

PITTSFIELD SPECIAL ACT CHARTER (St. 2013, c. 72)

Collins Center Commentary: The Pittsfield charter provides a 4-year term for mayor.
Features of the charter include:

1. 2/3 vote of council required to increase or decrease salary of the mayor. (s. 3-1 [c])
2. Specific grant of authority to the mayor to coordinate all city functions, with authority to convene any official(s) of the city. Mayor is automatically an ex-officio member of any multiple-member body, with right to speak, but no right to vote (s. 3-2)
3. In case of mayoral vacancy, a special election is held until six or fewer months remain in the term; council president, or councilor elected by the council if the council president is unable to serve, serves as acting mayor until the next municipal election. (s.3-9)
4. Mayor given sole authority for organization of city departments/agencies (s. 6-1)
5. Mayor to convene annual budget meeting to address city's financial condition prior to the annual budget preparation and adoption process (s. 7-2)

Text referencing the features noted here appear in **boldface** type below.

ARTICLE 3
EXECUTIVE BRANCH

SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION;
PROHIBITIONS

(a) Mayor Qualifications – The chief executive officer of the city shall be a mayor, elected by the voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full-time to the office and shall not hold any other elective public office.

(b) Term of Office – The term of office of the mayor shall be 4 years, beginning on the first Monday in the January succeeding the mayor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall continue until a successor has been qualified.

(c) Compensation – The city council shall, by ordinance, establish the compensation for the mayor. **No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted by a two-thirds vote of the full city council.** No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted during the first 18 months of the term for which the mayor is elected and unless 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.

(d) Prohibitions – The mayor shall hold no other compensated city position. No former mayor shall hold a compensated appointed city office or city employment until 1 year following the date on which the former mayor's city service has terminated. This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the

same office or other position of city employment held at the time such position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as mayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several city agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, laws, ordinances and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, upon request, any information or materials the mayor may request and as the needs of the office of mayor and the interest of the city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter. **The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and may call together for consultation, conference and discussion, at reasonable times, all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise.** The mayor shall be, by virtue of the office, a member of every appointed multiple-member body of the city. The mayor may, as such ex officio member, attend a meeting of an appointed multiple-member body of the city, at any time, including, so called executive sessions, to participate in the discussions of that body, but shall not have the right to vote.

SECTION 3-3: APPOINTMENTS BY THE MAYOR

The mayor shall appoint, subject to review by the city council under section 2-10, all department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; provided, however, that this shall not include persons serving under the school committee and persons serving under the city council. All appointments to multiple-member bodies shall be for terms established under article 6. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under article 6. The mayor shall fill a vacancy for the remainder of the unexpired term of any member of a multiple-member body. The method of appointment for all other city employees shall be prescribed by administrative order under article 6. Department heads may be removed at the sole discretion of the mayor.

SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate a person to perform the duties of the office on a temporary basis until the position can be filled as provided by law or by this charter. When the mayor designates a person under this section, the mayor shall file a certificate with the city clerk in substantially the following form:

"I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Pittsfield."

Persons serving as temporary officers under this section shall have only those powers of the office indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 90 days; provided, however, that not more than 2 extensions of a temporary appointment, which shall not exceed a total of 60 days, may be made when a permanent vacancy exists in the office.

SECTION 3-5: COMMUNICATIONS; SPECIAL MEETINGS

(a) Communications to the City Council - The mayor shall, by written communications, recommend to the city council for its consideration measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, by written communication, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative issues facing the city.

(b) Special Meetings of the City Council - The mayor may call a special meeting of the city council for any purpose. Notice of the meeting shall, except in an emergency, which shall be designated by the mayor, be delivered at least 48 weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately or as required by the General Laws relative to such a posting.

SECTION 3-6: APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution or vote adopted or passed by the city council relative to the affairs of the city, except memorial resolutions, the selection of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 business days of such adoption or passage. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure in writing to the city council. The city council shall enter the objections of the mayor on its records and not less than 10 business days nor more than 30 days from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding such disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a 2/3 vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-7: TEMPORARY ABSENCE OF THE MAYOR

(a) Acting Mayor – Whenever, by reason of sickness or other cause, the mayor is unable to perform the duties of the office, the president of the city council shall be the acting mayor. The city council, by

the affirmative vote of 8 members, shall determine whether the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.

(b) Powers of Acting Mayor – The acting mayor shall have only those powers of the mayor as are indispensable and essential to conduct the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make a permanent appointment or removal from city service unless the disability or absence of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. The city council president serving as acting mayor shall not vote as a member of the city council.

(c) In the event that the city council president is unable to serve as acting mayor under this section, the city council shall elect, from among its membership, a person to serve as acting mayor.

SECTION 3-8: DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize a subordinate officer or employee of the city to exercise a power or perform a function or a duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke an authorization previously made; provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the powers and duties of a school committee member, the power of appointment to city office or employment or to sign or return measures approved by the city council.

SECTION 3-9: VACANCY IN OFFICE OF MAYOR

Whenever a vacancy occurs in the office of mayor by death, removal, resignation or any other reason during the first through forty-first months of the term for which the mayor was elected, the city council shall call a special election to be held within 90 days following the date the vacancy is created to fill the vacancy for the remainder of the unexpired term. The city council president shall serve as acting mayor until the vacancy is filled. If a regular city election is to be held within 150 days after the date the vacancy is created, a special election need not be held and the position shall be filled by vote at the regular city election and the person elected shall serve for the remainder of the unexpired term.

If a vacancy occurs during the forty-second month through the end of the term for which the mayor was elected, the president of the city council shall become acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful discharge of the mayoral duties. In the event that the city council president is unable or unwilling to serve, a special meeting of the city council shall be called by the president and the council shall elect, by majority vote, 1 of its members to serve as acting mayor for the remainder of the unexpired term. The individual serving as acting mayor under this section shall not be entitled to have the words “candidate for reelection” printed with that person’s name on the election ballot. Any person serving as mayor under this section shall receive the compensation then in effect for the position of mayor.

ARTICLE 6
ADMINISTRATIVE ORGANIZATION

SECTION 6-1: ORGANIZATION OF CITY AGENCIES

The organization of the city into agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council. The mayor may, subject only to express prohibitions of a general law or this charter, submit proposals to reorganize, consolidate or abolish any agency, in whole or in part, or to establish a new agency as is deemed necessary, establish terms of office and prescribe the functions and administrative procedures to be followed by all such agencies. No function assigned by this charter to a particular agency may be discontinued or assigned to any other agency unless specified by this charter. The mayor may prepare and submit to the city council, administrative orders that establish agencies for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message from the mayor which explains the expected benefits and advises the city council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the city council shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within that 60 day period, vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

ARTICLE 7
FINANCE AND FISCAL PROCEDURES

SECTION 7-2: ANNUAL BUDGET MEETING

At least 60 days before the beginning of the fiscal year, the mayor shall call a joint meeting of the city council and school committee, including the superintendent of schools, to review the financial condition of the city, revenue and expenditure forecasts and other relevant information prepared by the mayor in order to develop a coordinated budget.