

# City of Attleboro, Massachusetts

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## AMENDMENTS

Sections of the Attleboro Home Rule Charter adopted on November 3, 1973 were amended by affirmative votes on Referendum Questions on November 8, 1977, November 6, 1979 , November 4, 1986, November 7, 1989, November 2, 1999 and November 5, 2002. The following notes describe these amendments:

Sections 2-6; 4-5; 5-5 -- Changes the way vacancies are filled in the elective positions of municipal councilman, school committeeman, city clerk, city treasurer and city collector by requiring a special election by the voters. A vacancy occurring in the last nine months of a term will not be filled unless it reduces the council to less than eight members or the school committee to less than six members. A vacancy existing at the time of a regular election is immediately filled by the person elected to the forthcoming term. (Adopted 11/4/86)

Sections 2-7(c); 3-5(b); 4-6(c); 11-6(a) -- Changes the required time for notification and posting of special meetings from twenty-four hours to forty-eight hours to comply with state statute. (Adopted 11/8/77)

Sections 2-9(d); 2-9(f) -- Changes required publication of proposed and adopted ordinances and loan orders to allow summaries and sets a three month time limit for publication after final passage. (Adopted 11/6/79)

Section 3-3 (b) -- Changes the maximum time a temporary appointment can continue without council approval from six months to three months. (Adopted 11/6/79)

Section 3-7(c) -- Allows the councilman serving as acting mayor during the absence or incapacity of the mayor to receive adequate compensation when required to give an extended period of full-time service to the city. (Adopted 11/6/79)

Section 4-1(a) -- Provides for the election of ward school committeemen, one from each of the six wards, with the remaining two continuing to be elected at large. (Adopted 11/8/77)

Section 4-1 (c) -- Changes the term of office of eight school committeemen (ninth member is the mayor) from four years to two years. Phased implementation as follows: four persons elected November, 1977 serve for four years; four persons elected November, 1979 serve for two years; eight persons elected November, 1981 and thereafter serve for two years. (Adopted 11/8/77)

Section 4-1(d) -- Deletes this section previously providing a method for filling vacancies in four-year school committee terms. (Adopted 11/8/77)

Section 4-4 -- Removes the Mayor from the School Committee and provides for three at large committeemen. The three at large committeemen receiving the highest vote will be declared elected. (Adopted 11/7/89)

Section 4-6 (d) -- This amendment provides the School Committee with a parliamentary procedure called charter objection. (Adopted 11/7/89)

Section 4-6(e) -- This amendment provides for an emergency measure, if designated by 2/3 vote of full School Committee, which is not subject to charter objection and can be finally passed at the meeting at which it is introduced. (Adopted 11/7/89)

Section 4-8 -- This amendment would allow an annual salary and an expense account to be established by ordinance. (Adopted 11/2/99)

Section 6-2(b) -- Changes the time the municipal council has to act on the budget from sixty days to the period prescribed by state statute (forty-five days). (Adopted 11/8/77)

Section 8-2(c) -- Deletes the requirement that the municipal council, upon adopting any measure covered by the comprehensive plan, report to the planning board on the relationship between the measure and the comprehensive plan. (Adopted 11/8/77)

Section 9-1 -- Changes date of preliminary elections from fourth Tuesday preceding every regular City election to the third Tuesday of September preceding every regular City election. (Adopted 11/5/02)

Section 9-3(a) -- Provides that not less than fifty signatures be required to place the name of a candidate on the ballot to be used at the preliminary election for the office of ward school committeeman. (Adopted 11/8/77)

Section 9-3 (f) -- Prohibits candidates from running for more than one office at a time. (Adopted 11/5/02)

Section 10-1(b) -- Changes the minimum number of signatures on an initiative petition requiring municipal council or school committee action from fifty voters to at least 1% of the total number of voters. (Adopted 11/8/77)

Section 10-7 -- Establishes the form for citizen petition and provides that each page of a petition shall contain the full text of the petition. (Adopted 11/8/77)

## ARTICLE I

### INCORPORATION; SHORT TITLE; FORM OF GOVERNMENT; POWERS

#### Section 1-1 Incorporation

The inhabitants of the City of Attleboro, within the corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name "City of Attleboro."

#### Section 1-2 Short Title

This instrument shall be known and may be cited as the Attleboro Home Rule Charter.

#### Section 1-3 Form of Government

The administration of all 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 municipal council.

#### Section 1-4 Powers of the City; Intent of Voters

Subject only to express limitation 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 voters of Attleboro, through the adoption 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.

#### Section 1-5 Construction

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 1-4.

#### Section 1-6 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

### MUNICIPAL COUNCIL

#### Section 2-1 Composition; Eligibility; Election and Term

(a) Composition -- There shall be a municipal council of eleven members which shall exercise the legislative powers of the city. Six of these members, to be known as ward councilmen, shall be nominated and elected by and from the voters of each ward, one ward councilman to be elected from each of the six wards of the city. Five of these members, to be known as councilmen at large, shall be nominated and elected by and from the voters of the entire city.

(b) Eligibility -- Any voter shall be eligible to hold the office of councilman. A member of the municipal council shall, notwithstanding his removal from one ward of the city to another, continue to serve and to perform his duties during his term of office. The municipal council shall be the judge of the election and qualifications of its members.

(c) Election and Term -- The terms of all councilmen shall be two years beginning the first Tuesday following the first Monday in January after their election, and until their successors are qualified.

#### Section 2-2 Compensation; Expenses

The municipal council shall by ordinance determine an annual salary and expense allowance for councilmen, but no ordinance establishing or increasing such salary or expense allowance shall be effective unless it is adopted within the first eighteen months of the term of office and is to be effective at the start of the next term of office.

#### Section 2-3 Officers of the Council

After a majority of the councilmen-elect have been sworn, they shall be called to order by the city clerk, or in the absence of the city clerk, by the member present senior in years of service, who shall preside. The municipal council shall then elect from among its members, by separate roll call votes, a president and then a vice-president. No other business shall be in order until such officers are elected. The president shall have the same right to vote as any elected member of the municipal council. The president shall preside at meetings of the municipal council and perform such other functions as may be assigned by the charter, by ordinance, or by vote of the municipal council. The vice-president shall act as president during the absence or disability of the president.

