state and local laws, rules and regulations regarding personnel and employment.

3. Reviewing and evaluating all requests for new or additional personnel made by city agencies and making recommendations to the mayor.

4. Advising and assisting all agency heads and employees in all aspects of municipal personnel matters, including, but not limited to recruitment, discipline, promotion, transfer, training, wages, insurance and other benefits of employment.

(b) Director of Human Resources - The department shall be headed by a director of human resources appointed by the mayor and who shall be

responsible to the mayor. The director of human resources shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of human resources shall be responsible for the supervision and coordination of all activities of the department of human resources in accordance with the general laws, city ordinances, administrative code and rules and regulations.

SECTION 5-8 Department of Municipal Inspections.

(a) Establishment; scope - There shall be a department of municipal inspections which shall be responsible for the coordination of all inspection functions performed by any city officer, employee or agent. The department of municipal inspections shall be responsible for the coordination of all of the inspection functions conducted by the city, including, but not limited to, those required under the zoning or any other city ordinance, the Code of Massachusetts Regulations relating to buildings, electrical wiring, plumbing, gas fitting, sanitation, wetlands, fire protection and fire safety, hazardous materials, local regulations adopted by the board of health, conservation commission, historic districts commission, planning board and every other local inspection as may be otherwise authorized or conducted. The department of municipal inspections shall have such additional powers, duties and responsibilities with respect to the coordination of municipal inspection functions as the city may from time to time provide by ordinance, which may include the maintenance of all records relating to inspections in a central place through a common index, a single application process that would indicate all inspections that might be necessary for a particular project and provide for a consolidated, coordinated review and processing of each such application.

(b) Director of Municipal Inspections - The department of municipal inspections shall be under the direct control and supervision of a director of municipal inspections, who shall be appointed by the mayor and who shall be responsible to the mayor. The director of municipal inspections shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of municipal inspections shall be responsible for the supervision and coordination of all activities of the department of municipal inspections in accordance with the general laws, city ordinances, administrative code and rules and regulations. The director of municipal inspections shall, in addition to the coordination responsibilities assigned by this provision, also perform the duties of building inspector or



any other position within the department as the mayor may from time to time specify.

Article 6

Finance and Fiscal Procedures

SECTION 6-1 Fiscal year.

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

SECTION 6-2 School Committee budget.

(a) Public hearing - Not less than 7 days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published in a local newspaper and posted on the Beverly Public Schools website and the city website a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when and where a public hearing will be held by the school committee on the proposed budget. Following the public hearing, the school committee shall take its final vote on its proposed budget.

(b) Submission to Mayor - The budget as adopted by the school committee shall be submitted to the mayor not less than 21 days before the date the mayor is required to submit a proposed city budget to the city council to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total city operating budget the mayor is required to submit under this article.

SECTION 6-3 Submission of budget and budget message.

Within the time fixed by law, before the start of the fiscal year of the city, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide for the publication in a local newspaper of a notice and a general summary of the proposed budget, posting such notice and summary on the city website, as well as the complete proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the city are available for examination by the public.

SECTION 6-4 Budget message.

The budget message of the mayor shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the city for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current fiscal year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the city's debt position and include other material as the mayor deems desirable.

SECTION 6-5 Budget.

The proposed operating budget shall provide a complete financial plan for all city funds and city activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the mayor deems desirable. In the presentation of the budget, the mayor shall utilize modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by city agency in terms of work programs, staffing, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by city agency, and the proposed method of financing each such capital expenditure;

(c) The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 6-8; and

(d) Estimated surplus revenue and budgetary fund balances at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

SECTION 6-6 Action on budget.

(a) Public Hearing - Upon its receipt of the proposed operating budget, the city council shall post on the city website and provide for the publication in a local newspaper of a notice stating the time and place, not less than 7 days nor more than 14 days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(b) Review - The city council shall consider, in open public meetings, the detailed expenditures proposed for each city agency and may confer with representatives of each such agency in connection with its review and consideration. The city council may require the mayor, or any other city agency to furnish the city council with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) Action by City Council - The city council shall adopt the budget, with or without amendments, within the time frame as is provided by general law. In amending the budget, the city council may delete or decrease any programs or amounts except expenditures required by law, or for debt service. If the city council fails to take any action with respect to any item in the proposed budget within the period as provided by general law, such amount shall, without any action by the city council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified. The final budget shall be posted on the city's website.

SECTION 6-7 Supplementary budgets; other appropriations.

(a) Intradepartmental transfers - With the approval of the mayor, funds appropriated for 1 line item within the appropriation made for a particular municipal agency may be transferred to another line item within the same municipal agency. Whenever such a transfer is authorized by the mayor, notice of the transfer, and the circumstances under which such transfer was deemed advisable, shall be filed with the clerk of the city council.

(b) Interdepartmental transfers - With the approval of the city council, funds appropriated for the use of 1 municipal agency may be transferred to the use of another municipal agency. Requests to the city council for the transfer of funds from 1 municipal agency to another shall be made by the mayor, in writing, and shall include a statement setting forth the reason the additional funds are needed by the agency to which it is proposed they be transferred and shall be accompanied by a certificate signed by the agency from which the appropriation is proposed to be taken that such transfer will not prevent that agency from performing its vital functions. A copy of this request shall, forthwith, be posted on the city bulletin board and on the city website. The city council shall, by its rules, provide a procedure governing interdepartmental transfer requests which shall include not less than 2 readings and a public hearing by the city council and specify the circumstances under which notice by publication in a newspaper shall be

required and circumstances under which simple posting on the city bulletin board and city website shall be sufficient.

(c) Supplementary appropriations - Whenever the mayor shall submit to the city council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the city council shall not act upon such request until it has (1) given notice by posting on the city's website and publication in a local newspaper of the request, and (2) held a public hearing concerning such request. The publication of the notice and the public hearing shall be generally in conformity with the section 6-6(a) concerning the proposed annual operating budget.

SECTION 6-8 Capital improvement program.

The mayor shall submit a capital improvement program to the city council not less than 150 days before the start of each fiscal year, which shall include the following:

- (a) A clear and concise general summary of its contents;
- (b) A list of all capital improvements proposed to be undertaken during the next ensuing 5 years with supporting information as to the need for each capital improvement;
- (c) Cost estimates, methods of financing and recommended time schedules for each improvement; and
- (d) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 6-9 Independent audit.

