

BEVERLY CHARTER REVIEW COMMITTEE

FINAL REPORT

FEBRUARY 10, 2022

Charter Review Committee Members:

Timothy Flaherty, Chair

Stacy Ames

Hannah Bowen

Julie DeSilva

Richard Dinkin

Michael Pinciaro

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Acknowledgements

The Committee was supported by Budget and Management Analyst Gerry Perry. Research and drafting were provided by consultants from the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts Boston, represented by lead consultant Marilyn Contreas.

BEVERLY CHARTER REVIEW COMMITTEE 2020-2022 EXECUTIVE SUMMARY

I. INTRODUCTION

The executive summary provides recommendations for amending the Charter to remain responsive and a summary of issues the committee felt were worth highlighting to the public at large for reflection. The minutes of Charter Review Committee meetings are the detailed record of deliberations and decisions.

A. Background

When the City of Beverly adopted its current Home Rule Charter,¹ the drafting commission included a requirement that the City Council conduct a review of the Charter every 10 years. While the Charter could be amended at any time, the process to do so is intentionally deliberative.

The plain-language summary of the Charter that was prepared by the Charter Commission when it was adopted in 1995 remains the best source for understanding the contents.²

The Charter provides clear lines of accountability for legislative and executive branches so that voters know which of their elected officials are responsible for which functions. The Charter also provides strong checks and balances between the branches of government. That framework must remain responsive to the citizens.

B. Process

The Charter Review Committee was appointed by the City Council at its February 3, 2020 meeting with the intention of completing work within one year. Unfortunately, the Covid-19 pandemic delayed the committee's work. Committee members included three City Councilors and four members of the public. Council President Guanci put out a request to the public asking for letters of interest, received over 30 responses, reviewed them, and appointed four citizens from the applicants along with two councilors. The committee worked through four phases:

¹ For more on this topic see "What Is Home Rule?" commentary from the Massachusetts Department of Revenue: <https://www.watertown-ma.gov/DocumentCenter/View/2463/Charter-Committee---What-is-home-rule>

² "The Final Report," Beverly Charter Commission, May 2, 1995.

1. **Discussion:** the committee reviewed the Charter in its entirety. The committee was staffed by the city's Budget & Management Analyst and representatives of the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts Boston. The committee requested the Mayor, School Committee President, Finance Director, and City Solicitor to speak on various sections of the Charter. The Collins Center also conducted its own full review of the Charter.
2. **Public Hearing and comment from Beverly residents:** The committee held a public hearing on April 15, 2021, and received comments throughout the process in person, remotely, and via email from interested parties.
3. **Discussion and recommendations:** Following the public hearing, the committee reviewed the list of issues. For each issue, the committee discussed several options, and charged the Collins Center to draft language, research comparison communities, and advise on best practices. On each item where a proposal was made to amend the charter, the committee voted whether to include the proposal in its final recommendations.
4. **Review of committee report:** The committee completed an executive summary in July 2021 to accompany a redline document and summary prepared by the Collins Center from the committee's approved recommendations. The committee sent this initial report to the City Solicitor's and Mayor's offices to review and identify any areas of concern. In January 2022, the committee met to receive and respond to feedback from the City Solicitor and Mayor, and prepare a final report.

This executive summary and the accompanying table of recommendations and redline document are the final products of the Charter Review Committee. These work products are presented to the City Council for action. Two processes exist for adopting these recommendations: for most changes, the City Council can propose a Home Rule Petition to amend the charter upon signature by the Mayor and adoption as a Special Act by the MA State Legislature and Governor; for changes that impact the composition or terms of key elected officials, the same process would lead to a final additional step of putting the question to the voters as a ballot question at a municipal election for final approval.

C. Recommendations

The committee's recommendations fall into three categories:

1. **Modernizing the existing Charter:** These are amendments the committee felt can/should be made through a process that does not require a referendum. While important, they are small edits that do not change the overall meaning or purpose of the Charter.
2. **Changes to text:** These are amendments that could be made through a process not requiring a referendum. However, they would make substantive changes in the process of governing and therefore will be considered by the City Council.
3. **Recommendations for the future:** There are two areas in which the committee recommends significant structural changes. These need to be presented to Beverly voters

to be ratified. The committee recommends changing the composition and/or terms of Mayor and School Committee, which could be placed on the ballot at the regular city election in 2023 or a special election.

The Executive Summary closes with a summary of key provisions that the committee discussed but felt should remain without amendment. The committee reviewed the Charter section by section.

II. RECOMMENDATIONS TO MODERNIZE THE EXISTING CHARTER

The committee recommends sending all of these changes to the state legislature as a Home Rule Petition to amend our charter as shown in the redline document prepared by the Collins Center. These amendments do not require a referendum, as they do not change the substantive meaning of Charter provisions. The Home Rule Petition will become effective immediately upon passage by the legislature and signature of the Governor.

The committee recommends the following technical edits/amendments to bring the Charter up to date:

Edit/Amendment	Purpose	Article(s)/ Section(s) of Redline
Incorporate references to electronic communication and update references to outdated modes of communication	The committee felt strongly that it is important to include electronic communication both to ensure that city officials can use the most efficient and effective means of communication for key city business without violating the Charter, and to encourage transparency and accessibility to city meetings, records, and notices.	1-7d, 1-7g, 2-6c-iii, 2-9c, 3-6b, 6-4, 6-7a, 6-8b, 6-8c
Provide greater consistency with state law and best practice where appropriate	Based on recommendations from the Collins Center’s review, the committee recommends updating language in places where it could have been interpreted to be in conflict with state law or where best practices developed in other cities could be used to strengthen the Charter. Some of the proposed changes are tied directly to other related edits; for example, accepting the edit to section 3-2 removing the reference to the Mayor as Chief Procurement Officer requires also accepting the edit adding a reference to Purchasing Agent appointments in section 5-4.	2-4, 2-6b, 2-8b, 2-8c, 2-9b, 2-9d, 3-2, 3-3, 3-5, 3-8a, 4-1c, 4-1e, 5-1a, 5-4, 5-7, 6-3, 6-5, 6-6a, 6-6c, 6-6d, 7-3a, 7-8, 7-9, 7-13, 7-14, 8-6, 8-11, 8-13, 8-14

Provide consistency across branches of government where appropriate/possible	The Charter had inconsistencies across the branches of government and across similar processes. The Collins Center recommended ways to improve consistency, including specific language that appears in the redline document. Some of the recommended edits for consistency depend upon substantive updates listed in the next section and should only be included in the Home Rule Petition if those updates are also included.	2-11c, 4-1f, Article 5 (format), 7-3, 7-7
Clarify any stylistic or editorial issues (typos, unclear language)	Editorial issues can be addressed, e.g., “regular municipal election” can be used instead of confusing references to “biennial election/city election”; references to the old spelling of “Councillor” can be changed to the modern spelling “Councilor”; and consistency can be applied in the use of dates and how days are counted, etc.	1-7b, 1-7h, 8-1, 8-5, 9-6
Updating the “Transitional Provisions”	In the 1995 Home Rule Charter, Article 9 included several provisions that were only necessary because of the transition to the new Charter. The committee recommends replacing provisions that are no longer relevant with any new language that might be needed to transition to a 4-year Mayoral term and/or 9-member School Committee, should those changes to the Charter be adopted. Based on anticipated changes to Article 9, the Committee also recommends edits to section 2-8a to codify details about the Budget & Management Analyst role (salary, hiring) that were previously included in Article 9.	Article 9, 2-8a

III. RECOMMENDATIONS FOR CHANGES TO THE TEXT:

The committee identified several questions that required legal opinions.

The committee recommends sending these changes to the state legislature as a Home Rule Petition. They will not require a referendum.

A. Independent Audit

The committee proposes updating Article 6 Section 10 about the annual independent audit of the city’s finances.

Reason for Consideration

There have been conflicting interpretations of the existing language about the audit function, specifically over which branch of government has ultimate accountability for ensuring that the

audit conducted each year is of sufficient independence and quality to provide accountability, transparency, and confidence in the city's financial management. The committee felt that clear language would help prevent disputes between the City Council and Mayor over the selection of an independent auditor. A legal opinion on the question from the City Solicitor was sought in 2016 due to lack of clarity.

In addition, the committee felt that some best practices could be incorporated to safeguard the audit function and allow it to continue to be the important tool for transparency and strong public financial management it has been in practice over the past 25 years.

Options Considered

There were three possible solutions that the committee considered:

1. Clarifying that the Mayor as chief procurement officer would hire the accountant(s) to conduct the annual independent audit and removing the language that has been interpreted by some readers as giving the responsibility for selecting the independent auditor to the City Council.
2. Clarifying that the City Council has responsibility for the quality and independence of the annual audit process, and adding language to describe how the City Council selects the accountant(s) to be hired and executes a contract.
3. Clarifying that the City Council has responsibility for selecting the independent auditor and creating an "audit committee" to define the scope of services, review proposals, and make a recommendation to the City Council on the audit firm to be selected.

Recommendation and Factors to Consider

The committee recommends that the audit firm selection be clearly the responsibility of the City Council, with the support of an audit committee.

The committee's initial recommendation included a 7-member audit committee (Council's Property and Finance Committee chair, who will serve as chair of the Audit Committee, the city's Finance Director, the City Accountant, the Budget/Management Analyst for the Council, the School Department Business Manager, and two Beverly residents with public finance/accounting expertise chosen by the Council President), a definition of its role (establish a scope of services, review proposals, recommend a firm to the City Council), and a requirement that the selection process take place at least every 5 years, with no accountant/firm being awarded more than 2 consecutive contracts (a standard best practice referred to as "rotation"). The committee felt it was important for the Administration's finance staff, who provide municipal staff to work with the audit firm, to have a role in the firm's selection – and that the responsibility for selecting the independent auditor belongs to the City Council.

After reviewing that recommendation, the Mayor and Finance Director suggested edits to the committee's draft report. The committee revisited its recommendation and voted 3-2 to adopt the edits. The primary changes were to remove the 2 resident seats, making a smaller 5-member audit committee; and to remove the audit rotation requirement. The redline document includes the final edited recommendations.

B. Filling vacancies in the City Council, School Committee, and the office of Mayor

The committee recommends providing greater consistency in the process for filling vacancies in elected offices.

Reason for Consideration

The process was tested recently when there were vacancies on the City Council and School Committee, and members of the committee and public felt that improvements could be made. If the city ratifies a four-year Mayoral term, the process for filling a Mayoral vacancy must account for the longer period and the possibility of using a regular city election as a special election for Mayor midway through the term.

