

# SENATE . . . . No. 519

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Amendments, which Mr. Gordon gives notice that he shall move, to the Senate Bill to simplify the revision of city charters (Senate, No. 512).

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## The Commonwealth of Massachusetts.

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In section one of Part I by adding at the end thereof the following:—

1 “Plan E” shall mean a city government and legis-  
2 lative body composed of a mayor and city council, the  
3 councillors being elected partly at large and partly from  
4 districts or wards of the city, and an administrative offi-  
5 cer, called the city manager, whose powers and duties  
6 are defined in Part VI of this act.

In section eight of Part I by striking out the form of petition, and inserting in place thereof the following:—

1 To the city council (or other legislative body) of the  
2 city of.....

3 We, the undersigned, qualified voters of the city, re-  
4 spectfully petition your honorable body to cause to be  
5 submitted to a vote of the voters the following question:  
6 “Shall the city of.....adopt the form of  
7 government defined as plan (A, B, C, D, or E, as it is  
8 desired by petitioners), and consisting of (describe plan  
9 briefly as ‘government by a mayor and city council  
10 elected at large’, or ‘government by mayor and city

11 council elected partly at large and partly from wards  
 12 or districts', or 'government by five commissioners, one  
 13 of whom shall be the mayor', or 'government by a mayor  
 14 and city council elected at large, with a city manager',  
 15 or 'government by a mayor and city council elected  
 16 partly at large and partly from wards or districts, with  
 17 a city manager') according to the provisions of chapter  
 18 .....of the acts of the year nineteen hundred  
 19 and fifteen entitled 'An act to simplify the revision of  
 20 city charters?'"

By adding immediately after Part II, Plan A, the following:—

PLAN A-2.

*Government by Mayor elected at Large and City Council  
 elected by Wards and at Large.*

1 SECTION 1. The method of city government provided  
 2 for in this plan shall be known as Plan A-2.

1 SECTION 2. Upon the adoption of Plan A-2 by the  
 2 city in the manner prescribed by this act, such plan shall  
 3 become operative as provided in Part I; except as Part I  
 4 may be modified herein, and its powers of government  
 5 shall be exercised as herein and in Part I prescribed.

1 SECTION 3. There shall be a mayor, elected by and  
 2 from the qualified voters of the city, who shall be the  
 3 chief executive officer of the city. He shall hold office  
 4 for the term of two years from the first Monday of  
 5 January following his election and until his successor is  
 6 elected and qualified.

1 SECTION 4. No ballot used at any annual or special  
 2 city election shall have printed thereon any party or

3 political designation, or mark, and there shall not be  
4 appended to the name of any candidate any such party  
5 or political designation or mark, or anything showing  
6 how he was nominated or indicating his views or  
7 opinions.

1 SECTION 5. The legislative powers of the city shall  
2 be vested in a city council which shall consist of as many  
3 members as there are wards in the city, one elected from  
4 and by the voters of each ward of the city, and a resi-  
5 dent in the ward in which he is elected; in addition,  
6 three persons elected at large from and by the qualified  
7 voters of the city. One of these members shall be elected  
8 by the council annually as its president. At the first  
9 election held in a city after its adoption of Plan A-2,  
10 a majority in number of the candidates to be elected,  
11 receiving the largest number of votes shall hold office  
12 for two years, and the remaining number to be elected  
13 shall hold office for one year. Thereafter as these terms  
14 expire there shall be elected at each annual city election  
15 a sufficient number of members to fill the vacancies  
16 created by the expiration of such terms, each of the  
17 members so elected to serve for a term of two years.

1 SECTION 6. The mayor shall receive for his services  
2 such salary as the city council shall by ordinance deter-  
3 mine, not exceeding five thousand dollars a year, and  
4 he shall receive no other compensation from the city.  
5 Such salary shall not be increased or diminished during  
6 the term for which he is elected. The council may, by  
7 a two thirds vote of all its members taken by call of  
8 yeas and nays, establish a salary for its members not  
9 exceeding five hundred dollars each a year. Such salary  
10 may be reduced, but no increase therein shall be made

11 to take effect during the year in which the increase is  
12 voted.

1 SECTION 7. All heads of departments and members  
2 of municipal boards, as their present terms of office ex-  
3 pire, but excluding the school committee, officials ap-  
4 pointed by the governor, and assessors where elected by  
5 vote of the people, shall be appointed by the mayor with-  
6 out confirmation by the city council.

1 SECTION 8. In making such appointments the mayor  
2 shall sign and file with the city clerk a certificate in the  
3 following form:—

CERTIFICATE OF APPOINTMENT.

4 I appoint (name of appointee) to the position of (name  
5 of office) and I certify that in my opinion he is a recog-  
6 nized expert in the work which will devolve upon him,  
7 and that I make the appointment solely in the interest of  
8 the city.