The city council shall select a certified public accountant or firm of certified public accountants to annually conduct an outside audit of the books and accounts of the city. Such accountant or firm shall have no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The city council will be assisted in its effort by an audit committee to be composed of the city council's property and finance committee chair, who will serve as chair, the city's finance director, the city accountant, a resident chosen by the city council president with experience in public finance or public accounting and auditing, and the budget/management analyst for the city council. The audit committee will

assist the council in preparing the request for qualifications (RFQ), perform due diligence in the dissemination of the RFQ, evaluate responses, conduct any necessary firm interviews and make a recommendation to the city council. The audit committee shall meet following the conclusion of each annual audit to evaluate the performance and effectiveness of the audit firm. The city council shall assure the conduct of the outside audit and shall annually request a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, at the time of the city clerk's submission of its proposed budget for the upcoming fiscal year to the mayor. The city council shall submit the award of the audit and proposed contract to the mayor to be signed. The award of a contract to audit shall be made by the city council on or before September 15 of each year. The report of the audit shall be filed in final form with the city council not later than March 31 in the year following its award. Not less than every 5 years, the city council shall conduct the procurement process as described in this section to retain these auditing services.

Article 7

Elections; and Election Related Matters

SECTION 7-1 Regular municipal elections: general, preliminary.

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

On the sixth Tuesday preceding every regular city election there shall be a preliminary election for the purpose of nominating candidates.

SECTION 7-2 Nonpartisan elections.

All elections for city offices shall be nonpartisan and election ballots shall be printed without any party mark, emblem or other designation whatsoever.

SECTION 7-3 Preliminary election.

(a) 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 shall be as follows: for the office of mayor, not less than 100 such signatures; provided, however, that not more than 25 signatures from any 1 ward shall be counted in the minimum number of required signatures; for the office of councilor-at-large, not less than 100 such signatures; provided, however, that not more than 25 signatures from any 1 ward shall be counted in the minimum number of required signatures; for the office of ward councilor and ward school committee member, not less than 50

such signatures, all of which shall be from the ward from which the nomination is sought.

(b) 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 city clerk, which shall be open to the public.

(c) Determination of candidates - Not more than twice the number of candidates to be elected to the same office receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have their name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) Condition making preliminary unnecessary - If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the city clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the city clerk shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the city clerk shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used at a preliminary election for any particular office or offices of the city, no preliminary election shall be held for such office or offices.

SECTION 7-4 Ballot position, regular municipal election.

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 city clerk, which shall be open to the public.

SECTION 7-5 Wards.

The territory of the city shall be divided into 6 wards so established as to consist of compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each such ward shall be composed of voting precincts otherwise established in accordance with general laws. The city council shall from time to time, but not less than once in each 10 years, review such wards to insure their uniformity in number of inhabitants.

SECTION 7-6 Application of state General Laws.

Except as expressly provided in this charter and authorized by law, all regular city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

SECTION 7-7 Petitions to Council or School Committee.

The city council or the school committee shall hold a public hearing and act with respect to every petition that is addressed to it, which is signed by not less than 100 voters and 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 thereof, and the action by the city council or the school committee shall be taken not later than 90 days after the petition is filed with the clerk of the city council or the secretary of the school committee as may be appropriate. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The clerk of the city council or the secretary of the school committee shall mail notice of the hearing to the 10 persons whose names appear first on the petition not less than 5 days before the hearing. Notice, by publication, of all such hearings shall be at public expense, and shall include both newspaper publication and posting on the city website.

SECTION 7-8 Citizen initiative measures.

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 250 voters. At least 25 signatures must be certified from each ward. The petition shall be accompanied by an affidavit signed by 10 voters

and containing their residential address stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. Signatures to an initiative petition need not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

(b) Referral to City Solicitor - The city clerk or the secretary of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the board of registrars of voters. If the board of registrars of voters determines that a petition has been signed by not less than 250 voters, the petition shall be transmitted forthwith to the city solicitor. The city solicitor shall, not later than 30 days after receipt of a copy of the petition, in writing, advise the city council or the school committee and the city clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the members of the petitioners committee.

(c) Submission to City Clerk - If the city solicitor determines that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first 10 voters who signed the originating petition. The city clerk shall notify the petitioners committee that the blank forms are issued. Within 60 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any single measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition, the registrars of voters shall



ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular city election. The registrars of voters shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk or the secretary of the school committee, as appropriate. A copy of the registrars of voters' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the city clerk or the secretary of the school committee, the city council or the school committee after publication in accordance with the provisions of section 2-9(c), shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the petitioners committee, by certified mail.

(e) Supplementary Petitions - Within 45 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters equal to at least 5 percent of the total number of voters as of the date of the most recent regular city election and shall be examined by the board of registrars of voters who shall issue a certificate as provided in subsection (c) within 10 days of the submission of the supplemental petition. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition under this subsection, taken together, shall contain the signatures of at least 15 percent of the total number of voters as of the date of the most recent regular city election. If the number of signatures to this supplemental petition is found to be sufficient by the registrars of voters and a certificate issued as described above is submitted to the city clerk, the city council shall call a special election to be held on a date not less than 45 days nor more than 90 days following the date of the certificate of the board of registrars of voters

that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, that if a regular city election is to be held within 120 days following the date of the certificate, the city council may omit calling the special election and cause the question to appear on the election ballot at the approaching regular city election for determination by the voters at that election.

(f) Publication - The full text of an initiative measure which is submitted to the voters shall be published in at least 1 local newspaper not less than 7 days nor more than 14 days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk and shall be posted on the city website.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect? (Here insert the fair, concise summary of the proposed measure as determined by the city solicitor as referenced in subsection (c)).

[        ] YES

[        ] NO

(h) Time of taking effect - Subject to the requirements of section 7-13, if a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 7-9 Citizen referendum procedures.

(a) Petition, effect on final vote - If, within 21 days following the date on which the city council or the school committee has voted finally to approve any measure, a petition signed by a number of voters equal to at least 15 per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or the school committee, protesting against the measure or any part thereof is filed with the secretary of the school committee or city clerk, the effective date of that measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the measure or part thereof and if the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as

may be requested by the school committee, or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain initiative provisions to apply - The petition described in this section shall be termed a referendum petition and, as applicable, subsections (a), (b), (c), (f) and (g) of section 7-8 insofar as those subsections relate to the filing and certification of signatures and the ballot question shall apply to such referendum petitions; provided, however, that, the words "measure or part of it protested against" shall replace the word "measure" in said subsections, each time it appears and the word "referendum" shall replace the word "initiative", each time it appears in said subsections. Subject to the requirements of section 7-13, the measure or part thereof protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

SECTION 7-10 Ineligible measures.