The committee recommends reviewing the factors described below, ensuring the Charter is clear on the "line of succession" for a temporary Acting Mayor or late-term Mayoral vacancy, and ensuring consistency between the provisions in section 3-9b and sections 7-14f and g.

Options Considered

The committee discussed the best practices for filling vacancies: leaving a seat vacant for a period of time, with or without an acting official; holding a special election; having the person who received the next-highest vote total (above a minimum threshold or not) sworn in to fill the vacancy; having the person elected at the next regular election sworn in immediately to complete the final two months of the vacancy's term until the new term begins; the City Council (and/or School Committee) electing someone to fill the vacancy.

Recommendation and Factors to Consider

The committee recommends keeping most of the core principles of the existing Charter provisions but providing some additional clarity and minimizing the disruption of vacancies by:

- Removing the requirement that a Ward/District seat on the Council or School Committee be declared vacant if the elected member moves to another part of the city. This would allow a Councilor or School Committee to complete their term as elected, despite residing in a different ward for the remainder of their service. While the State Legislature might not view this proposed change as one requiring voter approval via referendum before enactment, the committee recommends putting this specific element of its recommendation before the voters because it is closely related to the qualifications for holding office.
- Filling City Council and School Committee vacancies, essentially:
 - If within the first 18 months of the term, the "next runner up" at the previous city election, if they received votes above a minimum threshold (30% of the winner's total), fills the seat; if no one meets that criteria, then the seat is filled by a vote of the City Council or a joint vote of the City Council and School Committee.
 - If within the last 6 months of the term, the seat remains vacant until the regular city election, and the candidate with the highest vote total immediately takes

office to fill out the remainder of the term and then begins the term to which they were elected.

- Filling Mayoral vacancies, if the Committee recommends a four-year term for the Mayor, essentially:
 - Hold a special election only if the vacancy occurs in the first 17 months of the term, well before the next regular city election (the “midterm” election), to elect a new Mayor to fill the remainder of the existing term;
 - Use the midterm city election if feasible – for a vacancy close enough to the upcoming election that an interim Acting Mayor’s service would be brief, and far enough from the upcoming election that candidates have time to qualify for the ballot (approx. 17-22 months into the 48-month term); the person elected would take office following the certification of the vote and serve for the remainder of the existing term;
 - If the vacancy occurs after the “midterm” regular city election, then the City Council President serves for the remainder of the term. The committee also recommends a clear process if the Council President is unable to serve (next the second highest vote-getting Councilor at Large from the previous election, then the third highest vote-getting Councilor at Large from the previous election, then any Councilor elected by the Council to serve).

C. Updates to the citizen initiative petition process

Though rarely used, the citizen initiative petition is an extremely important element of the City Charter, which the committee recommends updating to make the process more easily understood.

Reason for Consideration

The committee found the current Charter section describing the citizen initiative petition process – that is, the process by which a group of Beverly voters can propose a measure for action by the City Council or School Committee, and if that body rejects the measure, can then put the measure to the voters to decide – was difficult to follow. In addition, the Collins Center identified best practices from other cities that could guide small revisions to this section to make the process more effective.

Recommendation and Factors to Consider

The committee recommends accepting the Collins Center’s draft language, updating the process so that it works as follows:

1. Any group of Beverly voters can put a measure before the City Council or School Committee by filing a petition. To do so, a 10-person petitioners committee guides the process, circulates the petition, and receives all communication from city officials.
2. The first step is to file a “first look” petition signed by 250 voters. When those first 250 signatures are filed, the City Solicitor must determine if it is an appropriate subject for an

initiative; this approach prevents the petitioners from gathering the full number of signatures required (10% of registered voters), and then learning that the subject matter of the proposal cannot be addressed by initiative.

3. If the initiative is allowed to proceed, the petitioners must collect signatures from at least 10% of registered voters within 60 days.
4. Once the required number of signatures is certified, the City Council or School Committee must act on the proposed initiative within 30 days.
5. If the initiative fails at the City Council or School Committee, the petitioners have a recourse: they may file a supplemental petition to place the question on a ballot for the voters to decide. A supplemental petition must collect the signatures of an additional 5% of registered voters (in addition to those who signed the original petition).

D. New Charter provision: Having a budget meeting at the beginning of the budget process

The committee recommends adding a new Section 6-2 to create a more open public discussion at the beginning of the budget process.

Reason for Consideration

A number of questions were raised about the budget process, and in particular the roles of the School Committee, Mayor, and City Council in developing the budget for the school system. While there was clear understanding that, once a comprehensive allocation is appropriated, sole discretion over managing the school budget and its line items rests with the School Committee, there were two main questions raised by residents: (1) is the School Committee empowered to draft a "bottom-up" budget with the Superintendent or does it receive "top-down" direction from the Mayor about the total school budget? and (2) did the Charter intend to grant the City Council the power that other cities may exercise under Massachusetts General Law Chapter 44 Section 32 to increase the school budget above the Mayor's request, on recommendation by the School Committee, by a 2/3 vote and only if it would not impact the property tax assessment? The latter question was not fully addressed by the committee but has been addressed by a previous opinion of the City Solicitor, who noted that the Charter only permits the City Council to decrease or delete line items in the Mayor's budget request.

In the course of discussing the budget process, the committee focused on the underlying desire to ensure continued and enhanced transparency in the priority-setting stage.

Options Considered

The committee discussed the budget process at length and requested further research and guidance from the Collins Center since some of the questions raised by public comment were highly technical. The Collins Center proposed adopting a practice that other cities have used successfully: an annual budget meeting to take place at the beginning of the budget process.

Recommendation and Factors to Consider

The committee recommends adding the requirement of an annual budget meeting in Article 6 section 2 so that the priorities of city residents are discussed publicly at the very beginning of each annual budgeting process.

E. Process around removals/suspensions

Reason for Consideration

The committee noted that the processes around removal/suspension of various city officials were inconsistent across the Charter, and the Collins Center noted that some of the processes were out of alignment with the clear separation of powers the Charter intended, out of line with current practice in other cities, and/or could face legal challenge if followed.

Options Considered

The main principles considered were to create consistency across appointing authorities and to balance the rights of appointed officials, the need for accountability for removals/suspensions, and the authority of each appointing authority (i.e., Mayor, City Council) to remove/suspend people when needed.

Recommendation and Factors to Consider

Two changes were supported by the full committee: removing the distinction between the process for public safety officials and all other officials and consolidating consistent processes in Article 8 Section 15 to which other sections of the Charter can refer rather than having detailed procedures in multiple articles.

The language recommended by the committee provides the most consistent and straightforward procedure, in which officials always have the option of a hearing before their appointing authority to appeal a removal/suspension decision. During the discussion, committee members also considered retaining the role of the City Council in hearings for Mayoral appointees, either to ensure a public forum or to provide a safeguard by which the Council could block a removal. Ultimately the proposal that passed removed that role, meaning that the proposed new language creates sole authority for the Mayor to remove or suspend department heads or members of multi-member boards, essentially meaning that board members and department heads serve "at the pleasure of the Mayor" despite their fixed terms.

F. Legal analysis for Council

The committee recommends the City Council and Mayor further deliberate on potential changes to Article 2 Section 8 to establish a role providing independent legal analysis support for the City Council.

Reason for Consideration

In reviewing the staff positions appointed by the City Council to support the Council's work ("Officers elected by City Council"), the committee noted that the Charter's provision of a Budget/Management Analyst has been important to the balance of powers and the ability of the Council to perform its role in the budget process. A similar function for legal analysis was proposed, to provide tailored support to the Council on legal questions (drafting ordinances, understanding the legal implications of various courses of action, etc.).

Options Considered

The discussion included several possible ways to frame a legal analyst role to be elected by the City Council. Proponents of adding such a role pointed to the value of additional staff support for the part-time Councilors to fulfill their legislative role. Concerns about adding such a role included the possibility of "dueling lawyers" advising the Council and Mayor; the committee agreed that this dynamic should be avoided, and that if a legal analyst role were added, the provision should clearly state that the legal support could not include representing the Council/city in litigation and reaffirming that the City Solicitor remains the only authorized officer of the city in all legal matters involving the city's government.

Recommendation and Factors to Consider

The committee had a 3-3 split vote on the final proposed amendment, and therefore does not make a recommendation on this issue. Two factors to consider: the Collins Center advised against adopting this proposal; the committee acknowledged that there may be other ways to address the issue of legal analysis, outside of a new Charter provision.

IV. Recommendations for the future

The committee felt that each of these changes would help to ensure that Beverly's city government has the capacity to perform at its best over the coming decades. The operational complexity of city government and school systems, in particular, are increasingly demanding.

The committee recommends that these two structural changes be considered through a parallel process separate from the "modernization" amendments in section II above (which are necessary but relatively minor) and the changes proposed in section III above. Since these two questions, of a four-year mayoral term and an expanded School Committee, could potentially appear on a 2023 regular city election ballot or special election ballot, the committee recommends that the City Council and Mayor take the time to deliberate and invite public comment, and raise awareness of the issues before putting them before voters.

A. Four-year Mayoral Term

Reason for Consideration

The Charter Commission that drafted the 1995 Charter debated a two-year vs a four-year Mayoral term and was split on the decision. In the end, the Commission felt that it was prudent to retain the two-year term for at least a few years under the new Charter and then assess whether, in this new system, a four-year term would be appropriate.

The committee felt that it was necessary to look at this question with fresh eyes and draw on the experience of other cities across Massachusetts that have moved to a four-year term as well as the experience of Beverly's Mayors since 1995.

Recommendation and Factors to Consider

The committee recommends amending the Charter to adopt a four-year term for Mayor. The main benefits of this structure are to provide sufficient time for the city's chief executive to effectively implement the policy priorities on which they have been elected. The Mayor's role is one that requires management of personnel, departments, and budgets that are not built to change immediately, so the additional stability of seeing changes in leadership less frequently could create more effective management. In addition, the four-year role might be more appealing than a two-year term (for which campaigning for reelection could begin nearly immediately) to qualified candidates and could lower some of the barriers to entry for potential strong candidates.

The main drawbacks identified by the committee were the potential for deepening the "incumbency advantage," which has already been strong in Beverly, the heightened risk of damage to the city's operations from electing an incompetent Mayor to a longer term, and creating an imbalance among the checks and balances built into the current system. The committee felt that changing the term would not inherently change the political dynamics in favor (or against) incumbents. Some members felt that adding term limits would help to balance the potential downsides of a four-year term; the committee rejected term limits. To address the greater risk to the city of a longer mayoral term, the committee recommends strengthening the recall provision. The committee felt that there were already sufficient safeguards in the Charter so that a four-year term would not upset the balance of power. In addition, including some of the strengthening/clarifying recommendations in section III above would ensure that the public and other elected officials have the opportunities they need to express their priorities with less frequent Mayoral elections.

