

PART I
CHARTER*

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

Sec. 1-1. Incorporation.

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

Sec. 1-2. Form of Government.

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

Sec. 1-3. Powers of the City.

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

Sec. 1-4. Construction.

***Editor's note**—The charter of the city was approved by the voters on November 2, 1971, and became effective January, 1972. It is set out herein as enacted, with amendments worked into their proper places and amended or repealed provisions deleted. Amendments are cited following the section amended; the absence of such a citation indicates that the provision has not been amended and remain as originally adopted.

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

Sec. 1-5. Intergovernmental Relations.

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

ARTICLE 2. LEGISLATIVE BRANCH

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

(a) Composition—There shall be a Board of Aldermen of twenty-four members which shall exercise the legislative powers of the City. Sixteen of these members, to be known as aldermen at large, shall be nominated and elected by the voters at large, two such aldermen at large to be elected from each of the eight wards of the City. The other eight members, to be known as ward aldermen, shall be nominated and elected by and from the voters of each ward, one ward alderman to be elected from each of the eight wards of the City. The Board of Aldermen shall be the judge of the election and qualification of its members.

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

(c) Election and Term—The terms of aldermen shall be two years beginning the first secular day of January after their election, and until their successors are qualified. (Referendum of 11-4-75; Acts of 2002, chap. 368)

Sec. 2-2. President and Vice-President of the Board of Aldermen.

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

Sec. 2-3. General Powers and Duties.

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

Sec. 2-4. Prohibitions.

(a) Appointment After Expiration of Term—No former alderman shall hold any compensated appointive City office or City employment until one year after the expiration of his service on the Board of Aldermen. This provision shall not prohibit a former City employee or City officer from resuming his duties as such City officer or City employee at the conclusion of his service as alderman.

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

Sec. 2-5. Filling of Vacancies.

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

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

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

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

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

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

Except as otherwise authorized by General Laws Chapter 39, Section 23A ("open meeting law"), all sessions of the Board of Aldermen shall be open to the public and press. Every matter coming before the Board of Aldermen for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the Board of Aldermen shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

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

As soon as practicable after the board of aldermen has been organized, it shall elect, by ballot or otherwise, a city clerk and a comptroller of accounts as officers of the city to hold office for the term of two years and until their successors are qualified, unless they are removed by vote of a majority of the full board, taken by ballot. Vacancies

in the said offices shall be filled for the balance of any unexpired term by the Board of Aldermen.

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

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

Sec. 2-8. Clerk of the Board; Other Staff.

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

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

(c) Salaries of Aldermanic Staff—The Board of Aldermen shall by ordinance establish, and may from time to time modify, a salary schedule and a job description for the Clerk of the Board and such other positions as it may create to serve as aldermanic staff.

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

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

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

(c) Charter Objection—On the first occasion that the question on adoption of a measure is put to the Board of Aldermen, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the Board of Aldermen whether regular or special. If three or more other members shall join the member in his objection, such postponement shall be until the next regular meeting; but for an emergency measure at least five members in all must object. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendments to the original matter.

Sec. 2-10. Delegation of Powers.

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

Sec. 2-11. Inquiries and Investigations.

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

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

**ARTICLE 3.
EXECUTIVE BRANCH****Sec. 3-1. Mayor; Election; Term; Compensation.**

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

The Mayor shall receive for his services such salary as the Board of Aldermen shall by ordinance from time to time determine, but no change in such salary shall take effect during the current term of the Mayor in office at the time of the adoption of the ordinance making such change.

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

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

(b) Citizen Assistance Officer—The Mayor shall appoint a Citizen Assistance Officer in accordance with the provisions of Section 3-3 and fix his salary. The Citizen Assistance Officer shall be responsible for processing citizen complaints and inquiries that are directed or referred to him. He shall establish and maintain procedures for the examination and appropriate referral of requests for information or assistance on any municipal matter. The Citizen Assistance Officer shall maintain a central file, open to the public, of all inquiries and complaints together with their resolution. He shall analyze data on citizen complaints and inquiries and shall regularly submit reports as directed by the Mayor.

Sec. 3-3. Appointments by Mayor.

(a) The mayor shall appoint all city officers, department heads, and all volunteer members of city boards,

commissions, committees and agencies for whom no other method of appointment is provided by the charter or law. Appointments by the mayor of city officers and department heads shall become effective thirty days from the date of the first regularly scheduled board of aldermen meeting after notice of the proposed appointment is filed with the city clerk, unless the board of aldermen within said thirty days shall reject such appointment. Appointments by the mayor of volunteer members of city boards, commissions, committees, and agencies shall take effect sixty days from the date of the first regularly scheduled board of aldermen meeting after the notice of the proposed appointment is filed with the city clerk, unless the board of aldermen within said sixty days shall reject such appointment. Rejection by the board of aldermen shall require a two-thirds vote.