#### Section 2-4 General Powers and Duties

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

#### Section 2-5 Prohibitions

(a) Holding Other Office -- No member of the municipal council shall hold any other office or position in or under the city government or, except as provided in section 2-2, have the expenditure of any money appropriated by the municipal council, or act as counsel in any matter before any municipal agency

(b) Appointment During Term -- No member of the municipal council shall, during a term for which he was elected, be appointed to any city office which has been created during such term or, if

appointed to an office otherwise created, receive any increase in the compensation for such office which has been voted during such term as a member of the municipal council.

(c) Interference in Administration -- Neither the municipal council nor any member or committee thereof shall take part, directly or indirectly, in the conduct of any of the executive or administrative business of the city.

#### Section 2-6 Filling of Vacancies

If there be a vacancy on the municipal council by death, resignation, removal from office, failure to elect or otherwise at any time preceding the last nine calendar months of the term for which a councillor was elected, it shall be filled by special election in the following manner:

(a) Notice -- Within seven days following the date of the municipal council declaring that the position is vacant, the clerk of the council shall cause notice of the vacancy to be published for three successive days in one or more newspapers having general circulation in the city. The notice shall state the date of the special election and the time within which those voters who wish to be considered as candidates for filling the vacancy shall file papers which time shall not be less than fourteen nor more than twenty-one days following the last day of such publication.

(b) Filing by Candidates -- All voters who wish to be considered candidates to fill the vacancy, and who are qualified under section 2-1, shall file with the board of election commissioners nomination papers which bear the same number of signatures of voters as were required for nomination to the office at the preceding preliminary election. All such papers shall be certified by the board of election commissioners within seven days following such submissions and all regulations relating to the certification of such papers at a regular city election shall apply hereto.

(c) Action by Municipal Council -- No vacancy which occurs during the last nine calendar months of the term shall be filled unless failure to act would result in less than eight members serving in the office of councilman. In that event all vacancies then existing shall be filled in the manner provided above until the municipal council is returned to its full complement.

Whenever a vacancy exists on the municipal council at the time of the regular city election the person elected at said election to the seat for which the vacancy exists shall forthwith be sworn and shall serve for the balance of the unexpired term in addition to the term for which he was elected. If the vacancy is in the office of councilman at large the seat shall be filled by the person receiving at said regular election the highest number of votes for the office of councilman at large and who is not then serving as a member of the municipal council.

#### Section 2-7 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 municipal council may be exercised in a manner determined by it.

(b) Quorum -- A majority of the municipal council then in office shall constitute a quorum. The affirmative vote of a majority of the full council shall be necessary to adopt any ordinance or appropriation order. Except as otherwise provided by law or the charter, any other motion or measure may be adopted by a majority vote of those present.

(c) Rules of Procedure -- The municipal council shall from time to time establish rules for its proceedings. Regular meetings of the municipal council shall be held at a time and place fixed by ordinance. Special meetings of the municipal council may be held on the call of the mayor, as provided in section 3-5 (b), or on the call of the president of the municipal council, or on the call of any three or more

members, by written notice delivered in hand or to the place of business or residence of each member at least forty-eight hours in advance of the time set. Except as otherwise authorized by the general laws, all sessions of the municipal council shall be open to the public and press. Every matter coming before the municipal council for action shall be put to a vote, the result of which shall be duly recorded. When



requested by any member, voting shall be by a call of the roll and the ayes and nays shall be recorded in the journal. A full, accurate, and up-to-date record of the proceedings of the municipal council shall be kept and shall be open to inspection by the public.

#### Section 2-8 City Auditor; Clerk of the Council; Other Staff; Salaries

(a) City Auditor -- As soon as practical after the municipal council has been organized, it shall elect, by roll call vote, a city auditor to hold office for the term of two years and until his successor is qualified. The city auditor shall keep and have charge of the accounts of the city. He shall regularly audit the books and accounts of all city agencies, and shall have such powers and perform such other duties as the municipal council may prescribe in addition to such duties as may be prescribed by law. The city auditor shall be subject to the call of the mayor for consultation, conference, and discussion on any matter which relates to his office.

(b) Clerk of the Council -- The city clerk shall be the clerk of the council. The clerk of the council shall give notice of all meetings of the municipal council 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 municipal council.

(c) Other Staff -- The municipal council may by ordinance establish other staff positions, regular or special, as it shall from time to time deem necessary or desirable to assist the municipal council in the performance of its duties.

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

#### Section 2-9 Course of Proceedings

(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 thirty 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. A preamble which declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative vote of two-thirds of the municipal council then in office. 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, of any franchise or special privilege shall be passed as an emergency measure, and except as provided by general laws, no such grant, renewal, or extension shall be made otherwise 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 of adoption of any measure, except an emergency measure as defined in section 2-9 (b), is put to the municipal council, if a single member objects to the taking of the vote, the vote shall be postponed for not less than seven days. If when it is brought up, four or more members object, a second postponement of at least seven days shall be made. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

(d) Proposed Ordinances, Publication, Public Hearing -- Notice of every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in a newspaper of general circulation in the city, with a summary of the subject matter sufficient for identification and the place where the complete text is available for public inspection and in any additional manner that may be required by ordinance or by law. Such publication shall also state the time, not less than ten days following such publication, and the place at which the municipal council shall hold a public hearing on said proposed ordinance or loan order.

(e) Council Reconsideration -- The clerk of the council shall hold every measure passed by the municipal council for a period of twenty-four hours, Sundays and legal holidays excepted, and if during said time notice of a motion to reconsider is filed with the clerk of the council by any member entitled to make such motion, the measure shall be presented to the municipal council at its next meeting otherwise it shall forthwith be presented to the mayor at the expiration of said twenty-four hours.

(f) Publication of Adopted Ordinances and Loan Orders -- Within three months after final passage, all ordinances and loan orders shall be published in full, as amended and completed, in a newspaper of general circulation in the city or in a municipal bulletin or printed pamphlet. If publication is in a municipal bulletin or printed pamphlet, notice shall be published in a newspaper of general circulation in the city stating the contents of such bulletin or pamphlet and the place where it is available for public inspection.

#### Section 2-10 Delegation of Powers

The municipal council may delegate to one or more city agencies the powers vested in the municipal council by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of such 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.