If the City Council and Mayor agree to move forward with the proposal as the committee recommends, a number of additional edits throughout the Charter would be necessary to align with the new length of term, and the Collins Center has proposed language for these in the redline document.

B. Expanding the School Committee

The committee recommends expanding the School Committee by two seats, amending Article 4 of the Charter to define those seats and updating references to the School Committee throughout the Charter.

Reason for Consideration

The most important feature of the School Committee as constituted in the 1995 Charter was ensuring representation from each ward of the city. However, as the School Committee has taken on more complexity and volume of work, its members have sought ways to keep up and continue to provide effective leadership. Proposals included expanding the number of people elected to the School Committee and/or lengthening the terms of office. The committee briefly discussed lengthening the terms but felt the benefits of the two-year term outweighed the drawbacks. The committee spent more time exploring ways to expand the School Committee while ensuring equitable representation of the city's neighborhoods.

Recommendation and Factors to Consider

The recommended amendment is intended to accomplish three things: expand the School Committee, keep it to a manageable size, and maintain the equitable representation across wards. The proposal is to add two "district" seats – one person elected from/representing Wards 1, 2, and 3, and one person elected from/representing Wards 4, 5, and 6. This division would group wards with similar communities of interest.

V. Summary of Issues Discussed and Reaffirmed

The committee wanted to highlight several key features of the Charter that are working well. While the committee discussed the potential for changes in these areas, the final consensus was that these areas should not be changed. They are included here to help boost public awareness of the existing strengths of Beverly's Charter.

Feature	Purpose	Article(s)/ Section(s)
Length of legislative terms	Committee heard proposals for longer terms for School Committee and/or City Council but felt that for the legislative functions, two-year terms are important to maintain closeness and accountability to voters.	2-1b, 4-1a

Process for setting Council/Mayor/School Committee salaries	The committee heard a number of concerns about the political challenges of the process for setting salaries for elected officials. In particular, the fact that salaries have not kept pace with either inflation or the workload has become a barrier to service for some members of the community. The committee encourages more public discussion on this topic, but after discussing concluded that the language in the Charter is not itself the barrier – the Charter provision is appropriate/best practice, and the challenge should be taken up at a policy level.	2-4, 3-1, 4-1e
Self-organizing School Committee	In some communities, the Mayor is by Charter named the President of the School Committee. The committee discussed this possibility but agreed that the self-organizing School Committee, which elects a ward (or district, if that recommendation is adopted) member as President each term, best serves Beverly and should remain as is in the current Charter.	4-2
Self-organizing City Council	<p>The committee seriously considered, and initially planned to recommend, giving the City Council the power to elect its own President at the start of each term, rather than the at-large candidate who receives the most votes automatically becoming Council President. After consulting with the Mayor’s Office and reconsidering the matter, the committee voted not to recommend any change to this provision of the Charter. The Collins Center noted that Beverly’s current structure is unique, and that best practices for city boards across the state is toward self-organizing, that is, the board electing its officers.</p> <p>The case for keeping the system in its current form is that it has served the city well. The Council President also steps in as Acting Mayor during a temporary vacancy and potentially steps in to fill a permanent vacancy, so the Charter commission had originally intended for that role to be filled by a city-wide elected official. However, members of the committee also argued that a self-organizing Council would be more democratic and encourage strong working relationships across the full Council. An option to move toward self-organization, but for only at-large councilors to be eligible for the President role was briefly discussed but not advanced.</p>	2-2a

Election dates	The committee discussed why holding elections in November of odd-numbered years is necessary. Given the low turnout in municipal elections, there were concerns about this “off-year” election schedule. However, the alternatives (spring elections) would not resolve that challenge. There is also a benefit of keeping nonpartisan municipal elections separate from state/federal elections.	7-1
Term limits	The committee briefly discussed term limits, in particular for the Mayor’s office if moving to a four-year term, but a majority felt that term limits were not appropriate for the city.	n/a
Mayor instead of City Manager	The committee briefly discussed the fact that the drafting commission of the 1995 Charter had considered a City Manager system and whether to reopen that conversation. Based on how well the Mayor–Council system has served Beverly, the committee did not feel that a City Manager should be considered at this time.	Article 3

GUIDE TO THE CHANGES PROPOSED BY THE BEVERLY CHARTER REVIEW COMMITTEE

Discussion: The Collins Center for Public Management provides this guide to the changes proposed to Beverly Home Rule Charter; most of the recommended changes are amendments; the text may be clarified, updated, or replaced to provide internal consistency in the document, respond to changes in state law, and/or address the subject matter more thoroughly. There is also some rearrangement of text to assure that certain subjects or procedures are addressed comprehensively in one provision or charter article.

The changes may be categorized as follows:

“Housekeeping” – Changes in syntax, grammar, spelling, etc.

Reflect current state law

Reflect current practice

Technical - Change to text to better capture the intent and implementation of the provision

“Replace” - Wholesale changes to text to reflect current municipal best practice, eliminate confusing or redundant text, address items not addressed or not effectively addressed in the current charter

NEW - New charter provision

The committee has identified two proposed changes which may be referenced as revisions, as they are a marked departure from current practice:

1. Increase the term of the mayor to 4 years (Replacement)
2. Increase the school committee by the addition of 2 district members, representing groups of wards. (NEW)

The committee is recommending that these two items receive voter approval prior to being implemented. Most other changes are amendments, noted as “Amend” in the chart below.

It is important to note that the committee’s recommendations anticipate that both the 4 year term for mayor and the addition of 2 members to the school committee will be adopted. If the council does not support one or both of these changes, the charter text will need to be changed to reflect the council’s vote. For example, Articles 4 and 7 referencing the district school committee members; and s. 3-9 regarding filling a mayoral vacancy.

It should also be noted that many of the proposed changes are NOT dependent on voter approval, such as those proposed changes that provide greater clarity, reflect current practices, and/or address consistency concerns. The chart below summarizes the proposed changes recommended by the committee:

Charter sec.	Subject	Status	Notes
A1 s. 1-7	Definitions	Amend	Add new definitions
A2.2.2(c)	Eligibility	Amend	Move w/in city; ward councilor can complete term
A2 s. 2-4	Salary	Amend	Add “decrease” as appearing in state law

Charter sec.	Subject	Status	Notes
A2 s. 2-6(b)	Quorum	Amend	Compliance with state law
A2 s. 2-6(c) (iii)	Notice	Amend	Allow notice by electronic mail
A2 s. 2-8(a)	Budget/Mgr. Analyst	Amend	Add salary reference, statutory reference
A2 s. 2-8(b)	City Clerk	Amend	Increase term to 3 years
A2 s. 2-9(b)	Measures	Amend	Clarification re: objection
A2 s. 2-9(c)	Publish measures	Amend	Posting includes website, bulletin board and newspaper publication
A2 s. 2-9(d)	Reconsideration	Amend	Increase time period to 72 hours (change from 24 hours)
A2 s. 2-11 (c)	Council Vacancy	Amend	Vacancy filled by council
A2 2-11 (d)	Council Vacancy	Amend	Consistency
A3 s. 3-1A	Mayor Term	Replace	Increase term to 4 years VOTER APPROVAL
A 3 s. 3-2	Mayor Powers & Duties	Amend	Delete chief procurement officer
A3 s. 3-3	Mayor Appointments		Remove reference to s. 3-4
A3 s. 3-4	Suspend/Remove	Replace	s. 3-4 deleted; See s. 8.15 - subsequent sections in Article 3 renumbered.
A3 s. 3-4	Temporary Appis	Amend	Increase time for temporary appis.
A3 s. 3-5(b)	Meetings	Amend	Notice via electronic mail
A3 s. 3-7(a)	Mayor/ Temporary Absence	Amend	Line of succession Council President and councilors at-large
A3 s. 3-8	Mayor - Vacancy	Amend	4 yr term; election; line of succession Council president and councilors at-large
A4 s. 4-1(b)	Add members to SC	NEW	New district SC members VOTER APPROVAL
A4 s. 4-1(c)	SC Powers and Duties	Amend	Include general law reference
A4 s. 4-1(e)	Salary	Amend	Consistency with similar provisions
A4 s. 4-1(f)	Fill vacancies	Amend	Consistency with council
A5	<i>Reformat article</i>		Consistency
A5 s. 5-1(a)	Reorg by ordinance	Replace	Delete reorg by council by ordinance
A5 s. 5-1	Reorg by mayor	Amend	Expand to include more on rationale for organizational changes
A5 s. 5-4	Municipal Finance Dept.	Amend	Clarify functions; mayoral appointments of certain staff; allow Finance Director to serve as City Accountant; mayor appoints purchasing agent (if 3-2 changed)
A5 s. 5-7	Human Resources Dept.	Amend	Reference to adherence to laws, etc.
A6 s. 6-2	Annual Budget Meeting	NEW	New section - review financial condition prior to budget preparation

Charter sec.	Subject	Status	Notes
A6 s. 6-3	School Committee budget	Amend	SC to vote following public hearing; remove reference to testimony
A6 s. 6-4	Budget	Amend	Add posting on city and school websites
A6 s. 6-5	Budget Message	Amend	Remove reference to ordinance
A6 s. 6-6	Budget	Amend	Remove reference to ordinance
A6 s. 6-6(a)	Budget	Amend	Remove "position;" add "staffing"
A6 s. 6-6(c)	Budget	Amend	Correct charter section reference
A6 s. 6-6(d)	Budget	Amend	Remove "free cash"; replace with "budgetary fund balances"
A6 s. 6-7(a)	Action on Budget	Amend	Posting on city website
A6 s. 6-7(c)	Action on Budget	Amend	Remove 60 day references
A6 s. 6-8 (b)	Supplementary Budget	Amend	Add city website reference
A6 s. 6-8 (c)		Amend	Add city website reference
A6 s. 6-10	Independent Audit	Replace	Process to choose audit firm; council decision; council oversight
A7 s. 7-3 (a)	Signature requirements	Amend	Add ward and district school committee members; increase signature requirements; eliminate reference to maximum signature collection within wards
A7 s. 7-3 (c)	Determine candidates	Amend	Clarify text
A7 s. 7-3 (d)	Preliminary unnecessary	Amend	Clarify text
A7 s. 7-7	Petitions	Amend	Clarify text – consistency
A7 s. 7-8	Initiative	Replace	See NOTE below
A7 s. 7-9	Referendum	Replace	
A7 s. 7-13	Voter Participation	Replace	Provide separate reference for voter participation in both I & R elections; previously subsection of s. 7-8
A7 s. 7-14(b)	Recall signatures	Amend	Increase time for collection to 28 days
	"	NEW	Add district SC members
A7 s. 7-14 (c)	Recall election	Amend	Time frame to hold recall election
A7 s. 7-14 (g)	Fill vacancy (Mayor)	Amend	Time frame for election (state law)
A8 s. 8-1	Amend/review charter		Change title of section – add "Charter Review"
A8 s. 8-5	Ordinance Review	Amend	Correct reference – "City Solicitor"
A8 s. 8-6	Multiple member bodies	Amend	quorum – compliance with state law; allow electronic mail notice for special meetings
A8 s. 8-13	Loss of office/absence	Amend	Affected board to notify appointing authority; appointing authority may declare vacancy
A8 s. 8-14	Vacancy on boards	Amend	To be filled by appointing authority
A8 s. 8-15	Remove/Suspend	Replace	Consolidation in one provision; consistency

Charter sec.	Subject	Status	Notes
A9 s. 9-6	Time of taking effect	NEW	Dependent upon action of council and mayor - home rule petition

NOTE: s.7-8 has been updated to reflect current practice – i.e., the first 10 signers constitute a “petitioners committee;” the city solicitor makes a determination whether the subject is appropriate for an initiative upon the filing of the initial 250 signatures; a time for the collection of the initial 10% signatures is set at 60 days.