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

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

Sec. 3-4. Notice of Appointment.

In making his appointments the Mayor shall sign and file with the City Clerk a notice of appointment, a copy of which shall be filed on the same day with the Clerk of the Board.

Sec. 3-5. Removal of Officials.

The Mayor may remove any person appointed by the Mayor by filing written notice thereof with the City Clerk.

Sec. 3-6. Temporary Appointments.

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

Sec. 3-7. Communications to the Board of Aldermen; Calling of Special Meetings of the Board of Aldermen.

(a) Communications—Within six weeks following the start of each fiscal year, the Mayor shall submit to the Board of Aldermen, and make available to the public, a complete report on the financial and administrative activities of the City for the preceding fiscal year. He shall from time to time throughout the year, by written communications to the Board of Aldermen, keep it fully informed as to the financial condition and future needs of the City and shall recommend such measures to it as, in his judgment, the needs of the City require.

(b) Calling Special Meetings—The Mayor may, at any time, call a special meeting of the Board of Aldermen by causing a notice of such meeting, specifying the matters which he desires to be considered, to be left at the usual place of residence of each alderman or given to him in hand, and public notice of said meeting to be posted, at least twenty four hours in advance of the time set for such meeting; or such lesser period as the Mayor may determine in case of an emergency, of which he shall be judge.

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

Not sooner than twenty-four, nor more than ninety-six hours after the adjournment of any meeting of the Board of Aldermen, the Clerk of the Board shall present to the Mayor the record of the proceedings of such meeting and copies of all measures passed at the meeting. If during the twenty-four hours immediately following such adjournment, a motion to reconsider is filed with the Clerk of the Board by any member of the Board of Aldermen who is entitled to make such a motion, the measure shall not be presented to the Mayor but shall be presented to the Board of Aldermen for reconsideration at its next meeting.

Every measure relative to the affairs of the City passed by the Board of Aldermen shall be presented to the Mayor for his approval except: (1) any relating to the internal affairs of the Board of Aldermen, (2) any relating to the election of officers whose election by the Board of Aldermen is authorized by law or the charter, and (3) the budget.

Within ten days of receipt of a measure, the Mayor shall return it to the Clerk of the Board with or without his approval, or with his veto. Upon the Mayor's approval of a measure it shall be considered adopted. If a measure is vetoed, the Mayor shall attach a written statement explaining the reasons for his veto. Measures vetoed by the Mayor shall be considered again by the Board of Aldermen at a meeting no sooner than seven days after receipt of the Mayor's veto. If the Board of Aldermen, notwithstanding such veto by the Mayor, shall again pass such measure by a two-thirds vote of the full Board, it shall then be considered adopted. Every measure not approved or vetoed by the Mayor shall be considered adopted ten days after it has been presented to the Mayor.

Sec. 3-9. Temporary Absence from Office of Mayor.

Whenever by reason of sickness, absence from the City or other cause, the Mayor shall be unable to attend to the duties of his office, the president of the Board of Aldermen, or in the event of his disability through sickness or absence, then the vice-president of the Board of Aldermen shall, as Acting Mayor, possess the powers of the Mayor only in those matters not admitting of delay, but he shall have no power to make permanent appointments. During any period in which the president or the vice-president of the Board of Aldermen is serving as Acting Mayor, he shall not serve as the presiding officer of the Board of Aldermen.

Sec. 3-10. Vacancy in Office of Mayor.

If a vacancy occurs in the office of Mayor, by death, resignation, removal from office, failure to elect or otherwise, at any time preceeding the last nine calendar months of the term for which he was elected, the Board of Aldermen shall forthwith call a special election to fill such vacancy for the remainder of the unexpired term. If a vacancy occurs in the office of Mayor during the last nine calendar months of the term for which he was elected, the Clerk of the Board shall forthwith call a special meeting of the Board of Aldermen, and the Board of Aldermen shall by majority vote of the full Board elect one of its members as Acting Mayor for the remainder of the unexpired term. If the Board of Aldermen fails to elect an Acting Mayor as aforesaid within thirty days of the date of the meeting called by the Clerk of the Board, the president of the Board of Aldermen shall become Acting Mayor, shall exercise all the rights and powers of the Mayor, and shall be sworn to the faithful performance of his duties. Upon the election and qualification of any member of the Board of Aldermen as Acting Mayor under the provisions of this section, a vacancy shall exist in his aldermanic seat.