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

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

SECTION 7-11 Submission of other matters to voters.

The city council may of its own motion, and shall at the request of the school committee if a measure originates with the school committee and pertains to affairs under its jurisdiction, submit to the voters at any

regular municipal election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 7-12 Conflicting provisions.

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

SECTION 7-13. Required Voter Participation.

For any measure to be effective under the initiative procedure or for any measure to be declared null and void under the referendum procedure, not less than 20 per cent of the voters as of the most recent regular city election shall vote at the election that includes on the ballot submission to the voters of the initiative or referendum questions.

SECTION 7-14 Recall elections.

(a) Application - Any person holding an elected city office may be recalled from such office by the voters in accordance with the procedures made available in this section.

(b) Recall petition.

(1) Office elected by voters at large - Four hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names of not less than 60 voters in each of the wards into which the city is divided for the purpose of elections.

(2) Office elected by voters by ward - One hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names only of voters in the ward from which the officer was elected.

(3) At large, or by ward - If the affidavit is found to be valid, the city clerk shall thereupon deliver to the first 10 persons named on said affidavit petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the city council; they shall contain the names and residence addresses of the 10 persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the city clerk.

The recall petitions shall be returned to the office of the board of registrars of voters within 28 days following the date they are issued, signed by not less than 20 per cent of the total number of voters of the ward or district or of the city, as is appropriate, as of the date of the most recent regular municipal election.

The sheets constituting a petition need not all be filed at the same time. For the purposes of this section, such a petition shall be deemed filed whenever the persons responsible for its filing notify the board of registrars of voters, in writing, that the filing is complete. Before receiving such notice, the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed.

The board of registrars of voters shall, within 10 days following the date the petition forms are filed, certify the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters as of the date of the most recent regular municipal election.

(c) Recall election - If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall forthwith submit the same, with their certificate, to the city council. Upon receipt of the certified petition forms, the city council shall forthwith give written notice to the officer whose recall is sought of the validity of such petitions. If the officer whose recall is sought does not resign the office within 5 days following delivery of the notice, or by leaving at the last known place of residence, the city council shall order a special election to be held on a date fixed by it not less than 65 days nor more than 90 days after the date of its notice to the officer whose recall is sought.

(d) Ballot question - Ballots used at the recall election shall state the proposition in substantially the following form: "Shall (insert name of officer) be recalled from the office of (insert name of office held)?"

[        ] YES

[        ] NO

(e) Officeholder - The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be deemed to be recalled and the office shall be deemed to be vacant upon the certification of the election results. If a majority of the votes cast on the said question is in the negative, the person whose recall was sought shall continue in the office until the

expiration of the term for which elected, but subject to recall as provided in section 7-14(f).

(f) Restriction on recall petition - No recall petition shall be filed against any officer until at least 6 months following the commencement of a term of office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than 9 months of the term of office of the person whose recall is sought remain at the time of the certification of the petition forms.

(g) Filling of vacancy - If the office of mayor is declared vacant as the result of a recall election, the city council shall forthwith call a special election to be held on a date fixed by it not less than 65 days nor more than 90 days following the date of the recall election. The person elected at such special election shall serve for the balance of the unexpired term remaining at the time of election.

Vacancies in any other office shall be filled in accordance with the procedures for filling the same as provided in section 2-11 and section 4-1(f)

No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by such recall.

Article 8

General Provisions

SECTION 8-1 Charter Changes and Charter Review.

(a) In general - This charter may be replaced, revised or amended in accordance with any procedure made available under the laws or constitution of the commonwealth.

(b) Periodic review - The city council shall provide, in every year ending in a zero, for a review of this charter by a special or standing committee of the council and 4 additional persons to be appointed by the council president. The committee shall file a report within said year recommending any changes in this charter that it may deem to be necessary or desirable.

SECTION 8-2 Severability.

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

SECTION 8-3 Specific provision to prevail.

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

SECTION 8-4 Rules and regulations.

A copy of all rules and regulations adopted by city agencies shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any city agency shall become effective until 7 days following the date it is so filed.

SECTION 8-5 Review of ordinances.

The city council shall provide, in each year ending in a 2 or in a 7, for a review of all ordinances of the city for the purpose of determining if any amendments or revisions may be necessary or desirable. Such review shall be conducted under the supervision of the city solicitor, or, if the city council so directs, by special counsel appointed for that purpose. A report, with recommendations, shall be submitted within said year.

SECTION 8-6 Uniform procedures applicable to multiple-member bodies.

(a) Meetings - All multiple-member bodies of the city shall meet regularly at such times and places as they may, by their own rules, prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple-member body shall be held on the call of the chairperson or by one-third of the members thereof by written notice delivered in hand or to the place of residence of or by electronic mail to each member which contains the item or list of items to be acted upon. Except in case of an emergency, such notice shall be delivered at least 48 hours in advance of the time set for such meeting. A copy of such notice to members shall be posted forthwith upon the city bulletin board and city website.

(b) Rules and journals - Each multiple-member body shall determine its own rules and order of business, unless otherwise provided by this charter, by law, or by ordinance, and shall provide for keeping minutes of its proceedings. These rules and the minutes of meetings shall be public records, and certified copies of them shall be kept available in the office of the city clerk. For the convenience of the public, copies of these records shall also be kept at the Beverly Public Library; provided, however, that such copies kept at the public library shall not be construed in any way as being the official records.

(c) Voting - If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote of each member shall be recorded in the journal; provided, however, that if the vote is unanimous only that fact need be recorded.

(d) Quorum - A majority of the members of a multiple-member body shall constitute a quorum.

SECTION 8-7 Number.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular.

SECTION 8-8 Computation of time.

In computing time under this charter, if 7 days or less, "days" shall refer to calendar days not including Saturdays, Sundays or legal holidays. If more than 7 days, every day shall be counted.

SECTION 8-9 References to General Laws.

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

SECTION 8-10 Certificate of election or appointment.

Every person who is elected, including those elected by the city council, or appointed to an office of the city shall receive a certificate of such election or appointment from the city clerk.

Except as otherwise provided by law, before performing any act under an appointment or election, all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties.

SECTION 8-11 Oath of office of Mayor, Councilors, and School Committee members.