RECOMMENDATIONS OF THE CHARTER REVIEW COMMITTEE
AS VOTED AT COMMITTEE'S MEETING OF FEBRUARY 10, 2022.
"CLEAN COPY" WITH ALL RECOMMENDATIONS INCLUDED IN
THE TEXT

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CITY OF BEVERLY, MASSACHUSETTS

HOME RULE CHARTER

1995

ARTICLE 1

Incorporation, Short Title, Definitions

SECTION 1-1. Incorporation.

The inhabitants of the City of Beverly, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Beverly."

SECTION 1-2. Short title.

This instrument shall be known, and may be cited, as the "Beverly Home Rule Charter."

SECTION 1-3. Distribution of powers.

The administration of the fiscal, prudential and municipal affairs of Beverly, with the government thereof, shall be vested in an executive/administrative

1 branch headed by a Mayor, and a legislative branch to consist of a City
2 Council. The legislative branch shall never exercise any
3 executive/administrative power and the executive/administrative branch
4 shall never exercise any legislative power.

5
6 SECTION 1-4. Powers of City.

7 Subject only to express limitations on the exercise of any power or function
8 by a municipal government in the Constitution or general laws of the
9 commonwealth, it is the intention and the purpose of the voters of Beverly
10 through the adoption of this Charter to secure for themselves and their
11 government all of the powers it is possible to secure as fully and as
12 completely as though each such power were specifically and individually
13 enumerated herein.

14
15 SECTION 1-5. Construction.

16 The powers of the City of Beverly under this Charter are to be construed
17 liberally in favor of the City, and the specific mention of any particular power
18 is not intended to limit the general powers of the City as stated in SECTION
19 1-4.

20 SECTION 1-6. Intergovernmental relations.

21 Subject only to express limitations in the Constitution or general laws of the
22 Commonwealth, Beverly may exercise any of its powers or perform any of

1 its functions, and may participate in the financing thereof, jointly or in
2 cooperation, by contract or otherwise, with the commonwealth or any
3 agency or political subdivision thereof, or with the United States government
4 or any agency thereof.

5

6 SECTION 1-7. Definitions.

7 Unless another meaning is clearly apparent from the manner in which the
8 word or phrase is used, the following words and phrases as used in this
9 Charter shall have the following meanings:

10 (a) Charter - The word "Charter" shall mean this Charter and any
11 amendment to it hereafter adopted.

12 (b) City - The word "City" shall mean the City of Beverly.

13 (c) City bulletin board - The words "City bulletin board" shall mean the
14 bulletin board in the City Hall on which the City Clerk posts official notices of
15 meetings and upon which other official City notices are posted, the bulletin
16 boards at any other locations as may be designated City bulletin boards by
17 the City Council, and the city website.

18 (d) City agency - The words "City agency" shall mean any multiple-member
19 body, any department, division, or office of the City of Beverly.

20 (e) City officer - The words "City officer," when used without further
21 qualification or description, shall mean a person having charge of an office or
22 department of the City who in the exercise of the powers or duties of such

1 position exercises some portion of the sovereign power of the City.

2 (f) City website: a site established and maintained by the city as its online
3 repository of municipal information on the internet.

4 (g) Department Head: The person having responsibility and oversight for
5 the operation and management of a city department.

6 (h) District: the word "district" as appearing in Articles 4 and 7 of this
7 charter shall mean the combining of wards 1, 2 and 3, and wards 4, 5 and 6
8 for the election of 2 school committee members, 1 to be elected from each
9 such district.

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

13 (j) Full Council, full multiple-member body - The words "full Council" or "full
14 multiple-member body" shall mean the entire authorized complement of the
15 City Council, School Committee or other multiple-member body,
16 notwithstanding any vacancy, which might exist.

17 (k) general laws - The words "general laws" (all lowercase letters) shall
18 mean laws enacted by the State Legislature which apply alike to all cities
19 and towns, to all cities, or to a class of two or more cities and/or cities and
20 towns of which Beverly is a member.

21 (l) General Laws - The words "General Laws" (initial letter of each word in
22 uppercase letters) shall mean the General Laws of the Commonwealth of

1 Massachusetts, a codification and revision of statutes enacted on December
2 22, 1920, and including all amendments thereto subsequently adopted.

3 (m) Initiative measure - The words "initiative measure" shall mean a
4 measure proposed by the voters through the initiative process provided
5 under this Charter.

6 (n) Local newspaper - The words "local newspaper" shall mean a newspaper
7 of general circulation within Beverly, with either a weekly or daily circulation.

8 (o) Majority vote - The words "majority vote," when used in connection with
9 a meeting of a multiple-member body, shall mean a majority of those
10 present and voting, unless another provision is made by ordinance, by law,
11 or by its own rules.

12 (p) Measure - The word "measure" shall mean any ordinance, order,
13 resolution, or other vote or proceeding adopted, or which might be adopted
14 by the City Council or the School Committee.

15 (q) Multiple-member body - The words "multiple-member body" shall mean
16 any board, commission, committee, subcommittee or other body consisting
17 of two or more persons, whether elected, appointed or otherwise
18 constituted, but not including the City Council or the School Committee.

19 (r) Referendum measure - The words "referendum measure" shall mean a
20 measure adopted by the City Council or the School Committee which is
21 protested under the referendum procedures of this Charter.

22

1 (s) Voters - The word "voters" shall mean registered voters of the City of
2 Beverly.

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ARTICLE 2

Legislative Branch

SECTION 2-1. Composition; term of office.

(a) Composition - There shall be a City Council of nine members which shall exercise the legislative powers of the City. Three of these members, to be known as "Councilors-at-Large," shall be nominated and elected by and from the voters at large. Six of these members, to be known as "Ward Councilors," shall be nominated and elected by and from the voters of each ward, one such Ward Councilor to be elected from each of the six wards into which the City is divided, in accordance with SECTION 7-5.

(b) Term of office - The term of office for all City Councilors shall be for two years each, beginning on the first Monday 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 Councilor-at-Large. A Ward Councilor shall at the time of election be a voter of the ward from which elected; provided, however, if any Ward Councilor shall during the first 18 months of the term of office remove to another ward in the City, the Councilor may continue to serve for the balance of the term to which

1 elected. If a Councilor-at-Large or a Ward Councilor removes from the City
2 during the term for which elected, such office shall immediately be deemed
3 vacant and filled in the manner provided in SECTION 2-11.

4

5 SECTION 2-2. Council President.

6 (a) The candidate for Councilor-at-Large at the regular municipal election
7 receiving the largest number of votes for the office shall serve as Council
8 President for the ensuing term of office.

9 (b) Powers and duties - The Council President shall preside at all meetings of
10 the City Council, regulate its proceedings and shall decide all questions of
11 order. The Council President shall appoint all members of all committees of
12 the City Council, whether special or standing. The Council President shall
13 have the same powers to vote upon all measures coming before the City
14 Council as any other member of the City Council. The Council President shall
15 perform such other duties consistent with the office as may be provided by
16 Charter, by ordinance or by other vote of the City Council.

17 (c) Council Vice-President - As soon as practicable after the Councilors-elect
18 have been qualified following each regular municipal election, the members
19 of the City Council shall elect from among its members a Vice President who
20 shall act as President during the absence or disability of the Council
21 President. The powers of an Acting Council President shall be limited to only
22 those powers which are indispensably essential to perform the duties of

1 Acting Council President during the inability to serve of the Council
2 President.

3
4 SECTION 2-3. Prohibitions.

5 No member of the City Council shall hold any other City office or City
6 employment for which a salary or other emolument is payable from the City
7 treasury. No former member of the City Council shall hold any compensated
8 appointed City office or City employment until one year following the date on
9 which such former member's service on the City Council has terminated.

10
11 SECTION 2-4. Compensation; expenses.

12 (a) Salary - The City Council may, by ordinance, provide an annual salary for
13 its members. No ordinance increasing or decreasing such salary shall be
14 effective, however, unless it shall have been adopted during the first 12
15 months of a term of office and it provides that such salary is to take effect
16 with the organization of the City government following the next regular
17 municipal election.

18 (b) Expenses - Subject to appropriation, the Council members shall be
19 entitled to reimbursement of their actual and necessary expenses in the
20 performance of their duties.

21

22

1 SECTION 2-5. General powers.

2 Except as otherwise provided by general law or by this Charter, all powers of
3 the City shall be vested in the City Council which shall provide for their
4 exercise and for the performance of all duties and obligations imposed upon
5 the City by law.

6
7 SECTION 2-6. Exercise of powers; quorum; rules.

8 (a) Exercise of powers - Except as otherwise provided by general law or by
9 this Charter, the legislative powers of the City Council may be exercised in a
10 manner determined by it.

11 (b) Quorum - The presence of five members shall constitute a quorum for
12 the transaction of business. Except as otherwise provided by general law or
13 by this Charter, the affirmative vote of five members shall be required to
14 adopt any ordinance or appropriation order.

15 (c) Rules of procedure - The City Council shall from time to time adopt rules
16 regulating its procedures, which shall be in addition to the following:

17 (i) Regular meetings of the City Council shall be held at a time and
18 place fixed by ordinance.

19 (ii) Special meetings of the City Council shall be held at the call of the
20 Council President or on the call of any three or more members, by written
21 notice delivered in hand to the place of residence of each member or by
22 electronic mail and which contains a listing of the items to be acted upon.