#### Section 2-11 Inquiries and Investigations

The municipal council may require any city officer or member of a board or commission to appear before it to give such information as it may require in relation to his office, its function and performance. The municipal council 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 municipal council may make investigations into the affairs of the city and into the conduct of any city agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

#### Section 2-12 Appointments to City Offices

(a) Standards to be Established -- The municipal council shall by ordinance establish and may from time to time amend minimum standards of competency and suitability required of candidates for appointments to city offices in order to qualify for confirmation. Such standards shall be based on those qualifications or attributes deemed to be best suited to each particular office, but no change adopted by the municipal council in such ordinance shall apply to the incumbent of an office at the time such ordinance or any change in such ordinance is adopted.

(b) Confirmation -- The mayor shall submit to the municipal council the names of all persons whom he desires to appoint to city office, except appointments under the civil service law. The municipal council shall refer all such nominations to a standing committee which shall investigate the candidates and make a report with recommendations to the municipal council on each such candidate not sooner than seven nor later than twenty-eight days following such referral. If the municipal council has taken no other action, said appointments shall become effective on the forty-fifth day following the date the name has been received by the municipal council. The provisions of section 2-9 (c) shall not apply to this section.

## ARTICLE 3

### MAYOR

#### Section 3-1 Election; Term; Compensation

There shall be a mayor, elected by and from the voters, who shall be the chief executive officer of the city. He shall hold office for the term of two years from the first Tuesday following the first Monday in January following his election, and until his successor is qualified. The mayor shall receive for his services such salary as the municipal council shall by ordinance determine, but no change in such salary shall be effective unless it is adopted within the first eighteen months of the term of office and is to be effective at the start of the next term of office.

#### Section 3-2 Executive Powers; Enforcement of Ordinances; Assistants; Meetings of Department Heads

The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several officers or boards of the city in their respective departments, 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 his official acts to be kept. To aid him in his official duties, he may employ assistants, fix their salaries, and determine their duties.

The mayor shall, from time to time, call together for consultation upon the affairs of the city all heads of city agencies, or any of them. The heads of all city agencies shall, whenever called upon, furnish such information relative to their respective agency as the mayor may request.

#### Section 3-3 Appointments by Mayor

(a) Regular Appointments -- The mayor shall appoint all city officers, department heads and members of city agencies except those for whom some other method of appointment or selection is provided by the charter, officers serving under the school committee, and officials appointed by state officers. Such persons shall hold office for the term for which they were appointed and until their successors are qualified. Appointments made by the mayor shall be made on or before the first Monday in February and shall be for such terms as may be established by ordinance to begin on the first Monday in February.

(b) 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. No temporary appointment shall be continued beyond three months without the approval of the municipal council.

#### Section 3-4 Removal of Officials

The mayor may, in writing, suspend any officer who receives his appointment from the mayor, and in such case he shall at once report his action and his reasons therefor to the municipal council. The suspension of any officer shall, in fifteen days after such report is made, be a removal, unless within that time the officer whose removal is sought asks for a hearing before the mayor and the municipal council. Such hearing shall forthwith be granted and shall be public. After the conclusion of the hearing, the mayor shall determine whether the suspension is justified, and the officer shall at once be reinstated or removed.

### Section 3-5 Communications to the Municipal Council: Special Meetings of the Municipal Council.

(a) Communications -- Within six weeks following the start of each fiscal year, the mayor shall submit to the municipal council, and make available for distribution 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 communication, keep the municipal council fully informed as to the financial condition and future needs of the city and shall recommend such measures as, in his judgment, the needs of the city require.

(b) Special Meetings -- The mayor may at any time call a special meeting of the municipal council by causing a notice of such meeting, specifying the matters which he desires to be considered, to be delivered in hand or to the place of residence or business of each councilman. Public notice of said meeting shall be posted at least forty-eight hours in advance of the time set for such meeting; however, in the event of an emergency, of which the mayor shall be the judge, a lesser period shall suffice.

### Section 3-6 Adoption of Measures: Mayor's Veto

Every measure relative to the affairs of the city adopted by the municipal council, except such measures as relate to the internal affairs of the municipal council, shall be presented to the mayor for his approval. If the mayor does approve it, he shall signify his approval by signing it; if he does not approve it, he shall return it, with his objections in writing, to the municipal council. The municipal council shall enter the objections of the mayor upon its records, and shall reconsider such measure. If on such reconsideration, two-thirds of the full council agree to pass the measure, it shall be considered approved. If such measure is not returned by the mayor within ten days after the presentation to him, it shall be considered approved. Every vote taken under the provisions of this section shall be determined by a call of the roll. A filing with the clerk of the council shall be considered a return to the municipal council.

### Section 3-7 Temporary Absence from Office of Mayor

(a) Acting Mayor -- Whenever, by reason of sickness or other cause, the mayor shall be unable to perform the duties of his office, the president of the municipal council or in the event of his disability the vice-president shall become acting mayor.

(b) Powers of Acting Mayor -- The acting mayor shall have all the rights and powers of the mayor except that he shall not make any permanent appointment or removal unless the disability of the mayor has continued for a period of sixty days, nor shall he approve or disapprove any measure until within twenty-four hours of the time it would take effect without the approval of the mayor. During said period, the acting mayor shall lose his vote as a member of the municipal council.

(c) Compensation of Acting Mayor -- After the acting mayor has been required to serve in that capacity for a continuous period exceeding fifteen days, he shall become eligible to receive such salary as the municipal council shall by ordinance determine, provided that no ordinance establishing or amending such salary shall be effective until the start of the term of office following its adoption. Said salary shall be retroactive to the beginning of said continuous period of service. While receiving said salary, the acting mayor shall be ineligible to receive a salary as a member of the municipal council.

### Section 3-8 Vacancy in Office of Mayor

(a) Special Election -- If a vacancy occurs in the office of mayor, by death, resignation, removal from office, failure to elect or otherwise, at any time preceding the last nine calendar months of the term for which he was elected, the municipal council shall forthwith call a special election to fill such vacancy for the remainder of the unexpired term.

(b) Council Election -- 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 council shall forthwith call a special meeting

of the municipal council, and the municipal council shall by majority vote of the full council, taken by a roll call, elect one of its members as mayor for the remainder of the unexpired term. If the municipal council fails to elect a mayor as aforesaid within thirty days of the date of the meeting called by the clerk of the council, the president of the municipal council shall become mayor. Upon the election and qualification of any member of the municipal council as mayor under the provisions of this section, a vacancy shall exist in his seat on the council.

