

CHELSEA MASSACHUSETTS SPECIAL ACT CHARTER

(as amended to date)

Collins Center Commentary: The city of Chelsea established a council-manager government in 1994 as a condition of release from the state's receivership of the city. The act (St. 1994, c.103) has been amended several times as noted below. Appointment process of the manager, duties of the position, compensation, etc. are addressed. The committee may be interested in:

1. Charter contains a residency requirement for the manager that may be waived by the council. (s. 4-1)
2. Council directed to enter into an employment agreement with the manager (s.4-1)
3. Manager makes appointments to multi-member bodies unless council rejects or affirms proposed appointments within 30 days of the manager's notice to council of proposed appointments; the manager may make an temporary appointment and rejection/confirmation requirement waived to assure "continuity of service" and/or "prompt response to city's emergency needs". (s. 4-2).
4. The council conducts an annual review of the manager's performance; the council must publish notice of the time and place of the review at least 14 days in advance. (s.4-8).

- **PART IV. - CITY MANAGER**
- **Sec. 4-1. - Appointment; qualifications.**

The city council shall appoint and may remove by an affirmative vote of seven members the city manager. The city manager shall be a person of proven administrative ability, especially qualified by education and training with at least five years prior experience as a city or town manager, or an assistant city or town manager or the equivalent public or private sector level experience, and shall hold a bachelors degree or similar or higher level degree from a recognized, accredited college or university. The city council may from time to time establish such additional qualifications as deemed necessary and appropriate.

The city council shall enter into an employment agreement with the city manager. Said employment agreement and any renewals of said employment agreement shall be for a period of at least two years.

The city manager shall devote full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the city manager engage in any other business unless such action is approved in advance in writing by the city council.

The city manager need not be a resident of the city or of the commonwealth at the time of appointment, but shall establish residence within the city within 12 months following appointment, unless the city council shall waive such requirement. (Acts 2002, c. 191, § 5)

- **Sec. 4-2. - Powers of appointment.**

Except as otherwise provided by this Charter, the city manager shall appoint, based upon merit and fitness alone, all officers and employees for whom no other method of selection is provided in this Charter, except for employees of the school department.

The city manager shall appoint all members of multiple-member bodies provided, however, that appointments made by the city manager shall become effective on the thirtieth day after the day on which notice of the proposed appointment is filed with the city council, unless the city council votes, within that period, by majority of the full city council to reject the appointment or unless the city council has sooner voted to affirm it. If the notice of appointment is filed after the city council has recessed for longer than 30 days, the appointment, if not acted upon, shall become effective the day after the next scheduled city council meeting; provided however, that the city manager may make a temporary appointment if the city manager determines that the position shall be filled to assure continuity of services or effective and prompt response to the city's emergency needs. ([Acts 2016, c. 312](#), § 3)

- **Sec. 4-3. - Administrative powers and duties.**

The city manager shall be the chief administrative officer of the city and shall be responsible to the city council for the proper operation of city affairs for which the city manager is given responsibility under this Charter. The powers, duties and responsibilities of the city manager shall include, but are not intended to be limited to, the following:

(a) To supervise, direct and be responsible for the efficient administration of all officers and employees appointed by the city manager and their respective departments and of all functions for which the city manager is given responsibility, authority or control by this Charter, by ordinance, or by vote of the city council;

(b) To administer either directly or through a person or persons supervised by the city manager, in accordance with this Charter, all provisions of general or special laws applicable to the city, all ordinances, and all regulations established by the city council;

(c) To coordinate all activities of city departments or agencies;

(d) To attend all regular and special meetings of the city council, unless excused, and to answer all questions addressed to the city manager which are related to matters under the general supervision of the city manager;

- (e) To keep the city council fully informed as to the needs of the city, and to recommend to the city council for adoption such measures requiring action by them as the city manager deems necessary or expedient;
- (f) To ensure that complete and full records of the financial and administrative activity of the city are maintained and to render reports to the city council as may be required;
- (g) To be responsible for the rental, use, maintenance and repair of all city facilities, except those under the jurisdiction of the school committee. Rental agreements of more than five years in duration shall be subject to the approval of the city council;
- (h) To act as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment. The city manager may delegate this function to some other officer or employee as deemed necessary;
- (i) To prepare and maintain a full and complete inventory of all city owned real and personal property;
- (j) To administer personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all city officers and employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the city;
- (k) To fix the compensation of all city officers and employees appointed by the city manager within the limits established by appropriation and any applicable compensation plan or collective bargaining agreement;
- (l) To be responsible for the negotiation of all collective bargaining agreements with city employees over wages, and other terms and conditions of employment. The city manager may employ special counsel to assist in the performance of these duties. Cost items of collective bargaining agreements shall be subject to the approval of the city council;
- (m) To prepare and submit an annual operating budget, capital improvement program and a long term financial forecast;
- (n) To keep the city council fully informed as to the financial condition of the city and to make recommendations to the city council as the city manager determines necessary or expedient;
- (o) To inquire into the affairs of any city department, agency or office;
- (p) To delegate, authorize or direct any subordinate officer or employee of the city to exercise any power, duty or responsibility which the office of city manager is authorized to exercise, provided that all acts that are performed under such delegation shall be considered to be the acts of the city manager;
- (q) To perform such other duties as necessary or as may be assigned by this Charter, by ordinance, or by vote of the city council.

- **Sec. 4-4. - Compensation.**

The city manager shall receive such compensation for services as the city council shall determine, but such compensation shall be within the limits of available appropriations.

- **Sec. 4-5. - Vacancy in office.**

Any vacancy in the office of city manager shall be filled as soon as possible by the city council. Pending appointment of the city manager or the filling of any vacancy, the city council shall forthwith appoint some other person to perform the duties of the city manager. The appointment of the acting city manager shall be for a term not to exceed three months; provided, however, that a renewal, not to exceed an additional three months may be provided.

- **Sec. 4-6. - Temporary absence.**

The city manager shall designate by letter filed with the city council and city clerk a qualified officer or employee of the city to perform the duties of the city manager during a temporary absence or disability, such officer or employee to be approved by vote of the city council. In the event of failure of the city manager to make such designation or if the officer or employee so designated is for any reason unable to serve, the city council may designate some other qualified officer or employee to perform the duties of the city manager until the city manager shall return.

- **Sec. 4-7. - Powers of the acting or temporary city manager.**

The powers of the acting city manager under section 4-5 and the temporary city manager under section 4-6 shall be limited to matters not admitting of delay; provided, however, that no temporary city manager under section 4-6 shall have the power to make any permanent appointment to, or removal from, any office or position under the city.

- **Sec. 4-8. - Annual review of the city manager.**

Annually the city council shall prepare and deliver to the city manager a written evaluation of the city manager's performance. The President of the Chelsea City Council shall annually appoint a committee to perform the city manager's evaluation.

The city council shall publish in at least one newspaper of general circulation in the city a notice stating the date and time of the city council meeting when the city manager's annual review shall be scheduled. Such notice shall appear at least 14 days before said meeting. (Acts 2002, c. 191, § 6)