1 Except in case of an emergency, of which the Council President shall be
2 judge, such notice shall be delivered at least 48 hours in advance of the time
3 set for such meeting. A copy of the notice to members shall, forthwith, be
4 posted upon the City bulletin board.

5 (iii) All sessions of the City Council, and of every committee or
6 subcommittee thereof, shall at all times be open to the public and to the
7 press, unless another provision is made by law.

8 (iv) A full, accurate, up-to-date account of the proceedings of the City
9 Council and of every committee and subcommittee thereof shall be kept,
10 which account shall include a record of each vote taken, and which shall be
11 made available with reasonable promptness following each meeting.

12
13 SECTION 2-7. Access to information.

14 (a) In general - The City Council may make investigations into the affairs of
15 the City and into the conduct and performance of any City agency and for
16 this purpose may subpoena witnesses, administer oaths and require the
17 production of evidence.

18 (b) City officers, members of City agencies, employees - The City Council or
19 any committee or subcommittee thereof may require any City officer,
20 member of a City agency or City employee to appear before it to give such
21 information as the City Council may require in relation to the municipal
22 services, functions, powers, or duties which are within the scope of

1 responsibility of such person and within the jurisdiction of the City Council.

2 (c) Mayor - The City Council may require the Mayor to provide specific
3 information to it on any matter within the jurisdiction of the City Council.
4 The City Council may require the Mayor to appear before it, in person, to
5 respond to written questions made available to the Mayor at the time the
6 request to attend is made to the Mayor to provide specific information on the
7 conduct of any aspect of the business of the City. The Mayor may bring to
8 such meeting any assistant, department head or other City officer or
9 employee the Mayor may deem necessary to assist in responding to the
10 questions posed by the City Council.

11 (d) Notice - The City Council shall give not less than five days' notice to any
12 person it may require to appear before it under the provisions of this
13 section. The notice shall include specific questions on which the City Council
14 seeks information and no person called to appear before the City Council
15 under this section shall be required to respond to any question not relevant
16 or related to those presented in advance and in writing. Notice shall be by
17 delivery in hand, or by registered or certified mail to the last known place of
18 residence of any such person.

19 SECTION 2-8. Officers elected by City Council.

20 (a) Budget/Management Analyst - The City Council shall elect a
21 Budget/Management Analyst to serve for a term of three years and until a
22 successor is chosen and qualified. The council shall select a

1 Budget/Management Analyst as needed. The Council may advertise for the
2 position and shall post the vacancy in accordance with SECTION 8-12 or
3 retain consultant services for an individual to serve as Budget/Management
4 Analyst. The council may pursue either or both options for selection prior to
5 determining whether the Budget/Management Analyst shall serve as an
6 employee or as a consultant.

7 The Budget/Management Analyst shall perform a legislative oversight and a
8 post-audit function and shall not be involved in the day-to-day
9 administrative detail of the financial operations of the City.

10 The Budget/Management Analyst shall have free access to all books,
11 accounts, bills and vouchers of the City and shall continuously review and
12 examine the same. The Budget/Management Analyst shall have those duties
13 and responsibilities as determined by ordinance. The Budget/Management
14 Analyst shall make periodic reports thereon to the City Council, with such
15 frequency as the City Council by ordinance, by rule or by other vote may
16 direct, but not less frequently than quarterly. All officials of the City shall
17 cooperate with the Budget/Management Analyst in the performance of this
18 oversight function. The Budget/Management Analyst shall have such other
19 powers and duties as may be provided by Charter, by ordinance or by other
20 vote of the City Council.

21 If the Budget/Management Analyst is an employee, the salary for the
22 position shall never be less than 1/2 the amount provided for the Office of

1 Finance Director.

2 (b) City Clerk - The City Council shall elect a City Clerk to serve for a term of
3 three years and until a successor is chosen and qualified. The City Clerk shall
4 have the powers and duties relating to the keeping of records and vital
5 statistics, the regulation and conduct of elections and the issuance of
6 licenses as are provided to city clerks by general laws and such additional
7 powers and duties as may be provided by general laws, by Charter, by
8 ordinance or by other vote of the City Council.

9 (c) Clerk of the Council - The City Council shall elect a Clerk of the Council,
10 who may be the City Clerk, to serve for a term of ~~two~~ three years and until a
11 successor is chosen and qualified. The Clerk of the Council shall give notice
12 of its meetings to its members and to the public, keep the journal of its
13 proceedings and perform such other duties as may be provided by ordinance
14 or by other vote of the City Council.

15 (d) Salaries/Compensation - The officers and employees appointed or
16 elected by the City Council shall receive such salaries or other compensation
17 as may from time to time be provided for such offices and employees, by
18 ordinance.

19 (e) Removal/Suspension - Any person appointed or elected by the City
20 Council may be removed or suspended by the City Council by the use of
21 procedures contained in SECTION 8-15.

22

1 SECTION 2-9. Ordinances and other measures.

2 (a) Emergency ordinances - No ordinance shall be passed finally on the date
3 it is introduced, except in case of emergency involving the health or safety
4 of the people or their property.

5 No ordinance shall be regarded as an emergency ordinance unless the
6 emergency is defined and declared in a preamble to such ordinance,
7 separately voted upon and receiving the affirmative vote of six or more
8 members of the City Council.

9 Emergency ordinances shall stand repealed on the 61st day following their
10 adoption, unless an earlier date is specified in the measure, or unless a
11 second emergency measure adopted in conformity with this section is
12 passed extending it, or unless a measure passed in conformity with the
13 procedures for measures generally has been passed extending it.

14 (b) Measures, in general - The City Council may pass a measure through all
15 of its stages at any one meeting, except proposed ordinances, appropriation
16 orders and loan authorizations, provided that no member of the City Council
17 shall object; but, if any single member objects, a vote on the measure shall
18 be postponed to the next meeting of the City Council.

19 On the first occasion that the question of adopting any measure is put to
20 the City Council, except an emergency measure as defined in SECTION 2-
21 9(a), if a single member objects to the taking of a vote, the vote shall be
22 postponed until the next meeting of the City Council, regular or special. If,

1 when the matter is next taken up for a vote, three or more members object
2 to the taking of the vote, the matter shall be further postponed for not less
3 than an additional five days, but no later than the next scheduled council
4 meeting. This procedure shall not be used more than once for any measure,
5 notwithstanding any amendments made to the original measure.

6 (c) Publication – Every proposed ordinance, appropriation order or loan
7 authorization [except emergency ordinances as provided in Section 2-9(a)],
8 shall be posted and/or published on the city bulletin board, city website and
9 in the local newspaper, and in any additional manner required by this
10 charter, or state or federal law, as well as be made available at the office of
11 the city clerk at least 10 days before final passage. Whenever a proposed
12 ordinance would exceed in length more than 10 column inches of ordinary
13 newspaper notice print, then in lieu of publication of the full text of the
14 ordinance in the local newspaper, the city clerk shall prepare and cause to
15 be published in a local newspaper a summary of the proposed ordinance,
16 including its purpose and provisions, along with a notice stating the times
17 and places where the full text of the ordinance may be reviewed by the
18 public. Such summary shall be subject to review by and approval by the city
19 solicitor prior to publication in a local newspaper.

20 After final passage, the full text of any ordinance shall be posted on the City
21 bulletin board and city website and steps shall be taken by the city clerk to
22 forthwith incorporate such ordinance into the official publication of the

1 complete city ordinances.

2

3 (d) Reconsideration - The Clerk of the City Council shall hold every measure
4 adopted by the City Council for a period of 72 hours, Saturdays, Sundays
5 and legal holidays excepted, subject to council rules, and if during said time
6 notice of an intent to file a motion to reconsider the matter is filed with the
7 Clerk of the Council by a member entitled to make such a motion, the
8 measure shall be returned to the City Council for further action. If no such
9 statement of intent is filed with the Clerk of the Council during such period,
10 the Clerk shall, at the expiration of the said 72 hour period, forthwith
11 present the matter to the Mayor.

12 SECTION 2-10. Council review of certain appointments.

13 The Mayor shall submit to the City Council the name of each person the
14 Mayor desires to appoint to any City office, as a department head or as a
15 member of a multiple-member body, but not including any position which is
16 subject to the civil service law. The City Council shall refer each such name
17 as is submitted to it to a standing committee of the City Council which shall
18 investigate each such candidate for appointment and may make a report,
19 with recommendations, to the full City Council not less than seven days nor
20 more than 21 days following such referral. The committee may require any
21 person whose name has been referred to it to appear before the committee,
22 or before the City Council, to give such information relevant to such

1 appointment as the committee, or the City Council, may require.
2 Appointments made by the Mayor shall become effective on the 30th day
3 following the date on which notice of the proposed appointment was filed
4 with the Clerk of the Council, unless the City Council shall within the said 30
5 days vote to reject such appointment, or unless the City Council has sooner
6 voted to affirm the appointment. Rejection by the City Council shall require a
7 two-thirds vote of the full Council, except that an appointment to a multiple-
8 member body may be rejected by a majority vote of the full Council. The
9 question on rejection of any appointment made by the Mayor shall not be
10 subject to the procedure of Charter objection provided in section 2-9(b) of
11 this Charter.

12
13 SECTION 2-11. Filling of vacancies.

14 (a) Councilor-at-Large: If a vacancy shall occur in the office of Councilor-at-
15 Large during the first 18 months of the term for which Councilors are
16 elected, the vacancy shall be filled in descending order of votes received by
17 the candidate for the office of Councilor-at-Large at the preceding regular
18 municipal election who received the largest number of votes without being
19 elected, provided such person remains eligible and willing to serve and
20 provided such person received votes at least equal to 30% of the vote total
21 received by the person receiving the largest number of votes for the office of
22 Councilor-at-Large at the said election. The City Clerk shall certify such.

1 candidate to the office of Councilor-at-Large to serve for the balance of the
2 then unexpired term.

3
4 (b) Ward Councilor- If a vacancy shall occur in the office of Ward Councilor
5 in the first 18 months of the term to which Councilors are elected, it shall be
6 filled in the same manner as provided in SECTION 2-11(a) for the office of
7 Councilor-at-Large except that the list shall be of the candidates for the
8 office of Ward Councilor in the ward in which the vacancy occurs.