(c) Term of Office -- Whenever a mayor is chosen in the manner provided by section 3-8 (b), he shall serve until the next regular city election. The candidate who is elected as mayor at the said election shall forthwith be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term.

## ARTICLE 4

### SCHOOL COMMITTEE

#### Section 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. Six of these members, who shall be known as ward school committeemen, shall be elected by and from the voters of each ward, one ward school committeeman to be elected from each of the six wards of the city. Three of these members, who shall be known as school committeemen at large, shall be nominated and elected by and from the voters of the entire city.

(b) Eligibility -- Any voter shall be eligible to hold the office of school committeeman.

(c) Election and Term -- The terms of the school committeemen shall be two years beginning the first Tuesday after the first Monday of January following their election and until their successors are qualified.

#### Section 4-2 Officers of the School Committee

After a majority of the school committeemen-elect have been sworn, the school committee shall be called together by the member present senior in years of service who shall preside. The school committee shall then elect from among its members, by separate roll call votes, officers of the school committee who shall have the titles of chairman, vice-chairman, and secretary. The chairman shall preside at meetings of the school committee and perform such other functions as may be assigned by vote of the school committee. The vice-chairman shall act as chairman during the absence or disability of the chairman. The school committee may from time to time elect from among its membership one or more members to represent the school committee before the municipal council. Such representatives shall have the right to be heard, during any regular or special meeting of the municipal council or any appropriate committee or sub-committee thereof, on all matters concerning school legislation and the appropriation of money therefor, but shall have no vote.

#### Section 4-3 General Power 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 municipal council may by ordinance from time to time assign. The powers of the school committee shall include but not be limited to the power to: (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, and (3) make all reasonable rules and regulations, consistent with law, for the management of the public schools of the city and for conducting the business of the committee.

The school committee shall furnish all school buildings with proper fixtures, furnishings and equipment and shall provide ordinary maintenance and repairs on all school buildings and grounds, provided however that the municipal council may include the school department in any ordinance establishing centralized purchasing or centralized maintenance. The approval of the school committee shall be required for all school buildings and grounds maintenance and repair plans.

#### Section 4-4 Prohibitions

No school committeeman shall, while a member of the school committee, hold any compensated office or position in or under the city government.

#### Section 4-5 Filling of Vacancies

If there be a vacancy by death, resignation, removal from office, failure to elect or otherwise in the office of school committee member, it shall be filled in the same manner as provided in section 2-6 for filling of vacancies in the membership of the municipal council following the school committee's giving notice of any vacancy to the municipal council forthwith. No vacancy which occurs during the last nine calendar months of the term shall be filled unless failure to act would result in less than six members serving in the office of school committeeman. In that event all vacancies then existing shall be filled in the manner provided above until the school committee is returned to its full complement.

Whenever a vacancy exists on the school committee at the time of the regular city election the person elected at said election to the seat for which the vacancy exists shall forthwith be sworn and shall serve for the balance of the unexpired term in addition to the term for which he was elected. If the vacancy is in the office of school committeeman at large the seat shall be filled by the person receiving at said regular election the highest number of votes for the office of school committeeman at large and who is not then serving as a member of the school committee.

#### Section 4-6 Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers -- Except as otherwise provided by law or the charter, the powers of the school committee may be exercised in a manner determined by it.

(b) Quorum -- A majority of the school committee then in office shall constitute a quorum. The affirmative vote of a majority of the full committee shall be necessary to adopt any financial matter. Except as otherwise provided by law or the charter, any other motion or measure may be adopted by a majority vote of those present.

(c) Rules of Procedure -- The school committee shall from time to time establish rules for its proceedings. Regular meetings of the school committee shall be held at a time and place fixed by their rules. Special meetings of the school committee may be held on the call of the chairman of the school committee, or any three or more members, by written notice delivered in hand or to the place of residence or business of each member at least forty-eight hours in advance of the time set. Except as otherwise authorized by general laws, all sessions of the school committee shall be open to the public and press. Every matter coming before the school committee 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 school committee shall be kept and shall be open to inspection by the public.

(d) Charter Objection -- On the first occasion that the question of adoption of any motion or measure, except an emergency measure as defined in section 4-6(e), is put to the school committee, if a single member objects to the taking of a vote, the vote shall be postponed for not less than seven days. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

(e) 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. A preamble which declares that an emergency exists and which defines its nature in clear and specific terms shall be separately voted upon and shall require the affirmative vote of two-thirds of the full school committee. Any 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, of any franchise or special privilege shall be passed as an emergency measure. An emergency measure shall become effective upon adoption or at such later time as it may specify.

#### Section 4-7 Budget Hearing

At least thirty days before the meeting at which the school committee is to vote on the budget request it will submit to the mayor for inclusion in the budget the mayor is required to submit to the municipal council, the school committee shall cause to be published in a local newspaper a general summary of their proposed budget. The summary shall specifically indicate areas of increase from the current budget, if any, and a notice stating: (1) the times and places where copies of the proposed budget will be available for inspection by the public and (2) the date, time and place not less than seven nor more than fourteen days after such publication when a public hearing will be held by the school committee on the proposed budget.

The action of the school committee in adopting the budget shall be summarized and the results of a roll call vote taken on each amendment proposed shall be duly recorded.

#### Section 4-8 Compensation: Expenses (voted November 2, 1999)

The Municipal Council shall be ordinance determine an annual salary and expense allowance for School Committee members, but no ordinance establishing or increasing such salary or expense allowance shall be effective unless it is adopted within the first eighteen months of the term of office is to be effective at the start of the next term of office.

This amendment shall become effective upon its adoption by the voters of the City of Attleboro. A salary and expense account for school committeemen elected at the time of said adoption shall be effective at the beginning of their terms of office, provided the Municipal Council shall have enacted an ordinance establishing such salary and expense account prior to the beginning of such terms of office.



## ARTICLE 5

### OTHER ELECTED OFFICIALS

#### Section 5-1 City Clerk

- (a) Election -- There shall be a city clerk elected by and from the voters.
- (b) Term of Office -- The city clerk shall serve for a term of two years from the first Tuesday following the first Monday in January following his election and until a successor has been qualified.
- (c) Powers and Duties -- The city clerk shall have the powers and duties with regard to the keeping of records and vital statistics and the issuance of licenses as are established by general laws. The clerk may have such additional powers and duties as the municipal council may from time to time by ordinance prescribe.