The restriction contained in Section 3-1 relative to holding other office or actively engaging in a business, occupation or profession shall not apply to an Acting Mayor holding office under this section. The removal from residency within the City shall create a vacancy in such office. (Referendum of 11-4-75)

ARTICLE 4. SCHOOL COMMITTEE

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

(a) Composition—There shall be a School Committee of nine members, which shall exercise control and management of the public schools of the City. Eight of these members, who shall be known as school committeemen, shall be nominated and elected by the voters at large, one school committeeman to be elected from each of the eight wards of the City. The Mayor shall serve, ex officio, as a member of the School Committee, with full power to vote. The School Committee shall be the judge of the election and qualification of its members.

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

(c) Election and Term—The terms of school committeemen shall be two years beginning the first secular day of January after their election and until their successors are qualified. No person shall be eligible for election to the School Committee for a fifth consecutive full term. (Referendum of 11-4-75; Acts of 2002, chap. 368)

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

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

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

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

Except as otherwise authorized by General Laws Chapter 39, Section 23A ("open meeting law"), all sessions of the School Committee shall be open to the public and press. A full, accurate, and up-to-date record of the proceedings of the School Committee shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

Sec. 4-3. General Powers and Duties.

The School Committee shall have all the powers and duties which school committees may have under the General Laws and may have such additional powers and duties as the Board of Aldermen may by ordinance from time to time assign. The powers of the School Committee shall include but not be limited to the power to (1) appoint a

superintendent, (2) appoint all other officers and employees connected with the schools, fix their compensation and define their duties, make rules concerning their tenure of office and discharge them at its pleasure, (3) furnish all school buildings with proper fixtures, furnishings and equipment, and (4) provide ordinary maintenance and repairs on all school buildings up to a maximum expenditure equal to two per cent of the School Department's operating budget adopted for the preceding fiscal year, but sums in excess of said maximum for the provision of ordinary maintenance and repairs may be appropriated by the Mayor and the Board of Aldermen, and no sums appropriated to accounts for such ordinary maintenance and repairs shall be transferred without a two thirds vote of the Board of Aldermen. (Referendum of 11-4-75)

Sec. 4-4. New School Buildings.

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

Sec. 4-5. Prohibitions.

No former school committeeman shall hold any compensated appointive City office or City employment until one year after the expiration of his service on the School Committee. This provision shall not prohibit a former City employee or City officer from resuming his duties as such City officer or City employee at the conclusion of his service on the School Committee.

Sec. 4-6. Filling of Vacancies.

If there be a vacancy, by failure to elect or otherwise, on the School Committee within the first fifteen calendar months of the term for which school committeemen are elected, the Board of Aldermen shall forthwith call a special election to fill such vacancy. Such election shall be by the voters of the whole city.

If such vacancy shall occur after fifteen calendar months of the term for which school committeemen are elected, no special election shall be held, and the person elected at the next regular City election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term.

ARTICLE 5. FINANCIAL PROCEDURES

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

Within the period prescribed by state statute, the Mayor shall submit to the Board of Aldermen a proposed budget for the ensuing fiscal year, which shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The Mayor's message shall explain the budget for all City agencies both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes 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 such other material as the Mayor deems desirable or the Board of Aldermen may reasonably require.

Sec. 5-2. Action on the Budget.

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

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

Sec. 5-3. Capital Improvement Program.

(a) Submission—The Mayor shall prepare and submit to the Board of Aldermen a five-year Capital Improvement Program at least six months prior to receipt of the next fiscal year's operating budget.

(b) Contents—The Capital Improvement Program shall include: (1) a clear summary of its contents; (2) a list of all capital improvements proposed to be undertaken during the next five fiscal years with supporting data; (3) cost estimates, method of financing, and recommended time schedules and (4) the estimated annual cost of operating and maintaining the facilities included. The above information shall be revised and extended each year.

(c) Public Hearing—The Board of Aldermen shall publish in one or more newspapers of general circulation in the City the general summary of the Capital Improvement Program and a notice stating: (1) the times and places where copies of the Capital Improvement Program are available for inspection by the public, and (2) the date, time, and place, not less than two weeks after such publication, when a public hearing on said program will be held by the Board of Aldermen.

(d) Adoption—After the public hearing, concurrently with the passage of the next fiscal year's budget, the Board of Aldermen shall by resolution adopt the Capital Improvement Program with or without amendment. (Referendum of 11-4-75)

Sec. 5-4. Contracts.

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

ARTICLE 6. ADMINISTRATIVE DEPARTMENTS

Sec. 6-1. Reorganization Plans by Board of Aldermen.