9 (c) Filling of vacancies by City Council - Whenever a vacancy shall occur in
10 the office of Councilor-at-Large or in that of a Ward Councilor and (1) there
11 is no available candidate to fill such vacancy in the manner provided in
12 SECTION 2-11(a) and (b), and (2) more than 6 months remains on the
13 existing term, the vacancy shall be filled by vote of the remaining members
14 of the City Council. The Council shall post notice of the vacancy for 14 days,
15 and the Council shall include among such candidates for the vacancy any
16 candidates for the now vacant seat in the prior municipal election who were
17 not elected and did not meet the criteria of SECTION 2-11 (a) or (b). The
18 Council President shall provide the opportunity for each candidate seeking to
19 fill a vacancy to address the council prior to its vote to fill any vacancy.
20 Persons elected to fill a vacancy by the City Council shall serve only until the
21 next regular municipal election, at which time the vacancy shall be filled by
22 the voters and the person elected to fill such vacancy shall forthwith be

1 sworn and shall serve for the remainder of the unexpired term in addition to
2 the term for which elected. Persons serving as City Councilors under this
3 section shall not be entitled to have the words "candidate for re-election"
4 printed against their names on the election ballot.

5 (d) If the vacancy shall occur during the last six months of the term of office,
6 such vacancy for a Ward Councilor shall be filled by the person at the next
7 regular municipal election who receives the highest number of votes for the
8 office of Ward Councilor from that ward. Such vacancy for a Councilor-at-
9 Large council seat shall be filled by the person at the next regular municipal
10 election who receives the highest number of votes for Councilor-at-Large.
11 Such person shall forthwith be certified and shall serve for the last two
12 months of the concluding term in addition to the term to which such person
13 was elected. The City Clerk shall certify such candidate to the office of Ward
14 Councilor or Councilor-at-Large to serve for the balance of the concluding
15 term, as well as to the term elected.

ARTICLE 3

Executive Branch

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19 SECTION 3-1. Mayor: qualifications; term of office;
20 compensation.

21 (a) Mayor, qualifications - The chief executive officer of the City shall be a

1 Mayor, elected by and from the voters of the City at large. Any voter shall be
2 eligible to hold the office of Mayor. The Mayor shall devote full time to the
3 office and shall not hold any other elective public office, nor shall the Mayor
4 be actively engaged in any other business, occupation or profession during
5 the period of service as Mayor.

6 (b) Term of office - The term of office of the Mayor shall be four years
7 beginning on the first Monday of January following the regular municipal
8 election at which chosen and until a successor is qualified.

9 (c) Compensation - The City Council shall, by ordinance, establish an annual
10 salary for the Mayor. No ordinance increasing or decreasing the salary of the
11 Mayor shall be effective unless it shall have been adopted in the first 36
12 months of the term for which the Mayor is elected and it provides that such
13 salary is to become effective in January of the year following the next
14 regular municipal election that includes the election of a Mayor.

15
16 SECTION 3-2. Executive powers; enforcement of ordinances.

17 The executive powers of the City shall be vested solely in the Mayor, and
18 may be exercised by the Mayor either personally or through the several City
19 agencies under the general supervision and control of the Office of the
20 Mayor. The Mayor shall cause the Charter, the laws, the ordinances and
21 other orders for the government of the City to be enforced, and shall cause a
22 record of all official acts of the executive branch of the City to be kept.

1 The Mayor shall exercise a general supervision and direction over all City
2 agencies, unless otherwise provided by law, by the Charter or by ordinance.
3 Each City agency shall furnish to the Mayor, forthwith upon request, any
4 information, materials or otherwise as the Mayor may request and as the
5 needs of the office and the interest of the City may require.

6 The Mayor shall supervise, direct and be responsible for the efficient
7 administration of all City activities and functions placed under the control of
8 the Mayor by law, by this Charter, by ordinance or otherwise. The Mayor
9 shall be responsible for the efficient and effective coordination of the
10 activities of all agencies of the City of Beverly and for this purpose shall have
11 authority consistent with law to call together for consultation, conference
12 and discussion at all reasonable times all persons serving the City, whether
13 elected directly by the voters, chosen by persons elected directly by the
14 voters, or otherwise.

15 The Mayor shall hold no other City office or City employment for which a
16 salary or other emolument is payable from the City treasury. No former
17 Mayor shall hold any compensated appointed City office or City employment
18 until one year following the date on which such former Mayor's City service
19 has terminated.

20

21 SECTION 3-3. Appointments by Mayor.

22 The Mayor shall appoint, subject to the review of such appointments by the

1 City Council as provided in SECTION 2-10, all City officers, department
2 heads and the members of multiple-member bodies for whom no other
3 method of appointment or selection is provided by the Charter, excepting
4 only persons serving under the School Committee, and persons serving
5 under the City Council. Except as may otherwise be required by the civil
6 service law, appointments made by the Mayor shall be for periods not to
7 exceed three years; provided, however, the Mayor may appoint the head of
8 a department related to the public safety for a term of not less than three
9 years nor more than five years. The Mayor may suspend or remove any
10 person appointed by the Mayor in accordance with the procedure established
11 in SECTION 8-15.

12 All persons categorized as department heads shall, subject to the consent of
13 the Mayor, appoint all assistants, subordinates and other employees of the
14 agency for which such person is responsible. The department head may
15 suspend or remove any assistant, subordinate or other employee of the
16 agency for which such person is responsible in accordance with the
17 procedures established in SECTION 8-15.

18
19 SECTION 3-4. Temporary appointments to City offices.

20 Whenever a vacancy, either temporary or permanent, occurs in a City office
21 and the needs of the City require that such office be filled, the Mayor may
22 designate the head of another City agency or a City officer or City employee,

1 or some other person to perform the duties of the office on a temporary
2 basis until such time as the position can be filled as otherwise provided by
3 law, by the Charter or by ordinance. The Mayor shall file a certificate in
4 substantially the following form, with the City Clerk, whenever a person is
5 designated under this section:

6 I designate (name of person) to perform the duties of the office of
7 (designate office in which vacancy exists) on a temporary basis until
8 the office can be filled by (here set out the regular procedure for filling
9 the vacancy, or when the regular officer shall return). I certify that
10 said person is qualified to perform the duties which will be required
11 and that I make this designation solely in the interests of the City of
12 Beverly.

13 (signed)

14 Mayor

15 Persons serving as temporary officers under the authority of this section
16 shall have only those powers of the office indispensably essential to the
17 performance of the duties of the office during the period of such temporary
18 appointment and no others. In the event of a temporary vacancy, no
19 temporary appointment shall be for more than 60 days and not more than
20 one 30 day renewal of a temporary appointment may be made. When a
21 permanent vacancy exists, the initial appointment shall be for 60 days, and
22 not more than three 30 day renewals of such appointment may be made

1 following the initial appointment, provided however, that no permanent
2 vacancy may extend beyond 150 days.

3

4 SECTION 3-5. Communications; special meetings.

5 (a) Communications to the City Council - Within six weeks following the start
6 of each fiscal year, the Mayor shall submit to the City Council, and make
7 available for public distribution, a complete report on the financial and
8 administrative activities of the City for the preceding fiscal year. The Mayor
9 shall, from time to time throughout the year, by written communications,
10 recommend to the City Council for its consideration such measures as, in the
11 judgment of the Mayor, the needs of the City require. The Mayor shall, from
12 time to time throughout the year, but at least quarterly, by written
13 communications, keep the City Council fully informed of the financial and
14 administrative condition of the City and shall specifically indicate in any such
15 reports any fiscal, financial or administrative problems of the City.

16 (b) Special meetings of the City Council - The Mayor may at any time call a
17 special meeting of the City Council, for any purpose, by causing a notice of
18 such meeting to be delivered in hand or to the residence of or by electronic
19 mail to each member of the City Council. Such notice shall, except in an
20 emergency of which the Mayor shall be the sole judge, be delivered at least
21 48 weekday hours in advance of the time set and shall specify the purpose
22 or purposes for which the meeting is to be held. A copy of each such notice

1 shall, forthwith, be posted on the City bulletin board.

2 SECTION 3-6. Approval of Mayor; exception (veto).

3 Every order, ordinance, resolution or vote adopted or passed by the City
4 Council relative to the affairs of the City, except memorial resolutions, the
5 selection of City officers by the City Council and any matters relating to the
6 internal affairs of the City Council, shall be presented to the Mayor for
7 approval. If the Mayor approves of the measure, the Mayor shall sign it; if
8 the Mayor disapproves of the measure, the Mayor shall return the measure,
9 with the specific reason or reasons for such disapproval attached thereto, in
10 writing, to the City Council. The City Council shall enter the objections of the
11 Mayor on its records, and not sooner than 10 days, nor after 30 days from
12 the date of its return to the City Council, shall again consider the same
13 measure. If the City Council, notwithstanding such disapproval, by the
14 Mayor, shall again pass the order, ordinance, resolution or vote by a two-
15 thirds vote of the full Council, it shall then be deemed in force,
16 notwithstanding the failure of the Mayor to approve the same. If the Mayor
17 has neither signed a measure nor returned it to the City Council within 10
18 days following the date it was presented to the Mayor, the measure shall be
19 deemed approved and in force.

20
21 SECTION 3-7. Temporary absence of Mayor.

22 (a) Acting Mayor - Whenever, the Mayor shall be unable to perform the

1 duties of the office for a period of five successive working days or more, the
2 President of the City Council shall be the Acting Mayor. In the event of the
3 inability to serve of the President of the City Council shall serve as Acting
4 Mayor. If the City Council President is unwilling or unable to serve, the
5 councilor-at-large with the 2nd highest number of votes in the most recent
6 city regular municipal election shall serve as Acting Mayor, and if said
7 councilor is unwilling or unable to serve, the councilor-at-large with the 3rd
8 highest number of votes at the most recent regular municipal election shall
9 serve as Acting Mayor. If none of the councilors-at-large are able to serve
10 as Mayor, the council shall elect from among its membership a councilor to
11 serve as Acting Mayor.

12 The Mayor shall, by a letter filed with the City Council and a copy filed with
13 the City Clerk, designate a qualified City officer or City employee to exercise
14 the powers and perform the duties of the office during the temporary
15 absence of the Mayor for periods of less than five days and to serve only
16 when the needs of the City require and only to the extent necessary under
17 the then circumstances.

18 (b) Powers of Acting Mayor - The Acting Mayor shall have only those powers
19 of the Mayor as may be necessary to the conduct of the business of the City
20 in an orderly and efficient manner and which may not be delayed. The Acting
21 Mayor shall have no authority to make any permanent appointment or
22 removal from City service unless the Mayor's inability to serve shall extend

1 beyond 60 days nor shall an Acting Mayor approve or disapprove of any
2 measure adopted by the City Council unless the time within which the Mayor
3 must act would expire before the return of the Mayor. During any period in
4 which any member of the City Council is serving as Acting Mayor, such
5 Councilor shall not vote as a member of the City Council.