#### Section 5-2 City Treasurer

- (a) Election -- There shall be a city treasurer elected by and from the voters.
- (b) Term of Office -- The city treasurer shall serve for a term of two years from the first Tuesday following the first Monday in January following his election and until a successor has been qualified.
- (c) Powers and Duties -- The city treasurer shall receive and take charge of all money belonging to the city, and pay over and account for the same according to the order of the city or its authorized officers. The treasurer shall have such additional powers as may be provided by general laws and may have such additional powers and duties as the municipal council may from time to time by ordinance prescribe.

#### Section 5-3 City Collector

- (a) Election -- There shall be a city collector elected by and from the voters.
- (b) Term of Office -- The city collector shall serve for a term of two years from the first Tuesday following the first Monday in January following his election and until a successor has been qualified.
- (c) Powers and Duties -- The city collector shall collect all public monies and all accounts of the city upon warrants issued to him. He shall have and exercise all of the powers of collectors as may be provided by general laws and may have such additional powers and duties as the municipal council may from time to time by ordinance prescribe.

#### Section 5-4 Coordination of Officials

Notwithstanding the election of the city officers named in this article by the voters of the city, the said officers shall be subject to the call of the mayor for consultation, conference, and discussion on any matter which relates to their respective offices.

#### Section 5-5 Filling of Vacancies

If there be a vacancy in the office of city clerk, city treasurer or city collector by death, resignation, removal from office, failure to elect or otherwise it shall be filled in the same manner as provided in section 2-6 for filling vacancies in the membership of the municipal council. No vacancy which occurs during the last nine calendar months of the term shall be filled. Whenever a vacancy exists at the time of the regular city election the person elected at said election to the vacant office shall serve for the balance of the unexpired term in addition to the term for which he was elected.



## ARTICLE 6

### FINANCIAL PROCEDURES

#### Section 6-1 Submission of Budget; Budget Message

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

The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall 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 municipal council may reasonably require.

#### Section 6-2 Action on Budget

(a) Public Hearing -- The municipal council shall within seven days following its receipt of the proposed budget publish in one or more newspapers of general circulation in the city the general summary of the proposed budget as submitted by the mayor and a notice stating: (1) the times and places where copies of the proposed budget 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 proposed budget will be held by the municipal council or a committee thereof.

(b) Adoption -- The municipal council shall adopt the budget, with or without amendments, within the period prescribed by state statute.. In amending the budget, the municipal council may delete or decrease any programs or amounts except expenditures required by law or for debt service. If the municipal council fails to take action with respect to any item in the budget within said period, such amount shall, without any action by the municipal council, become a part of the appropriations for the year and be available for the purposes specified.

#### Section 6-3 Capital Improvement Program

(c) Submission -- The mayor shall prepare and submit to the municipal council a five-year capital improvement program at least six months prior to the last day of each fiscal year.

(b) Contents -- The capital improvement program shall include: (1) a clear, concise 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; (4) the estimated annual cost of operating and maintaining the facilities included; (5) a listing of all sources and amounts of revenue. The above information shall be revised and extended each year.

(c) Public Hearing -- The municipal council shall within fourteen days following its receipt of the proposed capital improvement program 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 municipal council.

(d) Adoption -- After the public hearing, and on or before the last day on which the mayor may submit a proposed budget for the ensuing fiscal year, the municipal council shall by resolution adopt the capital improvement program with or without amendment, provided that each amendment must be voted

separately and that any increase in the capital improvement program as submitted must clearly identify the method of financing proposed to accomplish this increase.

Section 6-4 Contracts

All contracts made for or in behalf of the city shall be in writing. No contract entered into for or in behalf of the city shall be deemed to have been made until the city auditor, or other officer having similar duties, has certified thereon that an appropriation in an amount sufficient to pay the proposed contract is available in a proper account. All contracts entered into for or in behalf of the city shall be subject to the approval of the mayor.

## ARTICLE 7

### ADMINISTRATIVE ORGANIZATION

#### Section 7-1 Reorganization Plans by Municipal Council

Except as otherwise provided by law or the charter, the municipal council 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 agency. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by him.

#### Section 7-2 Reorganization Plans by Mayor

(a) Submission -- The mayor may from time to time prepare and submit to the municipal council 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 plans shall be accompanied by an explanatory message when submitted.

(b) Adoption -- Every such reorganization plan shall upon receipt by the clerk of the municipal council be referred to an appropriate committee of the municipal council. The municipal council shall, not more than thirty days later, hold a public hearing on the matter and the committee to which it was referred shall, within fourteen days following such hearing, issue a report stating 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 municipal council unless the municipal council has prior to that date voted to disapprove the reorganization plan. A reorganization plan presented by the mayor to the municipal council under this section may not be amended by it, but shall either be approved or rejected as submitted and shall not be subject to the objection as provided in section 2-9 (c).

#### Section 7-3 Publication of Reorganization Plan

An up-to-date record of any reorganization plan 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 8

### COMPREHENSIVE PLAN

#### Section 8-1 Comprehensive Plan

(a) Content -- There shall be a comprehensive plan setting forth in graphic and textual form policies to govern the future 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) Submission to Municipal Council -- The mayor shall, whenever requested by the planning board, submit to the municipal council a proposed comprehensive plan or modification thereof.

(c) Adoption -- Upon receipt from the mayor of a proposed comprehensive plan or a proposed modification of the existing plan, and after receipt of the recommendations of the planning board, the municipal council shall hold a public hearing on the proposed comprehensive plan or the proposed modification thereof and shall, within sixty days following the public hearing, by resolution adopt the same with or without amendment.

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

#### Section 8-2 Implementation of the Comprehensive Plan

(a) Land Use and Development Regulations -- In accordance with applicable provisions of the general laws, the municipal council may by ordinance adopt land use and development regulations, including but not limited to an official map and zoning regulations.

(b) Urban Renewal -- In accordance with applicable provisions of the general laws, the municipal council may by ordinance provide for redevelopment, rehabilitation, conservation, and renewal programs for the alleviation or prevention of slums, obsolescence, blight, or other conditions of deterioration.