Except as otherwise provided by law or the charter, the Board of Aldermen may by ordinance reorganize, consolidate, or abolish any existing City agency in whole or in part; establish new City agencies; and prescribe the functions of any City agencies. All City agencies under the direction and supervision of the Mayor shall be headed and administered by officers appointed by him.

Sec. 6-2. Reorganization Plans by Mayor.

(a) The Mayor may from time to time prepare and submit to the Board of Aldermen reorganization plans which may, subject to applicable law and the charter, reorganize, consolidate or abolish any City agency, in whole or in part, or establish new City agencies, as he deems necessary or expedient. Such reorganization plan shall be accompanied by an explanatory memo which shall include: (1) reference to any ordinances to be repealed or modified; and (2) summary of proposed ordinance language changes to be put into effect by such plan.

(b) Every such reorganization plan shall upon receipt by the Clerk of the Board be referred to an appropriate committee of the Board of Aldermen which shall, not more than thirty days later, hold a public hearing on the matter and shall, no later than the second regular meeting of the Board of Aldermen following such hearing, report either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the Board of Aldermen unless the Board of Aldermen has prior to that date voted to disapprove the reorganization plan, or unless a later effective date is specified in the plan. A reorganization plan presented by the Mayor to the Board of Aldermen under this section may not be amended by it, but shall either be approved or rejected as submitted and shall not be subject to charter objection as provided in Section 2-9(c). (Referendum of 11-4-75; Acts of 1992, chap. 174)

Sec. 6-3. Publication of Reorganization Plan.

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

ARTICLE 7. PLANNING

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

There shall be a Department of Planning and Development.

Sec. 7-2. Comprehensive Plan.

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

(b) Adoption—Upon receipt from the Mayor of a proposed Comprehensive Plan or a proposed modification of the existing plan, the Board of Aldermen shall refer such proposal to the Planning and Development Board, which shall within a time specified by the Board of Aldermen report its recommendations thereon. After receipt of the recommendations of the Planning and Development Board, the Board of Aldermen shall hold a public hearing on the proposed Comprehensive Plan or the proposed modification thereof and shall by resolution adopt the same with or without amendment. The Board of Aldermen may thereafter from time to time modify the Comprehensive Plan.

(c) Effect—The Comprehensive Plan shall serve as a guide to all future action by the Board of Aldermen concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

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

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

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

(c) Action by the Board of Aldermen—Before acting on any proposed ordinance concerning land use and development regulations, urban renewal, or expenditures for capital improvements, where such ordinance involves a matter covered by the Comprehensive Plan, the Board of Aldermen shall refer the proposal to the Planning and Development Board, which shall within a time specified by the Board of Aldermen and prior to the public hearing on the proposed ordinance, report in writing its recommendations thereon. Upon adopting any such ordinance, the Board of Aldermen shall make findings and report on the relationship between the ordinance and the Comprehensive Plan, and the Comprehensive Plan shall be deemed to be amended in accordance with such findings and report.

ARTICLE 8. NOMINATIONS AND ELECTIONS

Sec. 8-1. Nonpartisan Elections.

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

Sec. 8-2. Regular City Elections.

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

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

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

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

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

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

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

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

(e) Proviso—If at the expiration of the time for filing petitions for nomination of candidates to be voted for any preliminary election, not more than twice as many such petitions have been filed for an office as are to be elected to

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

Sec. 8-4. Special Elections.

Special elections to fill the office of alderman, Mayor or school committeeman, as provided in Sections 2-5, 3-10 and 4-5, shall be held within one hundred and twenty days following the date on which the election is called. Persons elected at such elections shall immediately be sworn and assume their office.

Sec. 8-5. Wards.

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

Sec. 8-6. Application of State Laws.

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

ARTICLE 9. NEIGHBORHOOD AREA COUNCILS

Sec. 9-1. Purpose.

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

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

The Board of Aldermen may establish one or more neighborhood service areas to provide services or functions that the neighborhood area council is authorized to undertake.

Sec. 9-3. Creation by Petition.

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

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

(c) Within thirty days following the public hearing, the Board of Aldermen shall by resolution approve or disapprove the establishment of the requested neighborhood service area.

(d) A resolution approving the creation of the neighborhood service area may contain amendments or modifications of the area's boundaries, functions, or the size of the neighborhood area council as set forth in the petition. (Referendum of 11-4-75)

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

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

Sec. 9-5. Considerations in Setting Boundaries.