6

7 SECTION 3-8. Vacancy in office of Mayor.

8 (a) Special election - If a vacancy in the Office of Mayor occurs in the first 17
9 months of the term for which the Mayor is elected, the City Council shall
10 forthwith order a special election, to be held within 90 days following the
11 date the vacancy is created, to fill such vacancy for the balance of the then
12 unexpired term.

13 (b) Regular municipal election - If a vacancy in the office occurs after the
14 17th month and can be filled at the next regular municipal election within the
15 requirements of the municipal election calendar, the vacancy shall be filled
16 by the voters at the regular municipal election to be held in the 22nd month
17 of the term. The person elected shall serve for the remainder of the
18 unexpired term. The City Council President, councilor-at-large, or ward
19 councilor as provided in SECTION 3-8(c) shall serve as acting mayor until
20 such election. The City Clerk shall be the sole judge in determining the
21 application of this sub-section.

22 (c) Council election - If a vacancy in the Office of Mayor otherwise occurs

1 after the 17th month and cannot be filled using (b) above, the President of
2 the City Council shall become the Mayor. If the City Council President is
3 unwilling or unable to serve, the councilor-at-large with the 2nd highest
4 number of votes in the most recent city regular municipal election shall
5 serve as Mayor, and if said councilor is unwilling or unable to serve, the
6 councilor-at-large with the 3rd highest number of votes at the most recent
7 regular municipal election shall serve as Mayor. If none of the councilors-at-
8 large are able to serve as Mayor, the council shall elect from among its
9 membership a councilor to serve as Mayor with all the powers of the Mayor.
10 Upon the qualification of the President of the City Council, other councilor-at-
11 large, or ward councilor as the Mayor, under this SECTION, a vacancy shall
12 exist in that Council seat on the City Council, which shall be filled in the
13 manner provided in SECTION 2-11.

14 (d) Vacancy as a result of recall election - If a mayoral vacancy exists as a
15 result of a recall election, the vacancy shall be filled by a special election as
16 provided in SECTIONS 7-14 (f) and 7-14 (g) of this charter.

17 (e) Powers; term of office - The Mayor elected under SECTION 3-8(a) or (b),
18 shall have all the powers of the Mayor. A person elected pursuant to
19 subsection (a) or (b), above, shall serve for the balance of the term
20 unexpired at the time of election to the office. A person chosen pursuant to
21 subsection (c), above, shall have all the powers of the mayor and serve until
22 the time of the next regular municipal election at which time the person

1 elected as Mayor shall forthwith be certified and shall serve for the last two
2 months of the concluding term in addition to the term to which such person
3 was elected. The City Clerk shall certify such candidate to the office of Mayor
4 to serve for the balance of the concluding term, as well as to the term
5 elected.

6 **ARTICLE 4**

7 **School Committee**

8 SECTION 4-1. School Committee.

9 (a) Composition; term of office - There shall be a School Committee which
10 shall consist of nine members. Six of these members, to be known as "ward
11 School Committee members," shall be nominated and elected by and from
12 the voters of each ward, one such ward School Committee member to be
13 elected from each of the six wards into which the City is divided, in
14 accordance with SECTION 7-5. Two members shall be elected from districts
15 composed as follows: District A shall be composed of wards 1, 2, and 3 and
16 District B shall be composed of wards 4, 5, and 6. The Mayor shall serve as
17 the ninth member of the School Committee. The term of office for all School
18 Committee members shall be for two years each, beginning on the first
19 Monday of January in the year following their election, and until their
20 successors have been qualified.

21 (b) Eligibility - A ward School Committee member shall at the time of
22 election be a voter of the ward from which elected; provided, however, if

1 any ward School Committee member shall, during the first 18 months of the
2 term of office, remove to another ward in the City, the member may
3 continue to serve for the balance of the term to which elected. If a district
4 school committee member shall remove to a ward of the city not in the
5 district from which the member is elected, such district member may
6 continue to serve for the balance of the term to which elected. . If a ward or
7 district School Committee member removes from the City during the term
8 for which elected, such office shall immediately be deemed vacant and filled
9 in the manner provided in SECTION 4-1(f).

10 (c) Powers and duties - The School Committee shall have all powers which
11 are conferred on school committees by general laws and such additional
12 powers and duties as may be provided by the Charter, by ordinance, or
13 otherwise and not inconsistent with said grant of powers conferred by
14 general laws. The powers and duties of the School Committee shall include
15 the following:

16 (1) To elect a Superintendent of the schools who shall be charged with
17 the day-to-day administration of the school system, subject only to policy
18 guidelines and directives adopted by the School Committee;

19 (2) To make all reasonable rules and regulations for the management
20 of the public school system and for conducting the business of the School
21 Committee as the general laws so provide.

22 (3) To adopt and administer an annual operating budget for the School

1 Department, subject to appropriation by the City Council.

2 (3) The school committee shall have general charge and
3 superintendence of all school buildings and grounds, shall furnish all school
4 buildings with proper fixtures, furniture and equipment and shall provide
5 ordinary maintenance of all school buildings and grounds; provided,
6 however, the City Council may, by ordinance, provide for the establishment
7 of a central municipal maintenance department which may include
8 maintenance of school buildings and grounds. Whenever the school
9 committee shall determine that additional classrooms are necessary to meet
10 the educational needs of the community, at least one member of the school
11 committee, or designee of the school committee, shall serve on the agency,
12 board or committee to which the planning or construction of such new,
13 remodeled or renovated school building is delegated.

14 (d) Prohibitions - No member of the School Committee shall hold any other
15 City office or City employment for which a salary or other emolument is
16 payable from the City treasury. No former member of the School Committee
17 shall hold any compensated appointed City office or City employment until
18 one year following the date on which such member's service on the School
19 Committee has terminated.

20 (e) Salary - The City Council may, by ordinance, provide an annual salary for
21 the members of the School Committee. No ordinance increasing such salary
22 shall be effective, however, unless it shall have been adopted during the first

1 12 months of a term of office and it provides that such salary is to take
2 effect with the organization of the City government following the next
3 regular municipal election.

4 (f) Filling of vacancies - If a vacancy shall occur in the office of ward School
5 Committee member or district School Committee member during the first 18
6 months of the term for which School Committee members are elected, the
7 vacancy shall be filled in descending order of votes received by the
8 candidate for the office of ward or district School Committee member from
9 such ward or district at the preceding regular municipal election who
10 received the largest number of votes without being elected, provided such
11 person remains eligible and willing to serve and provided such person
12 received votes at least equal to 30% of the vote total received by the person
13 receiving the largest number of votes for the office of ward or district School
14 Committee member in such ward or district. If there be no such candidate
15 eligible and willing to serve, the vacancy shall be filled by a majority vote of
16 the remaining members of the School Committee and the City Council sitting
17 in joint convention, from among the voters of the ward. If the vacancy shall
18 occur during the last six months of the term of office, such vacancy shall be
19 filled by the person at the regular municipal election who receives the
20 highest number of votes for the office of ward School Committee member
21 from such ward or district. Such person shall forthwith be certified and shall
22 serve for the last two months of the concluding term in addition to the term

1 for which such person was elected. The City Clerk shall certify such
2 candidate to the office of ward or district School Committee member to
3 serve for the balance of the then concluding term as well as the term to
4 which elected.

5
6 SECTION 4-2. School Committee President.

7 (a) Election and term - The School Committee shall organize by electing one
8 of the ward or district School Committee members to serve as School
9 Committee President during the ensuing term of office.

10 (b) Powers and duties - The School Committee President shall preside at all
11 meetings of the School Committee, regulate its proceedings and shall decide
12 all questions of order. The School Committee President shall appoint all
13 members of all committees of the School Committee, whether special or
14 standing. The School Committee President shall have the same powers to
15 vote upon all measures coming before the School Committee as any other
16 member of the School Committee. The School Committee President shall
17 perform such other duties consistent with the office as may be provided by
18 Charter, by ordinance or by other vote of the School Committee.

19
20 SECTION 4-3. School Committee budget.

21 The Mayor and City Council shall annually provide an amount of money
22 sufficient for the support of the public schools as required by the General

1 Laws. In acting on appropriations for educational costs, the City Council shall
2 vote on the total amount of appropriations requested, and shall not allocate
3 appropriations among accounts or place any restrictions on such
4 appropriations. The vote of the City Council shall establish the total
5 appropriation for the support of the schools, but may not limit the authority
6 of the School Committee to determine expenditures within the total
7 appropriations.

8
9 **ARTICLE 5**

10 **ADMINISTRATIVE ORGANIZATION**

11
12 SECTION 5-1. Organization of City Agencies.

13 Administrative Code- The Mayor may from time to time prepare and submit
14 to the City Council plans of organization or reorganization which establish
15 operating divisions for the orderly, efficient or convenient conduct of the
16 business of the City, provided however that no function assigned by this
17 Charter to a particular City agency may be discontinued, or assigned to any
18 other City agency unless this Charter so specifically provides.

19 The Mayor may, through the Administrative Code, and subject only to
20 express prohibitions in general law or this charter, reorganize, consolidate,
21 or abolish any City agency in whole or in part; establish such new City
22 agencies as are deemed necessary, and for such purposes may transfer the

1 duties and powers, and so far as is consistent with the use for which the
2 funds were voted by the City, transfer the appropriation of one City agency
3 to another.

4 Whenever the Mayor proposes such a plan, any proposed changes to the
5 Administrative Code shall be accompanied by a message from the Mayor
6 which explains the expected benefits and advises the City Council if changes
7 proposed shall require amendments, insertions, or revisions, repeal or
8 otherwise of existing ordinances.

9 The City Council shall hold one or more public hearings on the proposal,
10 giving notice by publication in a local newspaper and on the city website,
11 which notice shall describe the scope of the proposal and the time and place
12 at which the hearing will be held, not less than seven days nor more than 14
13 days following said publication.

14 An organization or reorganization plan shall become effective at the
15 expiration of 60 days following the date the proposal is submitted to the City
16 Council unless the City Council shall, by a majority vote, within such period
17 vote to disapprove the plan. The City Council may vote only to approve or to
18 disapprove the plan and may not vote to amend or to alter it.

19

20 SECTION 5-2. Publication of Administrative Code.

21 For the convenience of the public, the Administrative Code and any
22 amendments to it shall be printed as an integral part of the ordinances of

1 the City of Beverly.

2

3 SECTION 5-3. Merit principle.

4 All appointments and promotions of City officers and employees shall be
5 made on the basis of merit and fitness demonstrated by examination, past
6 performance, or by other evidence of competence and suitability. Each
7 person appointed to fill an office or position shall be a person especially
8 fitted by education, training and previous work experience to perform the
9 duties of the office or position for which chosen.

