

Article 2 Examples

SECTION 1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

Weymouth

SECTION 2-1: COMPOSITION, TERM OF OFFICE

(a) Composition - There shall be a town council of eleven members which shall exercise the legislative powers of the town. Five of these members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Six of these members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the six districts into which the town is divided, in accordance with section 7-5.

(b) Term of Office - The term of office for all town councillors shall be for two years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.

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

Gloucester

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

(a) Composition — There shall be a city council consisting of nine members which shall exercise the legislative powers of the city. Four of these members, to be known as councilors at-large, are to be nominated and elected by and from the voters of the city, at-large. Five of the members, to be known as ward councilors, are to be nominated and elected by and from the voters of five city wards, one ward councilor to be elected from each such ward.

(b) Eligibility — Any voter shall be eligible to hold the office of councilor. A ward councilor, notwithstanding his removal from one ward in the city to another during the term for which he was elected, may continue to serve and to perform his duties until the expiration of the term for which he was elected.

(c) Election and Term — The term of office for councilors shall be for two years beginning the first secular day of January following their election and until their successors are qualified.

Bridgewater

(a) Composition - There shall be a town council consisting of 9 members which shall exercise the legislative powers of the town. Seven of these members, to be known as district councilors, shall be nominated and elected by and from the voters of the 7 districts into which the town is divided, and 2 of the members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large.

(b) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A district councilor must be a voter and resident of the district in which election is sought. If a district councilor or a councilor-at-large moves out of the town during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-5. If a district councilor moves from the district from which the councilor is elected, or is removed by a change in district lines, and more than 14 months remains of the term for which elected, the office shall be deemed vacant and shall be filled in the manner provided in section 2-5. If less than 6 months of the term remains, the district councilor who remains a resident of the town may continue to serve during the term for which elected.

(c) Term of Office - The term of office of district councilors and councilors-at-large shall be staggered terms of 3 years each, beginning on the second Monday following election and continuing until their successors are qualified.

SECTION 4: COMPENSATION

Pittsfield

The members of the city council shall receive compensation for their services as set by ordinance. No ordinance increasing or reducing the compensation of the members of the city council shall be effective unless it is adopted by a two-thirds vote of the full city council. No ordinance increasing or reducing the compensation of councilors shall be effective unless it is adopted during the first 18 months of the term for which the city council is elected and it provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election.

Greenfield

- (a) Salary-Each Town Councilor may receive an annual salary as established by vote of the Town Council.
- (b) If the Town Council sets, an annual salary, by ordinance, said salary shall not take effect until three (3) years from the date of its passage.
- (c) Expenses-Subject to appropriation, the Council members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties.

Watertown

- (a) Salary - The town council may, by ordinance, provide an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first eighteen months of the term for which town councillors are elected, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.
- (b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 6: APPOINTMENTS OF THE COUNCIL

Attleboro

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.

Newton

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

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

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

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

Lynn

Section 3-7 Officers Elected by the City Council

(a) In General--The following administrative officers of the city shall be chosen by vote of the city council; a city clerk, a city solicitor, and a city electrician and two members of the board of assessors. (*amended by Chapter 8 of the Acts of 1985*)

(b) Powers and Duties--The several officers elected by the city council shall exercise the powers and discharge the duties respectively conferred or imposed by law upon such officers. The city council may, in addition thereto, prescribe further appropriate powers and duties upon such officers.

(c) Term of Office--Each of the officers above mentioned shall be elected by the city council, as soon as may be after the first day of March, for the term of three years, beginning on the first day of April following. If, following the expiration of an initial three-year term, an officer is re-elected by the city council to succeed himself in the same office such subsequent election shall be for an indefinite term, but subject to removal as provided below.

(d) Removal--The city council may remove from office at any time any officer elected by it, but only in accordance with the following procedure:

(1) The city council shall adopt a preliminary resolution of removal, which shall state in clear and specific terms the ground on which the proposed removal is based;

(2) A copy of the said preliminary resolution shall be delivered in hand, or sent by registered or certified mail to the last known place of residence of the person whose removal is sought, forthwith following its adoption;

(3) If, at the expiration of ten days following the adoption of the said resolution the affected officer has not requested a public hearing concerning the proposed removal, the preliminary resolution shall be deemed to be final;

(4) If, within ten days following the date the resolution has been adopted the affected officer has, in writing, requested a public hearing concerning such removal, the preliminary resolution shall remain in effect pending a public hearing;

(5) Not less than fourteen nor more than twenty-one days following the receipt of a written request for a public hearing concerning a proposed removal, the city council shall conduct such a hearing, at which the affected officer shall have a right to be represented by counsel, to call witnesses, examine other witnesses, and to require the production of other evidence;

(6) Within fourteen days following the conclusion of the public hearing the city council shall adopt a final resolution of removal, or it shall vote to rescind the preliminary resolution of removal previously adopted. Failure to take such action within such period shall be deemed to be rescission of the preliminary resolution of removal.

(e) Coordination--Notwithstanding their election by the city council the city officers named in this section shall at all reasonable times be subject to the call of the mayor for conference, discussion, consultation and coordination of any matter which relates to their respective offices.

(f) Qualifications--All persons elected to a city office by the city council under this section shall at the time of their election and at all times during their tenure in such office, be a resident and a voter of the city. Establishment of a principal place of residence outside of the limits of the city of Lynn shall be deemed to be an automatic resignation of the office to which said person was elected.

The city council may, by ordinance, establish additional standards of competence and suitability, which may be required of candidates for any office to be filled by vote of the city council.

SECTION 12: COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

Attleboro

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.

Pittsfield

The mayor shall refer to the city council, and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a department head or as a member of a multiple-member body. Appointments made by the mayor shall become effective on the 45th day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days.

Weymouth

The mayor shall submit to the town council the name of each person the mayor desires to appoint to any town office, as a department head, or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The town council shall refer each such name as is submitted to it to a standing committee of the town council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full town council not less than seven nor more than twenty-one days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the town council, to give such information relevant to such appointment as the committee, or the town council, may require. Appointments made by the Mayor shall become effective on the thirtieth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless eight members of the town council shall within the said thirty days vote to reject such appointment, or unless the town council has sooner voted to affirm the appointment. Rejection by the town council shall require a two-thirds vote of the full council (eight members so voting). The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9(b) of this charter.