9 Mayor.

10 or in the following form, as the case may be:—

CERTIFICATE OF APPOINTMENT.

11 I appoint (name of appointee) to the position of  
12 (name of office) and I certify that in my opinion he is a  
13 person specially fitted by education, training or experience  
14 to perform the duties of said office, and that I make the  
15 appointment solely in the interest of the city.

16 Mayor.

1 SECTION 9. The mayor may remove any head of a  
2 department or member of a board by filing a written  
3 statement with the city clerk setting forth in detail the

4 specific reasons for such removal, a copy of which shall be  
5 delivered or mailed to the person thus removed, who may  
6 make a reply in writing, which, if he desires, may be  
7 filed with the city clerk; but such reply shall not affect  
8 the action taken unless the mayor so determines. The  
9 provisions of this section shall not apply to the school  
10 committee, nor to officials appointed by the governor, nor  
11 to assessors where elected by vote of the people.

1 SECTION 10. Every ordinance, order, resolution and  
2 vote of the city council, except votes relating to its own  
3 internal affairs, shall be presented to the mayor, who shall  
4 make or cause to be made a written record of the time and  
5 place of presentation, and it shall be in force if he ap-  
6 proves of the same within ten days after it shall have been  
7 presented to him, or if the same is not returned by him,  
8 with his objections thereto in writing, within said period  
9 of ten days. If within said period said ordinance, order  
10 or resolution, or vote is returned by the mayor to the city  
11 council by filing the same with the city clerk with his  
12 objections thereto, the same shall be void. Nothing in  
13 this section contained shall be construed as superseding in  
14 any way or affecting any of the provisions of chapter  
15 seven hundred and nineteen of the acts of the year nine-  
16 teen hundred and thirteen.

1 SECTION 11. Section thirty-two of Part I shall have  
2 no force and effect as to cities adopting Plan A-2. There  
3 shall be substituted for said section thirty-two the fol-  
4 lowing:—

5 The school committee shall consist of as many mem-  
6 bers as there are wards in the city, one member to be  
7 elected from and by the voters of each ward, who shall  
8 be a resident of the ward in which he is elected; in addi-

9 tion, two members elected at large by and from the qual-  
 10 ified voters of the city, and the mayor, ex officio, who  
 11 shall be chairman, and have a vote.

At the end of the bill by adding the following:—

## PART VI.

### PLAN E.

*Mayor, City Council elected by Districts and at Large, and  
 City Manager.*

1 SECTION 1. The method of city government provided  
 2 for in this part shall be known as Plan E.

1 SECTION 2. Upon the adoption of Plan E by a city  
 2 in the manner prescribed by Part I of this act, such plan  
 3 shall become operative as provided in Part I; and the  
 4 powers of government of such city shall be exercised as  
 5 provided herein and in Part I.

1 SECTION 3. The government of the city and the gen-  
 2 eral management and control of all its affairs shall be  
 3 vested in a city council, which shall be elected and shall  
 4 exercise its powers in the manner herein and in Part I  
 5 set forth; except that the city manager shall have the  
 6 authority hereinafter specified, and that the general man-  
 7 agement and conduct of the public schools of the city and  
 8 of the property pertaining thereto shall be vested in the  
 9 school committee.

1 SECTION 4. In cities having more than seven wards,  
 2 the city council shall be composed of fifteen members, of  
 3 whom one shall be elected from each ward by and from  
 4 the qualified voters of that ward, and the remaining mem-  
 5 bers shall be elected by and from the qualified voters of  
 6 the city. In cities having seven wards or less, the city

7 council shall be composed of eleven members, of whom  
8 one shall be elected from each ward by and from the  
9 qualified voters of that ward, and the remaining mem-  
10 bers shall be elected by and from the qualified voters of  
11 the city.

12 At the first election held in a city after its adoption of  
13 Plan E the councillors elected from each ward shall be  
14 elected to serve for one year, and those elected at large  
15 shall be elected to serve for two years, from the first  
16 Monday in January following their election and until  
17 their successors are elected and qualified; and at each an-  
18 nual city election thereafter the councillors elected to fill  
19 vacancies caused by the expiration of the terms of coun-  
20 cillors shall be elected to serve for two years.

1 SECTION 5. All the legislative powers of the city shall  
2 be vested in the city council. The city council elected as  
3 aforesaid shall meet at ten o'clock in the forenoon on the  
4 first Monday of January in each year, and the members  
5 of the city council whose terms of office then begin shall  
6 severally make oath before the city clerk, or a justice of  
7 the peace, to perform faithfully the duties of their re-  
8 spective offices. The city council shall thereupon be or-  
9 ganized by the choice of a president, who shall hold his  
10 office during the pleasure of the city council. The presi-  
11 dent of the city council shall be some member thereof  
12 other than the mayor. The organization of the city coun-  
13 cil shall take place as aforesaid, notwithstanding the  
14 absence, death, refusal to serve, or non-election of one or  
15 more of the members: *provided*, that at least a majority  
16 of the persons entitled to be members of the city council  
17 are present and make oath as aforesaid. Any member  
18 entitled to make the aforesaid oath, who was not present

19 at the time fixed therefor, may make oath at any time  
20 thereafter.