The mayor-elect, councilors-elect, and school committee members-elect shall, on the first Monday in January of each even-numbered year at 12:00 noon, meet 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 of record, or by a Justice of the Peace. The oath may be administered to the members of the city council and the school committee by the mayor, after the mayor has been duly sworn, or by any of the above named officials. A



certificate that the oath has been taken shall be entered in the journal of the city council.

In case of the absence of the mayor-elect, or any member-elect of the city council or school committee on said day, the oath of office may at any time thereafter be administered to such person who for any reasons shall not have taken the oath on the day named. A certificate of each oath subsequently taken shall be entered in the journal of the city council.

After the oath has been administered to the councilors present, they shall organize, with the member elected at-large receiving the highest number of votes at the preceding regular municipal election, as president, as provided in section 2-2. The president shall be sworn by the city clerk or, in the case of the absence of the city clerk by any person qualified to take oaths or affirmations.

After the oath has been administered to the school committee members present, the committee shall organize by choosing a school committee president, as provided in section 4-2. The president shall be sworn by the city clerk, or, in the case of the absence of the city clerk, by any person qualified to take oaths or affirmations.

SECTION 8-12 Notice of vacancies.

If a vacancy shall occur in any city office or in the employment of the city, or, when by reason of a retirement, or resignation, or the expiration of a fixed term or otherwise a vacancy can be anticipated, the mayor or other appointing authority shall forthwith cause public notice of such vacancy or impending vacancy to be publicly posted on the city bulletin board and on the city website for not less than 10 days. Each such notice shall contain a brief description of the duties of the office or position and shall indicate a list of necessary or desirable qualifications for the office or position. Any person who desires to be considered for an appointment to fill such vacancy may, within 10 days following the date the notice is posted, or such longer period as may be indicated in such announcement, file with the appointing authority a statement setting forth with reasonable clarity and specificity the qualifications of such person for such appointment. No permanent appointment to fill any position shall be effective until at least 14 days have elapsed following such posting to permit the reasonable consideration of all such applicants. This section shall not apply to positions covered under the civil service law and rules or if in conflict with the provisions of a collective bargaining agreement.

SECTION 8-13 Loss of office, excessive absence.

If any person appointed to serve as a member of a multiple-member body shall fail to attend 3 or more consecutive meetings, or all of the meetings held during 4 calendar months, or at least 50 per cent of all of the meetings of such body held in 1 calendar year, the remaining members of the multiple-member body shall, by a majority vote of their members, notify the appointing authority. Such notice to the appointing authority shall include the notice from the chair of the multiple-member body to the person meeting the criteria above given in hand, or mailed, postage prepaid, by registered or certified mail, return receipt requested, of the body's intent to notify the appointing authority of the incidence of absence at least 10 days before providing notice to the appointing authority, and the response, if any, received from the person so notified. Only the appointing authority may determine if the seat is to be declared vacant.

SECTION 8-14 Removals and suspensions.

Any city officer, member of a multiple-member body, department head or employee of the city not subject to the provisions of section 3-4, the civil service law or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority. Any such person may be suspended from office by the appointing authority for an initial period of 15 days, subject to an additional 15-day extension if deemed necessary by the appointing authority.

Nothing in this section shall be construed as granting a right to such a hearing to a person who has been appointed for a fixed term when that term of office expires and such person is not reappointed for another term of office.

The appointing authority, when removing any such person, shall act in accordance with the following procedure:

(a) City Council Appointments - The city council, may, in writing, suspend or remove any person appointed or elected by the city council by notice to the employee stating the reason for the suspension or removal and advising the employee of the opportunity to request to appear at a meeting of the council. The notice to the employee shall be delivered in hand, mailed by certified mail, postage prepaid, to the last known address of said employee, or emailed to said employee. At the same time, the city council shall file a written statement with the department of human resources, stating that such person is suspended or removed and the effective date of said suspension or removal.

The employee may make a written reply by filing such reply statement with the department of human resources and the city council president within 5 days following the date the statement of the city council has been filed. In the reply, the employee may request permission to appear at a public meeting of the city council to read the written reply concerning the suspension or removal. Such meeting shall occur within 10 days of the employee's request unless otherwise agreed by the city council president and the employee.

At the meeting, the employee shall be allowed to read their reply statement to the notice of suspension or removal. The city council president may read the notice of suspension or removal. The city council shall notify the employee of whether the decision has been upheld, rescinded or modified not later than 10 days after the council meeting is adjourned. If such notification is not provided within such time, the decision to suspend or remove shall remain in effect. If no meeting is requested, the decision of the city council is final 6 days after delivery of the notice to the employee.

(b) Any employee of the city, not subject to subsection (a) may be suspended or removed by the appointing authority in accordance with the following procedure. The appointing authority shall receive approval from the mayor before proceeding with any such suspension or removal. Upon receiving such approval, the appointing authority shall provide notice of the suspension or removal to said employee by stating the reason for the suspension or removal, and advising the employee of the opportunity to request a meeting with the mayor. The notice to the employee shall be delivered in hand, mailed by certified mail, postage prepaid, to the last known address of said employee, or emailed to said employee. At the same time, the appointing authority shall file a written statement with the department of human resources stating that such employee is suspended and/or removed and the effective date of said suspension or removal.

Within 2 days of delivery of the notice of suspension or removal, the employee may request in writing a meeting with the mayor. Such meeting shall be held within 5 days of receipt of the employee's request, unless otherwise agreed by the mayor and the employee. At the meeting, the employee shall be allowed to reply verbally or in writing to the notice of suspension or removal. The appointing authority and the director of human resources may be present at the meeting at the discretion of the mayor. Upon the direction of the mayor, the appointing authority shall issue a final decision upholding, rescinding, or modifying the suspension or removal no later than 5 days after

the meeting. If such notification is not provided within such time, the decision to suspend or remove shall remain in effect. If no meeting is requested by the employee within 2 days of delivery of the notice of suspension or removal, the decision of the appointing authority is final.

Article 9

Transitional Provisions

SECTION 9-1 Continuation of existing laws.

All general laws, special laws, city ordinances, city council votes, and rules and regulations of or pertaining to the city that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

SECTION 9-2 Continuation of government and administration.

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

SECTION 9-3 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 in part to another city agency, shall be transferred forthwith to such agency.

SECTION 9-4 Continuation of personnel.

Any person holding a city office, or a position in the administrative service of the city, or any person holding full-time employment under the city, shall retain such office, position or employment and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the city shall forfeit their pay grade or time in service of the city. All such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is adopted as is practicable and any reduction in the personnel needs of the city shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

SECTION 9-5 Effect on obligations, taxes, etc.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures,

incurred or imposed, due or owing to the city, shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this charter; and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 9-6 Disposition of certain special laws.