(c) Action by the Municipal Council -- Before acting on any proposed measure concerning land use and development regulations, urban renewal, or expenditures for capital improvements, where such measure involves a matter covered by the comprehensive plan, the municipal council shall refer the proposal to the planning board which shall, within a time specified by the municipal council and prior to any public hearing on the proposed measure, report in writing its recommendations thereon.

(d) Annual Report of the Planning Board - Within eight weeks following the start of each calendar year, the planning board shall submit to the mayor a report which summarizes all actions taken by the municipal council in the preceding calendar year which relate to the comprehensive plan and makes such recommendations with respect to amendments to the comprehensive plan as a result of such actions as they deem necessary or desirable.

## ARTICLE 9

### NOMINATIONS AND ELECTIONS

#### Section 9-1 City Elections: General and Preliminary (Adopted by Approval 11/5/02)

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

On the third Tuesday of September preceding every regular city election, there shall be held a preliminary election for the purpose of nominating candidates.

#### Section 9-2 Nonpartisan Elections

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

#### Section 9-3 Preliminary Elections

(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 two hundred; for all other at large offices not less than one hundred; and for the office of ward councilman and ward school committeeman not less than fifty signatures of the voters of the ward.

(b) Information to Voters -- If the candidate at a preliminary election is an incumbent of the office to which he seeks election, against his name shall appear the phrase "Candidate for Re-election."

(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 in the presence of such candidates or their representatives.

(d) Determination of Candidates for Election -- The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballot.

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 his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon candidates to a number exceeding twice the number to be elected.

(e) Nomination of Candidates, Conditions Making Election Unnecessary -- If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election not more than twice as many such statements have been filed with the election commission for an office as candidates are to be elected to such office, the candidates whose statements 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 election, 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.

(f). (Adopted by Approval 11/5/02) Candidates Nominated for Multiple Offices -- A candidate who has filed nomination papers for multiple offices must withdraw his or her name from nomination for all but one office on or before the last day provided by the law for withdrawal of candidates. Any candidate for office who does not comply with said withdrawal procedure shall not have his or her name printed upon the ballot for any office.

#### Section 9-4 Regular Election

(a) 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."

(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 in the presence of such candidates or their representatives.

#### Section 9-5 Special Election for Mayor

Whenever a special election is to be held for the office of mayor under the provisions of section 3-8 (a), no preliminary election shall be held. All candidates who file nomination papers which are certified by the board of election commissioners to contain a sufficient number of signatures of voters shall be entitled to have their names appear upon the ballot for the said election. The candidate who receives the highest number of votes shall be declared elected.

#### Section 9-6 Wards

The territory of the city shall be divided into six wards so established as to consist of as nearly equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each ward shall be divided into voting precincts in accordance with state statutes.

#### Section 9-7 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 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 10**

### **FREE PETITION; INITIATIVE; REFERENDUM**

#### Section 10-1 Free Petition

(a) Individual Petitions, Action Discretionary -- The municipal council and the school committee shall receive all petitions signed by one or more voters and addressed to either of them and may, in their discretion, take such action in regard to such petitions as they deem necessary and advisable.

(b) Group Petitions, Action Required -- The municipal council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it and which is signed by at least one percent of the total number of voters. The hearing shall be held by the municipal council or the school committee, or in either case, by a committee or subcommittee thereof, and the action by the municipal council or school committee shall be taken not later than three months after the petition is filed with the clerk of the council or secretary of the school committee. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten petitioners whose names first appear on each such petition at least seven days before the hearing. The municipal council or the school committee shall publish in one or more newspapers of general circulation in the city a general summary of the subject matter of such petitions and a notice stating: (1) the times and places where copies of the citizen petitions 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 petitions will be held by the municipal council or school committee.

#### Section 10-2 Citizen Initiative Measures

(a) Commencement of Proceedings -- Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or secretary of the school committee as may be. The petition shall be addressed to the municipal council or to the school committee, shall contain a request for passage of a particular measure set forth in the petition, and shall be signed by not less than ten per cent of the total number of voters. Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the election commission as one instrument, with the endorsement thereon of the name and address of the person designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

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

The election commission shall hold the petition and their 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, they shall be disposed of forthwith in the manner provided by general laws, chapter 53.

If no objections are so filed, the election commission shall forthwith transmit the said certificate with the said petition to the municipal council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to the person designated on the petition as filing the same.

(b) Referral to City Solicitor -- If the election commission determines that a sufficient number of the signers are voters, the clerk of the council or the secretary of the school committee shall transmit a copy of the petition to the city solicitor. Within fifteen days after his receipt of the petition the city solicitor shall

advise the clerk of the council or the secretary of the school committee in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the municipal council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, he shall state his reason or reasons therefor in his reply. The clerk of the council or the secretary of the school committee shall furnish a copy of the solicitor's opinion to the person designated on the petition as filing the same.

(c) Action on Petition -- Within thirty days after an initiative petition is presented to the municipal council or the school committee, the municipal council 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 municipal council 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 clerk of the council or the secretary of the school committee 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).

(d) Supplemental Petitions -- Within forty-five days after notice of the rejection of an initiative measure has been given by the clerk of the council or secretary of the school committee, a supplemental initiative petition addressed to the municipal council or the school committee may be filed in the office of the election commission. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five percent of the total number of voters registered to vote at the most recent preceding regular city election. If the number of signatures to a supplemental initiative petition is deemed sufficient by the election commission, the municipal council shall provide for submission of the initiative measure to the voters at the next regular city election. The provisions of section 10-2 (a) shall apply insofar as applicable to such petitions.

(e) Immediate Submission to Voters -- If the supplemental initiative petition is signed by a number of voters which is at least equal to ten percent of the total number of voters as aforesaid the municipal council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, that if any city election is otherwise to occur within one hundred and twenty-five days after the date of said certificate, the municipal council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

(f) Form of Ballot, Publication -- The ballots used when voting upon a proposed measure 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?

(Text of measure or a fair concise summary prepared by the election commission.)

Yes            No

The full text of the measure shall be published in at least one newspaper of general circulation in the city at least seven days before the election at which the question is to appear on the ballot.