In establishing neighborhood service area boundaries and determining those services to be undertaken by a neighborhood area council, the Board of Aldermen shall study and take into consideration, but not be limited to, the following:

- (1) The extent to which the area constitutes a neighborhood with common concerns and a capacity for local neighborhood initiative, leadership, and decision-making with respect to City government.
- (2) City agency authority and resources which may appropriately be either transferred or shared with the neighborhood council.
- (3) Population density, distribution, and growth within a neighborhood service area to assure that its boundaries reflect the most effective territory for local participation and control.
- (4) Citizen access to, control of, and participation in neighborhood service area activities and functions.

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

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

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

Sec. 9-7. Election of Council; Vacancies.

(a) A neighborhood area council shall consist of five to nine members. The term of office of each member shall be two years, and until a successor is qualified.

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

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

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

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

- (1) Advisory or delegated substantive authority, or both, with respect to such programs as a community action program, urban renewal, relocation, public housing, planning and zoning actions, and other physical development programs, crime prevention and juvenile delinquency programs, health services, code inspection, recreation, education, and manpower training. Nothing contained herein shall be construed to authorize the Board of Aldermen to delegate to any neighborhood area council any substantive authority with regard to zoning.
- (2) Self-help projects, such as supplemental refuse collection, beautification, minor street and sidewalk repair, establishment and maintenance of neighborhood community centers, street fairs and festivals, cultural activities, recreation, and housing rehabilitation and sale.
- (3) Acceptance of funds from public, but not including the City of Newton, and private sources, including public subscriptions; and expenditure of monies to meet overhead cost of council administration and support for neighborhood service area projects.

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

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

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

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

Sec. 9-10. Annual Report.

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

Sec. 9-11. Financial Records.

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

ARTICLE 10. FREE PETITION; INITIATIVE; REFERENDUM

Sec. 10-1. Individual, Discretionary Petitions.

The board of aldermen and the School Committee shall receive all petitions addressed to either of them and may,

in their discretion, take such action in regard to such petitions as they deem necessary and advisable.

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

The Board of Aldermen or the School Committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least fifty voters, and which seeks the passage of a measure. The hearing shall be held by the Board of Aldermen or the School Committee, or in either case, by a committee or subcommittee thereof, and the action by the Board of Aldermen or School Committee shall be taken not later than three months after the petition is filed with the City Clerk. Hearings on two or more petitions filed under this section may be held at the same time and place, and the City Clerk shall mail notice of the hearing to the first fifty certified signers petitioners whose names appear on each petition at least forty-eight hours before the hearing. Notice, by publication, of all such hearings shall be at public expense. (Referendum of 11-4-75)

Sec. 10-3. Initiative: Repeat Matters.

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

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

Initiative procedures shall be started by the filing of an initiative petition with the City Clerk. The petition shall be addressed to the Board of Aldermen or the School Committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by at least fifty voters. If the City Clerk determines that at least fifty of the filers are voters, he shall transmit a copy of the petition to the City Solicitor.

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

Within fifteen days after his receipt of the petition the Solicitor shall advise the City Clerk in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the Board of Aldermen or the School Committee. If the opinion of the Solicitor is that the measure may not lawfully be passed, he shall state his reason or reasons therefor in his reply. The City Clerk shall furnish a copy of the Solicitor's opinion to the person whose name first appears on the initiative petition.

Sec. 10-6. Initiative: Additional Signatures.

The signatures of additional voters who support the petition in addition to those in Section 10-4, may be gathered on forms prepared in accordance with Section 10-13. The separate pages bearing additional signatures shall be filed at one time with the City Clerk not more than six months after the filing of the original petition with the City Clerk and shall be deemed to be part of the initiative petition. Such additional signatures together with those of the first fifty filers of the petition shall be at least equal in number to ten per cent of the total number of voters registered to vote at the most recent preceding regular City election.

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

The sufficiency of the number of signatures to an initiative petition shall be determined in accordance with Section 10-14. Within thirty days after an initiative petition is presented to the Board of Aldermen or the School Committee, the Board of Aldermen or the School Committee shall act with respect to the initiative measure by passing it without change, or by rejecting it, or by passing some other measure stated to be in lieu thereof. The passage of a measure in

lieu of an initiative measure shall be deemed a rejection of the initiative measure. If the Board of Aldermen or the School Committee fails to act with respect to the initiative measure as required by this section within thirty days after presentation, the measure shall be deemed to have been rejected on the thirtieth day after presentation. If an initiative measure is rejected, the City Clerk shall promptly give written notice of that fact to the first ten petitioners. Initiative measures shall not be subject to charter objection as provided in Section 2-9(c).