(a) Certain special laws recognized and retained - The following special acts are hereby especially recognized and retained:

An act passed by the legislature of the Colony of Massachusetts Bay on November 7, 1668 (old style calendar), providing, in part, That Basse River be henceforth a touneship of themselves . . . and that it be called Beverly.

And an act passed on May 28, 1679 (old style calendar) in which the Boundaries between Beverly, Salem and Wenham are established and clarified.

And an act passed by the legislature of the Province of the Massachusetts Bay on September 13, 1753, entitled, AN ACT FOR SETTING OFF THE INHABITANTS, AS ALSO ESTATES OF THE PROPRIETORS, OF THAT PART OF THE PRECINCT OF SALEM AND BEVERLY, SO-CALLED, WHICH IS PART OF SALEM, TO THE TOWN OF BEVERLY.

And an act passed by the legislature of the Commonwealth of Massachusetts in 1857, Chapter 90, entitled, AN ACT TO SET OFF A PART OF THE TOWN OF BEVERLY, AND ANNEX THE SAME TO THE TOWN OF DANVERS.

(b) Certain special laws recognized and retained, in part - The following special acts which were enacted for the purpose of enabling and authorizing the city to exercise certain powers or functions, which prior to the enactment of Article 89 of the Amendments to the State Constitution of the Commonwealth may not otherwise have been available to the city, are hereby recognized, so much of these acts which might grant a power to the city which it otherwise might not have are hereby retained, but all such powers shall be exercised in a manner consistent with this charter:

1885, Chapter 294 AN ACT TO FURNISH THE TOWN OF BEVERLY WITH WATER AND TO INCREASE THE SUPPLY THEREOF

1927, Chapter 8 AN ACT AUTHORIZING THE CITY OF BEVERLY TO ESTABLISH A TRUST FUND TO PROVIDE MEDICAL TREATMENT FOR THE PUBLIC SCHOOL CHILDREN OF SAID CITY

1953, Chapter 552 AN ACT PROVIDING THAT THE CITY OF BEVERLY MAY IMPROVE CERTAIN WATER COURSES FOR THE PROTECTION OF PUBLIC HEALTH

1960, Chapter 113 AN ACT AUTHORIZING THE ESTABLISHMENT OF SEPARATE ACCOUNT IN THE TREASURY OF THE CITY OF BEVERLY CONSISTING OF RECEIPTS OF ITS

RECREATION COMMISSION AND PROVIDING FOR EXPENDITURES THEREFROM WITHOUT FURTHER APPROPRIATION

1968, Chapter 313 AN ACT AUTHORIZING THE CITY OF BEVERLY TO REVOKE ITS ACCEPTANCE OF THE LAW APPLICABLE TO TENEMENT HOUSES IN CITIES

1969, Chapter 308 AN ACT AUTHORIZING THE ESTABLISHMENT OF A SEPARATE ACCOUNT IN THE TREASURY OF THE CITY OF BEVERLY CONSISTING OF RECEIPTS OF ITS YOUTH ACTIVITIES COMMISSION AND PROVIDING FOR EXPENDITURES THEREFROM WITHOUT FURTHER APPROPRIATION

1974, Chapter 735 AN ACT AUTHORIZING THE CITY OF BEVERLY TO ENTER INTO A CERTAIN CONTRACT WITH GORDON COLLEGE FOR SEWAGE DISPOSAL

1983, Chapter 250 AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE CITY OF BEVERLY

1986, Chapter 366 AN ACT FURTHER AUTHORIZING THE CITY OF BEVERLY TO ENTER INTO A CERTAIN CONTRACT WITH GORDON COLLEGE FOR SEWAGE DISPOSAL

1993, CHAPTER 30 AN ACT AUTHORIZING THE CITY OF BEVERLY TO AMORTIZE THE REVENUE DEFICIT OVER A PERIOD OF THREE YEARS

1994, Chapter 228 AN ACT AUTHORIZING THE CITY OF BEVERLY TO ENTER INTO A CERTAIN CONTRACT FOR THE DISPOSAL OF SEWAGE

(c) Certain obsolete borrowing authorizations, repealed - The following special acts which authorized the city to borrow certain sums of money, for certain purposes, are hereby recognized as obsolete and are to stand repealed:

1874, Chapter 168 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS DEBIT

1881, Chapter 231 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO REFUND ITS INDEBTEDNESS

1893, Chapter 250 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF CONSTRUCTION A SYSTEM OF SEWERAGE

1893, Chapter 259 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO CANCEL CERTAIN OF ITS BONDS NOW HELD IN ITS SINKING FUND

1894, Chapter 29 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS WATER LOAN

1896, Chapter 271 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR PARK PURPOSES

1898, Chapter 398 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES

1900, Chapter 288 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE

1901, Chapter 475 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES

1902, Chapter 421 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES

1903, Chapter 182 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF EXTENDING ITS SYSTEM OF SEWERAGE

1903, Chapter 183 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF EXTENDING ITS WATER SUPPLY SYSTEM

1903, Chapter 263 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR SCHOOL AND STREET PURPOSES

1905, Chapter 132 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR WATER SUPPLY PURPOSES

1905, Chapter 143 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES

1906, Chapter 110 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES, BEYOND THE STATUTORY LIMIT

1906, Chapter 388 AN ACT TO DETERMINE THE INDEBTEDNESS OF THE CITY OF BEVERLY INCURRED FOR WATER SUPPLY PURPOSE

1913, Chapter 298 AN ACT RELATIVE TO SEWER LOANS OF THE CITY OF BEVERLY

1914, Chapter 321 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR THE IMPROVEMENT OF ITS HARBOR AND SHORES

1914, Chapter 768 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR THE PURPOSE OF RELAYING CERTAIN WATER MAINS

1915, Chapter 266 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR THE PURPOSE OF RELAYING CERTAIN WATER MAINS

1921, Chapter 453 AN ACT AUTHORIZING THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR A HIGH SCHOOL BUILDING

1948, Chapter 500 AN ACT AUTHORIZING THE CITY OF BEVERLY TO BORROW MONEY FOR FIRE STATION AND SIGNAL STATION BUILDING PURPOSES