1 SECTION 6. The city council shall fix suitable times  
2 for its regular meetings. The mayor, the president of  
3 the city council or any two members thereof may at any  
4 time call a special meeting by causing a written notice,  
5 stating the time of holding such meeting and signed by  
6 the person or persons calling the same, to be delivered in  
7 hand to each member, or left at his usual dwelling place,  
8 at least six hours before the time of such meeting. Meet-  
9 ings of the city council may also be held at any time  
10 when all the members of the council are present and con-  
11 sent thereto.

1 SECTION 7. A majority of the members of the city  
2 council shall constitute a quorum. Its meetings shall be  
3 public, and the mayor, if present, shall preside and shall  
4 have the right to vote. In the absence of the mayor the  
5 president of the city council shall preside, and in the  
6 absence of both, a chairman pro tempore shall be chosen.  
7 The city clerk shall be, ex officio, clerk of the city council,  
8 and shall keep records of its proceedings; but in case of  
9 his temporary absence, or in case of a vacancy in the  
10 office, the city council may elect by ballot a temporary  
11 clerk, who shall be sworn to the faithful discharge of his  
12 duties and may act as clerk of the city council until a  
13 city clerk is chosen and qualified. All final votes of the  
14 city council involving the expenditure of fifty dollars or  
15 over shall be by yeas and nays and shall be entered on  
16 the records. On the request of one member the vote shall  
17 be by yeas and nays and shall be entered upon the records.

1 SECTION 8. Vacancies in the city council shall be

2 filled by the council for the remainder of the unexpired  
3 term.

1 SECTION 9. The mayor shall be that member of the  
2 city council who, at the regular municipal election at  
3 which the three members of the council were elected, re-  
4 ceived the highest number of votes, except that at the  
5 first regular municipal election held in a city adopting  
6 this plan of government the mayor shall be the councillor  
7 receiving the highest number of votes. In case two coun-  
8 cillors receive the same number of votes, one of them shall  
9 be chosen mayor by the remaining members of the coun-  
10 cil. In case of a vacancy in the office of mayor, the  
11 remaining members of the council shall choose from their  
12 own number his successor for the unexpired term. The  
13 mayor shall be the presiding officer, except that in his  
14 absence the president of the council shall preside; and in  
15 the absence of both the mayor and the president of the  
16 council, a president pro tempore may be chosen. The  
17 mayor shall be the official head of the city. He shall  
18 have no power of veto, but shall have the same power as  
19 the other members of the council to vote upon all meas-  
20 ures coming before it.

1 SECTION 10. The mayor shall receive for his services  
2 such salary as the city council shall by ordinance deter-  
3 mine, not exceeding two thousand dollars a year, and he  
4 shall receive no other compensation from the city. Such  
5 salary shall not be increased or diminished during the  
6 term for which he is elected.

7 The council may by a vote of not less than a majority  
8 of the members, taken by call of the yeas and nays, estab-  
9 lish a salary for its members, not exceeding five hundred

10 dollars a year for each. Such salary may be reduced,  
11 but no increase therein shall be made to take effect dur-  
12 ing the year in which the increase is voted.

1 SECTION 11. The city council shall appoint a city  
2 manager, who shall be the administrative head of the city  
3 government and shall be responsible for the administra-  
4 tion of all departments. He shall be appointed with re-  
5 gard to merit only, and he need not be a resident of the  
6 city when appointed. He shall hold office during the  
7 pleasure of the city council and shall receive such com-  
8 pensation as it shall fix by ordinance.

1 SECTION 12. The city manager shall (1) be the ad-  
2 ministrative head of the city government; (2) see that  
3 within the city the laws of the state and the ordinances,  
4 resolutions and regulations of the council are faithfully  
5 executed; (3) attend all meetings of the council, and rec-  
6 ommend for adoption such measures as he shall deem  
7 expedient; (4) make reports to the council from time to  
8 time upon the affairs of the city, keep the council fully  
9 advised of the city's financial condition and its future  
10 financial needs; (5) appoint and remove all heads of de-  
11 partments, superintendents and other employees of the  
12 city.

1 SECTION 13. Such city officers and employees as the  
2 council shall determine are necessary for the proper ad-  
3 ministration of the city shall be appointed by the city  
4 manager, and any such officer or employee may be re-  
5 moved by him; but the city manager shall report each  
6 such appointment and removal to the council at the next

7 meeting thereof following any such appointment or re-  
8 moval.

1 SECTION 14. The officers and employees of the city  
2 shall perform such duties as may be required of them by  
3 the city manager, under general regulations of the city  
4 council.