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

Within forty-five days after notice of the rejection of an initiative measure has been given by the City Clerk, a supplemental initiative petition addressed to the Board of Aldermen or the School Committee on forms prepared in accordance with Section 10-13 may be filed with the City Clerk. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five per cent of the total number of voters registered to vote at the most recent preceding regular City election. The sufficiency of the number of signatures to a supplemental initiative petition shall be determined in accordance with Section 10-14. If the number of signatures to a supplemental initiative petition is sufficient, the Board of Aldermen shall provide for submission of the initiative measure to the voters in accordance with Section 10-15.

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

Except as otherwise provided by law or the charter, any measure passed by the Board of Aldermen or the School Committee, including a measure proposed by initiative procedures and passed by the Board of Aldermen or the School Committee, may be protested and referred to the voters in accordance with the provisions of this article.

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

Referendum procedures shall be started by the filing of a referendum petition with the City Clerk within twenty days after the final passage by the Board of Aldermen or the School Committee of the measure to which the petition relates. The petition shall be addressed to the Board of Aldermen or the School Committee on forms prepared in accordance with Section 10-13 and shall be signed by a number of voters which is at least equal to five per cent of the total number of voters registered to vote at the most recent preceding regular City election. Whenever referendum procedures are started in accordance with this section, the referendum measure shall thereupon be suspended from taking effect, and such suspension shall remain in force until (1) it is determined that there is an insufficient number of signatures to the petition, or (2) the referendum measure has been repealed or rescinded by the Board of Aldermen or the School Committee, or (3) the question whether the measure should take effect has been determined by the voters. (Referendum of 11-4-75)

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

The sufficiency of the number of signatures to a referendum petition shall be determined in accordance with Section 10-14. Within thirty days after a referendum petition is presented to the Board of Aldermen it shall reconsider the referendum measure and shall repeal or rescind it, or the Board of Aldermen shall provide for referring the matter to the voters in accordance with Section 10-15. Within thirty days after a referendum petition is presented to the School Committee it shall likewise reconsider and repeal or rescind the referendum measure or shall notify the Board of Aldermen that it has failed to take such action with respect to the measure. Upon receipt of such notice the Board of Aldermen shall thereupon provide for referring the matter to the voters in accordance with Section 10-15.

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

None of the following measures shall be subject to initiative or referendum procedures: (1) proceedings relating to the organization or operation of the Board of Aldermen or School Committee, (2) an emergency measure passed in

conformity with the charter, (3) the City budget or the School Committee budget, (4) revenue loan orders, (5) any appropriations for the payment of the City's debts or obligations, (6) appropriations of funds necessary to implement a written agreement executed under General Laws Chapter 149, Section 178I (relating to collective bargaining), (7) any proceedings, or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee, (8) any proceedings repealing or rescinding a measure, or a part thereof, which is protested by referendum procedures and (9) any proceeding providing for the submission or referral of a matter to the voters at an election.

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

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

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

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

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

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

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

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

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

Name*

Present Address (Street and Number)

* Written signature of voter; provided that a registered voter prevented from writing by physical disability may authorize another person to write his signature and address.

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

1

- 2
- 3

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

(f) If a petition is expected to be filed in the period between July fifteenth and December thirty-first, the year inserted in "Registered Address" in subsection (e) above shall be the then current year. If a petition is expected to be filed in the period between January first and July fifteenth the year which is so inserted shall be the preceding year. (Referendum of 11-4-75)

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

Whenever a completed initiative petition, a supplemental initiative petition, or a referendum petition is filed with the City Clerk, he shall submit it to the Election Commission forthwith. The Election Commission shall thereupon examine the petition and place a check mark against each signature which they determine is the name of a voter, except that when they have checked a number of signatures which is forty per cent greater than the minimum number of signatures which is required for a valid petition they need not examine or check any further signatures. The Election Commission shall prepare a certificate showing the number of signatures to the petition which have been so checked and the number of voters who were entitled to vote at the most recent preceding regular City election, and the Election Commission shall return the petition with their certificate to the City Clerk. The number of persons who were so entitled to vote shall be deemed to be the number of voters for the purposes of Sections 10-6, 10-8, and 10-10. The City Clerk shall hold the petition and the Election Commission's certificate available for public inspection during ordinary office hours for two full days; and unless written objections to the certificate of the Election Commission are filed by a voter within said period, the Election Commission's certificate shall be deemed conclusive. If objections are so filed, the City Clerk shall promptly give written notice of that fact to the first ten petitioners. Objections to the sufficiency or validity of the signatures on any petition shall be disposed of forthwith in the manner provided by General Laws Chapter 53, Section 12, and to the extent required the Election Commission shall revise their certificate accordingly. If the certificate of the Election Commission or their revised certificate, if any, shows that the number of signatures to the petition is insufficient, the City Clerk shall give written notice of that fact to the first ten petitioners and shall retain the petition for at least six months, after which period the City Clerk may destroy the petition. If such original or revised certificate shows that the number of signatures is sufficient, the City Clerk shall present the petition and the applicable certificate to the Board of Aldermen or the School Committee, as may be appropriate.