1949, Chapter 120 AN ACT AUTHORIZING THE CITY OF BEVERLY TO BORROW MONEY FOR SCHOOL PURPOSES

1950, Chapter 642 AN ACT AUTHORIZING THE CITY OF BEVERLY TO BORROW MONEY FOR SCHOOL PURPOSES

(d) Certain other obsolete special laws repealed - The following special laws which were enacted for special purposes and were limited in time by their own provisions are hereby recognized as obsolete and are to stand repealed, but all acts taken under the authority of the said special laws is hereby preserved:

1910, Chapter 505 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF BEVERLY

1912, Chapter 544 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO DISCONTINUE THE USE FOR PLAYGROUND PURPOSES OF A CERTAIN PARCEL OF LAND NEAR THE POOR FARM IN THAT CITY

1914, Chapter 650 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO PENSION GEORGE O. OBEAR

1920, Chapter 275 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO CONTRIBUTE A SUM OF MONEY TO THE FEDERAL GOVERNMENT TO BE USED IN THE IMPROVEMENT OF BEVERLY HARBOR

1922, Chapter 87 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A SUM OF MONEY TO THE ESTATE OF PATRICK GALLAGHER FOR TAXES ERRONEOUSLY ASSESSED AND COLLECTED

1922, Chapter 155 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A SUM OF MONEY TO THE WIDOW OF JAMES J. FAGAN

1923, Chapter 356 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PENSION WALTER FARNHAM

1924, Chapter 125 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PENSION NATHANIEL W. CORLISS

1924, Chapter 333 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A SUM OF MONEY TO THE WIDOW OF JAMES J. FAGAN

1925, Chapter 275 AN ACT AUTHORIZING THE CITY OF BEVERLY TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR HOLDING IN SAID CITY DURING THE CURRENT YEAR THE STATE CONVENTION OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

1936, Chapter 142 AN ACT PLACING UNDER THE CIVIL SERVICE LAWS THE OFFICE OF CHIEF OF POLICE OF THE CITY OF BEVERLY

1938, Chapter 203 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF FIRE DEPARTMENT OF THE CITY OF BEVERLY UNDER THE CIVIL SERVICE LAWS

1938, Chapter 375 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED FROM ALONZO B. MORSE

1941, Chapter 469 AN ACT AUTHORIZING THE CITY OF BEVERLY TO TAKE BY EMINENT DOMAIN FOR PUBLIC AIRPORT PURPOSES CERTAIN PROPERTY IN THE TOWN OF DANVERS



1943, Chapter 429 AN ACT RELATING TO THE ACQUISITION OF CERTAIN PROPERTY BY THE CITY OF BEVERLY FOR A PUBLIC PARK

1946, Chapter 113 AN ACT RELATIVE TO THE NUMBER OF MEMBERS OF THE RESERVE POLICE FORCE IN THE CITY OF BEVERLY

1951, Chapter 187 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A CERTAIN CLAIM LEGALLY UNENFORCEABLE BY REASON OF FAILURE TO COMPLY WITH CERTAIN PROVISIONS OF ITS CITY CHARTER

1959, Chapter 162 AN ACT AUTHORIZING THE GRANTING OF A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO VITTORI ROCCI POST #56 OF THE ITALIAN-AMERICAN WAR VETERANS

1959, Chapter 204 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY SUMS OF MONEY TO WILLIAM DEVITT, ALICE P. HUSON, BAYARD D. HUSON, LAWRENCE LAPOINTE, MARIE AND ANTHONY VACCARO AND CLIFFORD M. AND HENRIETTA C. CAVERLY

1959, Chapter 434 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A CERTAIN UNPAID BILL TO MERRIMACK-ESSEX ELECTRIC COMPANY

1962, Chapter 118 AN ACT PROVIDING LIFE TENURE FOR GORDON T. RICHARDSON, INCUMBENT OF THE OFFICE OF COMMISSIONER OF PUBLIC WORKS OF THE CITY OF BEVERLY

1963, Chapter 139 AN ACT AUTHORIZING THE CITY OF BEVERLY TO ACQUIRE LAND AND CONSTRUCT AN OFF-STREET PARKING AREA AND TO BORROW MONEY FOR THE CONSTRUCTION THEREOF

1965, Chapter 588 AN ACT PROVIDING FOR LIFE TENURE FOR WALTER T. BARNES, INCUMBENT OF THE OFFICE OF CITY COLLECTOR OF THE CITY OF BEVERLY

1966, Chapter 568 AN ACT AUTHORIZING THE CITY OF BEVERLY TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS

1967, Chapter 146 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY A CERTAIN UNPAID BILL TO SID'S DONUTS, INC.

1968, Chapter 571 AN ACT VALIDATING A CERTAIN BUILDING PERMIT ISSUED BY THE CITY OF BEVERLY

1970, Chapter 624 AN ACT AUTHORIZING THE CITY OF BEVERLY TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, A CERTAIN UNPAID BILL

1970, Chapter 661 AN ACT AUTHORIZING THE CITY OF BEVERLY TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN UNPAID BILL

1973, Chapter 196 AN ACT AUTHORIZING THE CITY OF BEVERLY TO APPROPRIATE AND PAY A SUM OF MONEY TO MICHAEL J. FRASCA

1973, Chapter 1139 AN ACT AUTHORIZING THE CITY OF BEVERLY TO CONVEY CERTAIN LAND IN THE CITY OF BEVERLY

1974, Chapter 64 AN ACT AUTHORIZING THE CITY OF BEVERLY TO CONVEY CERTAIN LAND IN THE CITY OF BEVERLY

1975, Chapter 423 AN ACT AUTHORIZING THE CITY OF BEVERLY TO REDRAW ITS WARD LINES

1983, Chapter 493 AN ACT AUTHORIZING THE CITY OF BEVERLY TO ACQUIRE EASEMENTS FOR THE CONSTRUCTION OF CERTAIN SEWERAGE FACILITIES

1986, Chapter 533 AN ACT AUTHORIZING THE ACQUISITION OF LAND IN THE TOWN OF WENHAM BY THE CITY OF BEVERLY

1989, Chapter 136 AN ACT AUTHORIZING THE CITY OF BEVERLY TO PAY CERTAIN RETROACTIVE COMPENSATION

(e) Certain other obsolete special laws repealed - The following special laws which established and amended the charter for the city of Beverly are hereby recognized as obsolete and are to stand repealed, but all acts taken under the authority of the said special laws are hereby preserved:

1894, Chapter 161 AN ACT TO INCORPORATE THE CITY OF BEVERLY

1898, Chapter 319 AN ACT RELATIVE TO STREETS AND HIGHWAYS IN THE CITY OF BEVERLY

1910, Chapter 542 AN ACT TO REVISE THE CHARTER OF THE CITY OF BEVERLY

1911, Chapter 267 AN ACT RELATIVE TO WIRES AND ELECTRIC APPLIANCES IN THE CITY OF BEVERLY

1913, Chapter 398 AN ACT RELATIVE TO PRINTING PROPOSALS FOR CONTRACTS WITH THE CITY OF BEVERLY

1913, Chapter 208 AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF THE CITY OF BEVERLY TO APPOINT THE SCHOOL PHYSICIANS FOR THAT CITY

1915, Chapter 72 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO PAY PERMANENT MEN IN ITS FIRE DEPARTMENT THREE DOLLARS A DAY

1915, Chapter 141 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO PAY SALARIES TO THE MEMBERS OF ITS BOARD OF ALDERMEN

1919, Chapter 75 AN ACT RELATIVE TO THE PAYMENT OF SALARIES IN THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF BEVERLY

1920, Chapter 26 AN ACT RELATIVE TO THE SALARIES OF THE MAYOR AND OTHER PUBLIC OFFICERS OF THE CITY OF BEVERLY

1921, Chapter 9 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1922, Chapter 140 AN ACT PROVIDING FOR A PRELIMINARY ELECTION FOR THE CHOICE OF MUNICIPAL OFFICERS IN THE CITY OF BEVERLY

1927, Chapter 279 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1934, Chapter 159 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1936, Chapter 29 AN ACT ESTABLISHING BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY AND MAKING CERTAIN OTHER CHARTER CHANGES

1936, Chapter 46 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1939, Chapter 135 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1941, Chapter 223 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1943, Chapter 112 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY IN ODD-NUMBERED YEARS AND ESTABLISHING THE DATE OF SAID ELECTIONS

1943, Chapter 198 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

1945, Chapter 144 AN ACT RELATIVE TO THE POLLING HOURS AT ELECTIONS IN THE CITY OF BEVERLY

1947, Chapter 162 AN ACT AUTHORIZING THE CITY OF BEVERLY TO INCREASE THE COMPENSATION OF THE MEMBERS OF ITS BOARD OF ALDERMEN

1951, Chapter 238 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY IN ODD-NUMBERED YEARS AND ESTABLISHING THE DATE OF SAID ELECTIONS

1952, Chapter 236 AN ACT CREATING A DEVELOPMENT AND INDUSTRIAL COMMISSION IN THE CITY OF BEVERLY

1952, Chapter 336 AN ACT AUTHORIZING THE CITY OF BEVERLY TO INCREASE THE COMPENSATION OF THE MEMBERS OF ITS BOARD OF ALDERMEN

1953, Chapter 95 AN ACT RELATIVE TO ADDITIONS TO OR ALTERATIONS OF CERTAIN BUILDINGS IN THE CITY OF BEVERLY

1954, Chapter 602 AN ACT RELATIVE TO THE ELECTION OF CERTAIN OFFICIALS IN THE CITY OF BEVERLY BY THE BOARD OF ALDERMEN

1955, Chapter 478 AN ACT RELATIVE TO THE SALARIES OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BEVERLY.

1957, Chapter 133 AN ACT PROVIDING THAT CERTAIN MEMBERS OF THE SCHOOL COMMITTEE IN THE CITY OF BEVERLY BE ELECTED BY WARDS

1960, Chapter 155 AN ACT PROVIDING FOR THE INITIATIVE AND REFERENDUM FOR THE CITY OF BEVERLY

1962, Chapter 112 AN ACT CHANGING THE DATE OF BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY

1969, Chapter 74 AN ACT RELATIVE TO THE AWARDING OF CONTRACTS FOR THE PURCHASE OF MATERIALS AND SUPPLIES OR FOR LABOR TO BE FURNISHED EXCEPT LABOR TO BE RENDERED IN PERSON, WITHOUT ADVERTISING IN THE CITY OF BEVERLY

1993, Chapter 230 AN ACT RELATIVE TO THE CHARTER OF THE CITY OF BEVERLY

1993, Chapter 330 AN ACT RELATIVE TO THE OFFICE OF CITY COUNCILOR IN THE CITY OF BEVERLY

SECTION 3. Section 1-7 of article 1 of the charter of the city of Beverly, as appearing in section 2, is hereby amended by striking out subsections (h) through (s), inclusive, and inserting in place thereof the following 13 subsections:-

(h) "District", as appearing in articles 4 and 7 of this charter shall mean the combining of wards 1, 2 and 3 and wards 4, 5 and 6 for the election of 2 school committee members, 1 to be elected from each such district.

(i) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

(j) "Full council" or "full multiple-member body", the entire authorized complement of the city council, school committee or other multiple-member body, notwithstanding any vacancy which might exist.

(k) "general laws", laws enacted by the legislature which apply alike to all cities and towns, to all cities or to a class of 2 or more cities or 2 or more cities and towns of which the city of Beverly is a member.

(l) "General Laws", the General Laws of the commonwealth, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(m) "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.

(n) "Local newspaper", a newspaper of general circulation within the city of Beverly, with either a weekly or daily circulation.

(o) "Majority vote", when used in connection with a meeting of a multiple-member body, shall mean a majority of those present and voting, unless another provision is made by ordinance, by law or by its own rules.

(p) "Measure", any ordinance, order, resolution or other vote or proceeding adopted, or which might be adopted by the city council or the school committee.

(q) "Multiple-member body", any board, commission, committee, subcommittee or other body consisting of two or more persons, whether elected, appointed or otherwise constituted, but not including the city council or the school committee.

(r) "Referendum measure", a measure adopted by the city council or the school committee which is protested under the referendum procedures of this charter.

(s) "Regular municipal election", the biennial election of municipal officers.

(t) "Voters", registered voters of the city of Beverly.

SECTION 4. Section 2-1 of article 2 of said charter, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor shall at the time of election be a voter of the ward from which elected; provided, however, that if any ward councilor shall during the first 18 months of the term of office remove to another ward in the city the councilor may continue to serve for the balance of the term to which elected. If a councilor-at-large or a ward councilor removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

SECTION 5. Section 3-1 of article 3 of said charter, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Term of office - The term of office of the mayor shall be 4 years beginning on the first Monday of January following the regular municipal election at which chosen and until a successor is qualified.

SECTION 6. Subsection (c) of said section 3-1 of said article 3 of said charter, as so appearing, is hereby amended by striking out the figure "12" and inserting in place thereof the following figure:- 36.