### Section 10-3 Citizen Referendum Procedures

(a) Referendum Petition, Effect on Final Passage -- If within twenty days after the final passage of any measure, by the municipal council or by the school committee, a petition signed by voters equal in number to at least fifteen percent of the total number of voters, and addressed to the municipal council or to the school committee as the case may be, protesting against such measure or any part thereof taking effect, is filed in the office of the election commission the same shall thereupon and thereby be suspended from taking effect. The municipal council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the municipal council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b) Certain Initiative Procedures to Apply -- The petition described in this section shall be termed a referendum petition and insofar as applicable sections 10-2 (a), (b), and (f), shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

### Section 10-4 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 municipal council or school committee, (2) an emergency measure passed in conformity with the charter, (3) the city budget or the school committee budget as a whole, (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 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.

### Section 10-5 Submission of Proposed Measure to Voters

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

### Section 10-6 Measures with Conflicting Provisions

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 10-7 Form of Petition

All petitions addressed to the municipal council or school committee under the provisions of sections 10-1, 10-2, or 10-3 shall contain upon each page the full text of the petition. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the election commission as one instrument, with the endorsement thereon of the name and address of the person designated as filing the same. With each signature to any such petition shall be stated the place of residence of the signer, giving the street and number, if any.

## **ARTICLE 11**

### **GENERAL PROVISIONS**

#### **Section 11-1 Charter Changes**

This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX (eighty-nine) of the amendments to the state constitution and any legislation enacted to implement the said amendment.

#### **Section 11-2 Severability**

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

#### **Section 11-3 Specific Provisions Shall Prevail**

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

#### **Section 11-4 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 and no such rule or regulation shall become effective until it is so filed.

#### **Section 11-5 Reenactment and Publication of Ordinances**

The municipal council shall at five year intervals cause to be prepared a proposed revision or recodification of all city ordinances which shall be submitted to the municipal council for reenactment. The municipal council shall adopt the proposed revision or recodification with or without amendment prior to the expiration of the calendar year in which it is submitted to them. Such revisions or recodifications shall be prepared under the supervision of the city solicitor, or if the municipal council so directs by special counsel retained for that purpose. Copies of the revised or recodified ordinances shall be made available for distribution, provided however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

#### **Section 11-6 Procedures**

(a) Meetings -- All multiple member bodies of the city, whether elected or appointed or otherwise constituted, shall meet regularly at such times and places within the city as they may prescribe. Special meetings of any multiple member body shall be held on the call of the respective chairman or by one-third of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the city bulletin board(s). Special meetings of any multiple member body shall also be called within one week after the date of the filing with the city clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as otherwise authorized by general laws, all meetings of all multiple member bodies shall be open to the public and to the press.

(b) Rules and Journals -- Each multiple member body shall determine its own rules and order of business unless otherwise provided by the charter or by law and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record.

(c) Voting -- If requested by any member, any vote of any multiple member body shall be taken by a roll call vote and the ayes and nays 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 the multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time. No other action without a quorum shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.

#### Section 11-7 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 or any rearrangement of the general laws enacted subsequent to the adoption of the charter.

#### Section 11-8 Computation of Time

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

#### Section 11-9 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 meaning:

(a) Charter -- The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under article LXXXIX (eighty-nine) of the amendments to the state constitution.

(b) City -- The word "city" shall mean the city of Attleboro.

(c) City Agency -- The words "city agency" shall mean any board, commission, committee, department, or office of the city government.

(d) Emergency -- The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, or condition which necessitates immediate action.

(e) Full Council -- The words "full council" shall mean the entire authorized complement of the municipal council notwithstanding any vacancies which might exist.

(f) Initiative Measure -- The words "initiative measure" shall mean a measure proposed by initiative procedures under the charter.

(g) Majority Vote -- The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present.

(h) Measure -- The word "measure" shall mean an ordinance passed or which could be passed by the municipal council or an order, resolution, vote, or other proceeding passed or which could be passed by the municipal council or the school committee.

(i) Planning Board -- The words "planning board" shall mean any other board or office performing the duties of a planning board for the city.

(j) Referendum Measure -- The words "referendum measure" shall mean a measure protested by referendum procedures under the charter.

(k) Voters -- The word "voters" shall mean registered voters of the city of Attleboro.

Section 11-10 Certificate of Election and Appointment; Oath of Office

Every person who is elected, including those elected by the municipal council, 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. Any oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths.

## **ARTICLE 12**

### **TRANSITIONAL PROVISIONS**

#### **Section 12-1 Continuation of Existing Ordinances**

All ordinances, rules, regulations and resolutions 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.

#### **Section 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.

#### **Section 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.

#### **Section 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 in part to another city agency shall be transferred forthwith to the city agency to which such powers and duties are assigned.

#### **Section 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.

#### **Section 12-6 Disposition of Special Acts**

(a) Certain Special Acts Repealed -- The following special acts are hereby repealed: Chapter one hundred forty-seven of the Acts of nineteen hundred sixty-five; Chapter nine of the Acts of nineteen hundred sixty-two; Chapter two hundred eight of the Acts of nineteen hundred sixty-one; Chapter five hundred two of the Acts of nineteen hundred sixty; Chapter two hundred eighty-one of the Acts of nineteen hundred sixty; Chapter two hundred twenty-four of the Acts of nineteen hundred forty-five; Chapter one of the Acts of nineteen hundred forty-one; Chapter two hundred thirty-four of the Acts of nineteen hundred thirty; Chapter one hundred thirty-seven of the Acts of nineteen hundred thirty; Chapter three hundred thirty-one of the Acts of nineteen hundred twenty-seven; Chapter two hundred eighty-one of the Acts of nineteen hundred twenty-seven; Chapter three hundred ninety-three of the Acts of nineteen hundred twenty-one; Chapter one hundred forty-one of the Acts of nineteen hundred seventeen; Chapter one hundred ninety-nine of the Acts of nineteen hundred sixteen; Chapter two hundred fifty-two of the Acts of nineteen hundred fifteen; and Chapter eighty-seven of the Acts of nineteen hundred fifteen.



(b) Certain Special Acts Repealed; Action Taken Thereunder Preserved -- The following special acts are hereby 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 four hundred ninety-one of the Acts of nineteen hundred sixty-one; and Chapter one hundred ninety-two of the Acts of nineteen hundred forty-one.