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

Whenever an initiative measure is to be submitted to the voters or a referendum measure is to be referred to them, the Board of Aldermen shall provide for such submission or referral at the next regular City election; but in the case of referendum measures, the Board of Aldermen may: (a) within thirty (30) days after a decision by the Board of Aldermen or the School Committee not to repeal or rescind a measure, or (b) in the case of inaction by the Board of Aldermen or the School Committee on the repeal or rescission of a measure, within thirty (30) days following the thirty day period referred to in Section 10-11; call a special election to be held within one hundred and twenty days of such vote.

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

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

Shall the following measure which was proposed by an initiative petition addressed to the (Board of Aldermen) (School Committee) take effect? (Text of proposed measure) Yes_____ No_____

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

(Shall the following measure which was passed by the (Board of Aldermen) (School Committee) be approved? (Text of measure) Yes——— No———) or (Shall the following provisions of the (describe measure in general terms) which was passed by the (Board of Aldermen) (School Committee) be approved? (Text of provisions) Yes——— No———)

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

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

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

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

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

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

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

**ARTICLE 11.
GENERAL PROVISIONS**

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

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

Sec. 11-2. Appointments and Removals.

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

Sec. 11-3. Rules and Regulations.

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

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

The Board of Aldermen shall, not later than one year after the charter is adopted and at five-year intervals thereafter, cause to be prepared by a special committee of the Board of Aldermen appointed for that purpose, a proposed revision or recodification of all ordinances of the City which shall be presented to the Board of Aldermen for reenactment. Such revisions or recodifications shall be prepared under the supervision of the City Solicitor, or if the Board of Alderman so direct, by special counsel retained for that purpose.

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

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

Sec. 11-6. Prohibition.

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

Sec. 11-7. Meetings of Qualified Voters.

General meetings of the voters may be held from time to time, according to the right secured to the people by the constitution of the Commonwealth; and all such meetings may, and upon the request in writing of fifty voters setting forth the purposes thereof, shall be duly called by the Board of Aldermen.

Sec. 11-8. Construction of Public Facilities.

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

Sec. 11-9. Severability.

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

Sec. 11-10. Specific Provisions Shall Prevail.

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

Sec. 11-11. References to General Laws.

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

Sec. 11-12. Computation of Time.

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

Sec. 11-13. Definitions.

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

- a. *Charter*—The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the state constitution.
- b. *City*—The word "City" shall mean the City of Newton.
- c. *City Agency*—The words "City agency" shall mean any board, commission, committee, department or office of the City government except a neighborhood area council as provided in Article 9.
- d. *Full Board*—The words "full Board" shall mean the entire authorized complement of the Board of Aldermen notwithstanding any vacancies which might exist.
- e. *Initiative Measure*—The words "initiative measure" shall mean a measure proposed by initiative procedures under the charter.
- f. *Majority Vote*—The words "majority vote" shall mean a majority of those present and voting; provided, that a quorum of the body is present.
- g. *Measure*—The word "measure" shall mean an ordinance passed or which could be passed by the Board of Aldermen or an order, resolution, vote, or other proceeding passed or which could be passed by the Board of Aldermen or the School Committee.
- h. *Referendum Measure*—The words "referendum measure" shall mean a measure protested by referendum procedures under the charter.
- i. *Voters*—The word "voters" shall mean registered voters of the City of Newton.

**ARTICLE 12.
TRANSITIONAL PROVISIONS**

Sec. 12-1. Continuation.

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

Sec. 12-2. Continuation of Government.

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

Sec. 12-3. Continuation of Administrative Personnel.

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

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

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

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

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

Sec. 12-6. Disposition of Special Acts.

(a) *Partial Repeal of Certain Special Acts*—The following Special Acts insofar as they confer power upon the City of Newton which the City would not otherwise hold under the charter, General Laws or the constitution, are retained; otherwise, they are hereby repealed, it being the explicit intention of this paragraph that portions of any Special Acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the charter: *Chapter three hundred and forty-four of the acts of eighteen hundred and seventy-two; chapter three hundred and fifty-three of the acts of eighteen hundred and seventy-four; chapter one hundred and forty-five of the acts of eighteen hundred and seventy-four; chapter one hundred and twenty-five of the acts of eighteen hundred and seventy-four; chapter eighteen of the acts of eighteen hundred and seventy-six; chapter fifty-four of the acts of eighteen hundred and seventy-six; chapter one hundred of the acts of eighteen hundred and seventy-seven; chapter one hundred and forty-four of the acts of eighteen hundred and seventy-seven; chapter sixty-three of the acts of eighteen hundred and seventy-eight; chapter one hundred and forty-seven of the acts of eighteen hundred and seventy-eight; chapter sixty-nine of the acts of eighteen hundred and seventy-eight; chapter one hundred and nine of the acts of eighteen hundred and eighty-six; chapter three hundred and two of the acts of eighteen hundred and eighty-nine; chapter two hundred and thirty-four of the acts of eighteen hundred and ninety; chapter seventy of the acts of eighteen hundred*