SECTION 7. Subsection (a) of section 3-9 of said article 3 of said charter, as so appearing, is hereby amended by striking out the figure "15" and inserting in place thereof the following figure:- 39.

SECTION 8. Subsection (b) of said section 3-9 of said article 3 of said charter, as so appearing, is hereby amended by striking out the words "in the last nine months of the term for which the Mayor is elected whether by reason of death, resignation, removal from office or otherwise" and inserting in place thereof the following words:- after the thirty-ninth month.

SECTION 9. Section 4-1 of article 4 of said charter, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Composition; term of office - There shall be a school committee which shall consist of 9 members. Six of these members, to be known as "ward school committee members," shall be nominated and elected by and from the voters of each ward, 1 such ward school committee member to be elected from each of the 6 wards into which the city is divided, in accordance with section 7-5. Two members shall be elected from districts composed as follows: District A shall be composed of wards 1, 2 and 3 and District B shall be composed of wards 4, 5 and 6. The mayor shall serve as the ninth member of the school committee. The term of office for all school committee members shall be for 2 years each, beginning on the first Monday of January in the year following their election, and until their successors have been qualified.

SECTION 10. Said section 4-1 of said article 4 of said charter, as so appearing, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Eligibility - A ward school committee member shall at the time of election be a voter of the ward from which elected; provided, however, that if any ward school committee member shall, during the first 18 months of the term of office, remove to another ward in the city, the member may continue to serve for the balance of the term to which elected. If a district school committee member shall during the first 18 months of the term of office remove to a ward of the city not in the district from which the member is elected, such district member may continue to serve for the balance of the term to which elected. If a ward or district school committee member removes from the city during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 4-1(f).

SECTION 11. Said section 4-1 of said article 4 of said charter, as so appearing, is hereby further amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) Filling of vacancies - If a vacancy shall occur in the office of ward school committee member or district school committee member during the first 18 months of the term for which school committee members are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of ward or district school committee member from such ward or district at the preceding regular municipal election who received the largest number of votes without being elected; provided, however, that such person remains eligible and willing to serve and provided

such person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of ward or district school committee member in such ward or district. If there be no such candidate eligible and willing to serve, the vacancy shall be filled by a majority vote of the remaining members of the school committee and the city council sitting in joint convention, from among the voters of such ward or district. If the vacancy shall occur during the last 6 months of the term of office, such vacancy shall be filled by the person at the regular municipal election who receives the highest number of votes for the office of ward school committee member from such ward or district. Such person shall forthwith be certified and shall serve for the balance of the concluding term in addition to the term for which such person was elected. The city clerk shall certify such candidate to the office of ward or district school committee member to serve for the balance of the then concluding term as well as the term to which elected.

SECTION 12. Section 4-2 of said article 4 of said charter, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Election and term - The school committee shall organize by electing 1 of the ward or district school committee members to serve as school committee president during the ensuing term of office.

SECTION 13. Section 7-3 of article 7 of said charter, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) 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 shall be as follows: for the office of mayor not less than 100 such signatures; provided, however, that not more than 25 signatures from any 1 ward shall be counted in the minimum number of required signatures; for the office of councilor-at-large not less than 100 such signatures; provided, however, that not more than 25 signatures from any 1 ward shall be counted in the minimum number of required signatures; for the office of district school committee member, not less than 75 signatures, all of which must be from the wards included in the district from which the nomination is sought, provided however, that not more than 25 signatures from any 1 ward shall be counted in the minimum number of required signatures; for the office of ward councilor and ward school committee member not less than

50 such signatures, all of which shall be from the ward from which the nomination is sought.

SECTION 14. Subsection (b) of section 7-14 of said article 7 of said charter, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following 2 paragraphs:-

(3) Office elected by district - 200 or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The signatures on such affidavit shall contain the names only of voters in the district from which the officer was elected.

(4) At large, or by ward or district - If the affidavit is found to be valid, the city clerk shall thereupon deliver to the first 10 persons named on said affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the city council; they shall contain the names and residence addresses of the 10 persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the city clerk.

SECTION 15. Sections 3 to 14, inclusive, shall be subject to voter ratification at the regular municipal election to be held on November 7, 2023 prior to taking effect. The following questions shall appear on the ballot:

QUESTION 1: Should sections 4 and 10 of AN ACT AMENDING THE HOME RULE CHARTER OF THE CITY OF BEVERLY, which such sections would amend the charter to allow a ward councilor, ward school committee member and district school committee member who moves within the city during the first 18 months of their term of office to complete the term to which elected, be approved?

YES\_\_\_ NO\_\_\_

QUESTION 2: Should sections 5, 6, 7 and 8 of AN ACT AMENDING THE HOME RULE CHARTER OF THE CITY OF BEVERLY, which such sections would revise the charter to increase the term of office of the mayor to 4 years, be approved?

YES\_\_\_ NO\_\_\_

QUESTION 3: Should sections 3, 9, 11, 12, 13 and 14 of AN ACT AMENDING THE HOME RULE CHARTER OF THE CITY OF BEVERLY, which such sections would revise the charter to increase the membership of the school committee by the addition of 2 new district members, one district to include Wards 1, 2 and 3 and 1 district to include Wards 4, 5 and 6, be approved?

YES\_\_\_ NO\_\_\_



SECTION 16. Sections 4 and 10 shall take effect upon voter approval of ballot Question 1, as appearing in section 15, but not otherwise.

SECTION 17. Sections 5, 6, 7 and 8 shall take effect upon voter approval of ballot Question 2, as appearing in section 15, but not otherwise.

SECTION 18. Sections 3, 9, 11, 12, 13 and 14 shall take effect upon voter approval of ballot Question 3, as appearing in section 15, but not otherwise.

SECTION 19. If Question 2, as appearing in section 15, is approved by the voters, the first regular municipal election following such approval on November 4, 2025, shall include the election of a mayor to a 4 year term.

SECTION 20. If Question 3, as appearing in section 15, is approved by the voters, the first regular municipal election following such approval on November 4, 2025 shall include the election of 2 district school committee members for a 2 year term.

SECTION 21. This act shall take effect upon its passage.

ENDORSEMENTS FOLLOW ON PAGE 58


House of Representatives, September 25, 2023.

Passed to be enacted,

 , Speaker.

In Senate, September 25, 2023.


Passed to be enacted,

 , President.

Sept 29, 2023.

Approved,

at 12 o'clock and 02 minutes, P. M.

 Governor.