(c) Certain Special Acts Partially Repealed -- The following special acts, insofar as they confer power upon the city of Attleboro 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 intent 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 four hundred eleven of the Acts of nineteen hundred seventy-two; Chapter nine hundred ninety-eight of the Acts of nineteen hundred seventy-one; Chapter five hundred thirty-six of the Acts of nineteen hundred seventy; Chapter three of the Acts of nineteen hundred seventy; Chapter six hundred seventy-seven of the Acts of nineteen hundred sixty-nine; Chapter four hundred thirteen of the Acts of nineteen hundred sixty-eight; Chapter five hundred forty-six of the Acts of nineteen hundred sixty-three; Chapter two hundred eighteen of the Acts of nineteen hundred fifty-seven; Chapter three hundred ninety-eight of the Acts of nineteen hundred fifty-three; Chapter two hundred twenty-nine of the Acts of nineteen hundred fifty; Chapter three hundred twenty of the Acts of nineteen hundred forty-nine; Chapter one hundred forty-nine of the Acts of nineteen hundred thirty-seven; Chapter two hundred seven of the Acts of nineteen hundred thirty; Chapter three hundred thirty of the Acts of nineteen hundred twenty-nine; Chapter two hundred eighty-two of the Acts of nineteen hundred twenty-five; Chapter two hundred eighty-six of the Acts of nineteen hundred twenty-four; Chapter forty-seven of the Acts of nineteen hundred twenty-two; Chapter three hundred one of the Acts of nineteen hundred twenty-one; Chapter two hundred eighty-six of the Acts of nineteen hundred twenty-one; Chapter two hundred eighty-five of the Acts of nineteen hundred twenty-one; Chapter one hundred seventy-six of the Acts of nineteen hundred twenty-one; Chapter two hundred thirty-eight of the Acts of nineteen hundred nineteen; Chapter two hundred eight of the Acts of nineteen hundred nineteen; Chapter one hundred eighty-seven of the Acts of nineteen hundred eighteen; Chapter sixty-five of the Acts of nineteen hundred sixteen; Chapter three hundred nineteen of the acts of nineteen hundred fifteen; Chapter two hundred sixty-four of the Acts of nineteen hundred fifteen; Chapter two hundred thirty of the Acts of nineteen hundred fifteen; Chapter sixty-five of the Acts of nineteen hundred fifteen; Chapter six hundred eighty of the Acts of nineteen hundred fourteen; Chapter three hundred three of the Acts of nineteen hundred thirteen; Chapter two hundred thirty of the Acts of nineteen hundred twelve; Chapter four hundred thirty-seven of the Acts of nineteen hundred eleven; Chapter four hundred sixty-eight of the Acts of nineteen hundred ten; Chapter one hundred fifty-seven of the Acts of nineteen hundred nine; Chapter seventy-three of the Acts of nineteen hundred eight; Chapter fifty-three of the Acts of nineteen hundred five; Chapter four hundred six of the Acts of nineteen hundred one; Chapter one hundred ninety of the Acts of nineteen hundred one; Chapter fifty-seven of the Acts of nineteen hundred one; Chapter one hundred thirty-four of the Acts of nineteen hundred; Chapter fifty-two of the Acts of eighteen hundred ninety-seven; Chapter one hundred thirty-seven of the Acts of eighteen hundred ninety-five; Chapter sixty-one of the Acts of eighteen hundred ninety-four; Chapter sixty-nine of the Acts of eighteen hundred ninety-three; Chapter fifty-six of the Acts of eighteen hundred ninety-two; Chapter ninety-eight of the Acts of eighteen hundred eighty-eight; Chapter one hundred six of the Acts of eighteen hundred eighty-three; Chapter ninety-nine of the Acts of eighteen hundred seventy-seven; Chapter one hundred one of the Acts of eighteen hundred seventy-four; Chapter two hundred seventy-one of the Acts of eighteen hundred seventy-three; Chapter two hundred twenty-two of the Acts of eighteen hundred seventy-one; and Chapter four hundred fourteen of the Acts of eighteen hundred sixty-nine.

(d) Certain Special Acts Retained -- The following special acts are hereby recognized, confirmed and retained: Chapter four hundred thirty-six of the Acts of nineteen hundred sixty; Chapter one hundred twelve of the Acts of nineteen hundred twenty-six; and Chapter seventeen of the Acts of sixteen hundred ninety-four.

#### Section 12-7 Time of Taking Effect

This charter shall take effect upon its approval and ratification by the voters of the City of Attleboro voting thereon and in accordance with the following schedule:

(a) The full powers vested in the several city agencies shall be effective upon the installation of city officers in January following the election at which the charter is adopted.

(b) The mayor shall forthwith become a member of the school committee but because his addition to the school committee without the reduction in the number of members provided for by this charter would result in an even number of members, he shall have a casting vote during the initial two year period until the board is reduced in number, provided however, that if a vacancy shall occur on the school committee for any reason during that period it shall not be filled and the mayor shall then have the same right to vote as any other member. If at the election at which this charter is approved there are five candidates elected to serve as school committee members for terms of four years each, then the member who receives the lowest number of votes for the office of school committee member shall serve only for the term of two years and his term shall, at the expiration of the said two years, expire and the seat shall not thereafter be filled. Thereafter at each regular city election four members of the school committee shall be elected for terms of four years.

(c) Notwithstanding the provisions of section 6-1, the first budget to be submitted by the mayor to the municipal council under the charter need not conform strictly to the provisions of the said section. The only purpose of this suspension of taking effect provision is to allow the mayor and other municipal officials who participate in the budget-making process to acquaint themselves thoroughly with the requirements established by section 6-1 before they are required to conform strictly to its provisions.

(d) Notwithstanding the provisions of section 6-3, the mayor shall not be required to submit a capital improvement program to the municipal council in the year following the election at which this charter is approved. This section shall become effective at the start of the second calendar year following the election at which the charter is approved.

(e) Notwithstanding the provisions of section 11-4, all rules and regulations which are in force when the charter is approved shall continue in force provided that copies of such rules and regulations not then on file in the office of the city clerk are placed on file in the said office within thirty days following the installation of city officers, in January, following the election at which the charter is adopted.

(f) Within forty-five days following the organization of the municipal council elected at the election at which the charter is approved, the municipal council shall provide for a review of all existing city ordinances to bring said ordinances into conformity with the provisions of the charter. A report, with recommendations, shall be submitted to the municipal council not later than fifteen months following the said council organization for adoption according to the provisions of section 11-5.