and ninety-two; chapter two hundred and ninety-six of the acts of eighteen hundred and ninety-three; chapter one hundred and ninety-eight of the acts of eighteen hundred and ninety-five; chapter three hundred and forty of the acts of eighteen hundred and ninety-six; chapter two hundred and sixty-nine of the acts of eighteen hundred and ninety-eight; chapter sixty-three of the acts of eighteen hundred and ninety-eight; chapter eighty-nine of the acts of eighteen hundred and ninety-nine; chapter four hundred and fifteen of the acts of nineteen hundred; chapter two hundred and four of the acts of nineteen hundred and one; chapter one hundred and sixty-five of the acts of nineteen hundred and one; chapter four hundred and eighty of the acts of nineteen hundred and two; chapter one hundred and thirty-three of the acts of nineteen hundred and three; chapter one hundred and sixty-seven of the acts of nineteen hundred and six; chapter two hundred and two of the acts of nineteen hundred and ten; chapter seven hundred and sixty-nine of the acts of nineteen hundred and thirteen; chapter one hundred and eighty-nine of the acts of nineteen hundred and thirteen; chapter six hundred and eighty-three of the acts of nineteen hundred and thirteen; chapter one hundred and seventy-seven of the acts of nineteen hundred and fifteen; chapter three hundred and thirty-two of the acts of nineteen hundred and seventeen; chapter eighty-six of the acts of nineteen hundred and twenty; chapter five hundred and sixty-one of the acts of nineteen hundred and twenty; chapter thirty-four of the acts of nineteen hundred and twenty-four; chapter two hundred and forty-three of the acts of nineteen hundred and twenty-four; chapter thirty-five of the acts of nineteen hundred and twenty-five; chapter three hundred and thirty-six of the acts of nineteen hundred and twenty-seven; chapter seventy-three of the acts of nineteen hundred and twenty-eight; chapter twenty-five of the acts of nineteen hundred and thirty-two; chapter twenty of the acts of nineteen hundred and thirty-four; chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-five; chapter three hundred and fifteen of the acts of nineteen hundred and forty-nine; chapter three hundred and forty-four of the acts of nineteen hundred and forty-nine; chapter three hundred and sixty-seven of the acts of nineteen hundred and fifty-three; chapter four hundred and nineteen of the acts of nineteen hundred and fifty-five; chapter two hundred and eleven of the acts of nineteen hundred and fifty-five; chapter one hundred and two of the acts of nineteen hundred and fifty-six; chapter one hundred and one of the acts of nineteen hundred and fifty-six; chapter four hundred and thirty-nine of the acts of nineteen hundred and sixty-one; chapter three hundred and sixteen of the acts of nineteen hundred and sixty-two; chapter three hundred and thirty-seven of the acts of nineteen hundred and sixty-seven; chapter six hundred and thirty-one of the acts of nineteen hundred and sixty-nine.

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

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

of the acts of nineteen hundred and fifteen; chapter one hundred and six of the acts of nineteen hundred and fifteen; chapter eighty-seven of the acts of nineteen hundred and seventeen; chapter seventy-two of the acts of nineteen hundred and eighteen; chapter three hundred and thirty-two of the acts of nineteen hundred and twenty; chapter seventy-four of the acts of nineteen hundred and twenty-one; chapter one hundred and sixty-seven of the acts of nineteen hundred and twenty-three; chapter three hundred and ninety-four of the acts of nineteen hundred and twenty-four; chapter three hundred and twenty-seven of the acts of nineteen hundred and twenty-eight; chapter one hundred and sixty-four of the acts of nineteen hundred and forty-seven; chapter two hundred and ten of the acts of nineteen hundred and forty-seven; chapter four hundred of the acts of nineteen hundred and forty-nine; chapter fifty-two of the acts of nineteen hundred and fifty-five; chapter six hundred and twenty-one of the acts of nineteen hundred and sixty-three.

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

Sec. 12-7. Time of Taking Effect.

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

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