10

11 SECTION 5-4. Department of Municipal Finance.

12 (a) Establishment; scope: There shall be a Department of Municipal Finance
13 responsible for the performance of all of the fiscal and financial activities of
14 the City. The Department of Municipal Finance shall assume all of the duties
15 and responsibilities related to municipal finance activities which shall include
16 treasury, collection, accounting, assessing, and procurement; and it may
17 have such additional powers, duties and responsibilities with respect to
18 municipal finance related functions and activities as the City may from time
19 to time provide, by ordinance.

20 (b) Director of Municipal Finance - The Department of Municipal Finance
21 shall be under the direct control and supervision of a Director of Municipal
22 Finance who shall be appointed by and who shall be responsible to the

1 Mayor. The Mayor shall also appoint the following positions in the
2 department: (1) the person or persons with management and oversight
3 responsibility for treasury and/or collection functions and (2) the person with
4 management and oversight responsibility for procurement. The Director of
5 Municipal Finance shall be a person especially fitted by education, experience
6 and training to perform the duties of the office. The Director of Municipal
7 Finance shall be responsible for the supervision and coordination of all
8 activities of the Department of Municipal Finance in accordance with general
9 laws, City ordinances, the Administrative Code and any accompanying rules
10 and regulations. The Mayor may specify that the Director of Municipal
11 Finance shall serve, ex officio, as the City Treasurer, Collector, Treasurer-
12 Collector or City Accountant.

13
14 SECTION 5-5. Department of Planning and Development.

15 (a) Establishment; scope - There shall be a Department of Planning and
16 Development responsible for the coordination of all the planning and
17 development related activities of the City. The Department of Planning and
18 Development shall be responsible for the coordination of all of the duties and
19 responsibilities related to planning and development activities which, prior to
20 the adoption of the Home Rule Charter, were performed by or under the
21 authority of the Planning Board, Board of Appeals, and the Conservation
22 Commission; and it may have such additional powers, duties and

1 responsibilities with respect to the coordination of planning and development
2 related functions and activities as the City may from time to time provide, by
3 ordinance, and which may include the coordination of all land acquisition and
4 land management proposals, economic development planning, the
5 preparation of a comprehensive or master plan and maintenance of a
6 centralized source of records, reports, statistical data and other planning and
7 development related materials.

8 (b) Director of Planning and Development - The Department of Planning and
9 Development shall be under the direct control and supervision of a Director
10 of Planning and Development, who shall be appointed by and who shall be
11 responsible to the Mayor. The Director of Planning and Development shall be
12 a person especially fitted by education, experience and training to perform
13 the duties of the office. The Director of Planning and Development shall be
14 responsible for the supervision and coordination of all activities of the
15 Department of Planning and Development in accordance with the general
16 laws, City ordinances, Administrative Code and rules and regulations.

17
18 SECTION 5-6. Planning and construction of buildings and other facilities.

19 (a) Composition, mode of appointment and term of office - There shall be a
20 permanent Buildings and Other Facilities Planning and Construction
21 Committee (which may be referred to as the "Planning and Construction
22 Committee") consisting of seven members. Six of the Committee members

1 shall be appointed by the Mayor for terms of three years each so arranged
2 that the term of two members shall expire each year. In making
3 appointments to the Committee, the Mayor shall seek persons having
4 experience in the fields of architecture, engineering, construction, real estate
5 or law. The seventh member of the Committee shall be designated by the
6 School Committee and may, but need not, be a member of the School
7 Committee.

8 (b) Powers and duties - The Buildings and Other Facilities Planning and
9 Construction Committee shall be responsible for monitoring the physical
10 condition of all municipal buildings and other facilities. The Committee shall
11 meet from time to time with representatives of municipal agencies to
12 evaluate the need for additions, renovations or remodeling of any existing
13 building or facility or for the construction of new buildings or other facilities.
14 The Committee shall file written reports, at least annually, with the Mayor in
15 which it shall make recommendations as to the need for any project or
16 projects.

17 Whenever any construction work on any municipal building or other facility is
18 authorized, the Buildings and Other Facilities Planning and Construction
19 Committee shall be responsible for all work in connection with the project,
20 including site planning, surveying, engineering studies, architectural plans
21 and specifications and the supervision of construction.

22

1 SECTION 5-7. Department of Human Resources.

2 (a) Establishment, scope - There shall be a Department of Human Resources
3 which shall be responsible for all personnel and employee-related functions
4 and activities of the City government and its administration. The Department
5 of Human Resources shall assume all of the duties and responsibilities
6 related to human resources activities which, prior to the adoption of the
7 Home Rule Charter, were performed by or under the authority of the City
8 Auditor, the City Treasurer, and the heads of City agencies; and it may have
9 such additional powers, duties and responsibilities with respect to human
10 resources related functions and activities as the City may from time to time
11 provide, by ordinance. The functions of the Department shall include the
12 following

13 (1) Plan, administer and direct all phases of all municipal personnel
14 plans and collective bargaining agreements, including job description,
15 position classification, sick and vacation day administration, accident
16 prevention programs, employee grievance procedures, physical examination
17 processing, testing, review and evaluation of work records and all other
18 record keeping related to City employees.

19 (2) Develop new and revised personnel policies and practices to
20 maintain and keep current the existing high standards for municipal
21 personnel, and ensure compliance with federal state and local laws, rules
22 and regulations regarding personnel and employment.

1 (3) Review and evaluate all requests for new or additional personnel
2 made by City agencies and make recommendations to the Mayor.

3 (4) Advise and assist all agency heads and employees in all aspects of
4 municipal personnel matters, including, but not limited to recruitment,
5 discipline, promotion, transfer, training, wages, insurance and other benefits
6 of employment.

7 (b) Director of Human Resources - The Department shall be headed by a
8 Director of Human Resources appointed by the Mayor and who shall be
9 responsible to the Mayor. The Director of Human Resources shall be a
10 person especially fitted by education, experience and training to perform the
11 duties of the office. The Director of Human Resources shall be responsible
12 for the supervision and coordination of all activities of the Department of
13 Human Resources and development in accordance with the general laws.,
14 City ordinances, Administrative Code and rules and regulations.

15
16 SECTION 5-8. Department of Municipal Inspections.

17 (a) Establishment; scope - There shall be a Department of Municipal
18 Inspections which shall be responsible for the coordination of all inspection
19 functions performed by any City officer, employee or agent. The Department
20 of Municipal Inspections shall be responsible for the coordination of all of the
21 inspection functions conducted by the City, including, but not limited to,
22 those required under the zoning or any other City ordinance, the provisions

1 of the Code of Massachusetts Regulations relating to buildings, electrical
2 wiring, plumbing, gas fitting, sanitation, wetlands, fire protection and fire
3 safety, hazardous materials, local regulations adopted by the Board of
4 Health, Conservation Commission, Historic Districts Commission, Planning
5 Board and every other local inspection as may be otherwise authorized or
6 conducted. The Department of Municipal Inspections shall have such
7 additional powers, duties and responsibilities with respect to the coordination
8 of municipal inspection functions as the City may from time to time provide
9 by ordinance and which may include the maintenance of all records relating
10 to inspections in a central place through a common index, a single
11 application process which would indicate all inspections which might be
12 necessary for a particular project and provide for a consolidated, coordinated
13 review and processing of each such application.

14 .
15 (b) Director of Municipal Inspections - The Department of Municipal
16 Inspections shall be under the direct control and supervision of a Director of
17 Municipal Inspections, who shall be appointed by the Mayor and who shall be
18 responsible to the Mayor. The Director of Municipal Inspections shall be a
19 person especially fitted by education, experience and training to perform the
20 duties of the office. The Director of Municipal Inspections shall be
21 responsible for the supervision and coordination of all activities of the
22 Department of Municipal Inspections in accordance with the general laws,

1 City ordinances, Administrative Code and rules and regulations. The Director
2 of Municipal Inspections shall, in addition to the coordination responsibilities
3 assigned by this provision, also perform the duties of Building Inspector or
4 any other position within the Department as the Mayor may from time to
5 time specify.

ARTICLE 6

Finance and Fiscal Procedures

SECTION 6-1. Fiscal year.

12 The fiscal year of the City shall begin on the first day of July and shall end on
13 the last day of June, unless another period is required by general law.

SECTION 6-2 Annual Budget Meeting

16 At least 60 days before the beginning of the fiscal year, the mayor shall call
17 a joint meeting of the City Council and School Committee, including the
18 superintendent of schools, to review the financial condition of the city,
19 present revenue and expenditure forecasts and other relevant information
20 prepared by the mayor, provide the opportunity for the participants to share
21 information on needs and priorities, in order to develop a coordinated budget
22 preparation process.

1 SECTION 6-3. School Committee budget.

2 (a) Public hearing - At least seven days before the meeting at which the
3 School Committee is scheduled to vote on its final budget request, the
4 School Committee shall cause to be published in a local newspaper. posted
5 on the Beverly Public Schools website and the city website a general
6 summary of its proposed budget. The summary shall specifically indicate any
7 major variations from the current budget, and the reasons for such changes.
8 It shall further indicate the times and places at which complete copies of its
9 proposed budget are available for examination by the public, and the date,
10 time and place when and where a public hearing will be held by the School
11 Committee on the proposed budget. Following the public hearing, the School
12 Committee shall take its final vote on its proposed budget

13 (b) Submission to Mayor - The budget as adopted by the School Committee
14 shall be submitted to the Mayor at least 21 days before the date the Mayor
15 is required to submit a proposed City budget to the City Council to allow the
16 Mayor sufficient time within which to consider the effect the School
17 Department's requested appropriation will have upon the total City operating
18 budget the Mayor is required to submit under this Article.

19

20 SECTION 6-4. Submission of budget and budget message.

21 Within the time fixed by law, before the start of the fiscal year of the City,
22 the Mayor shall submit to the City Council a proposed operating budget for

1 the ensuing fiscal year with an accompanying budget message and
2 supporting documents. The Mayor shall simultaneously provide for the
3 publication in a local newspaper of a notice and a general summary of the
4 proposed budget, and shall post such notice and summary on the city
5 website, as well as the complete proposed budget. The summary shall
6 specifically indicate any major variations from the current operating budget
7 and the reason for such changes. The notice shall further indicate the times
8 and places at which complete copies of the proposed operating budget for
9 the City are available for examination by the public.

10

11 SECTION 6-5. Budget message.

12 The budget message of the Mayor shall explain the budget for all City
13 agencies both in fiscal terms and in terms of work programs. It shall outline
14 proposed financial policies of the City for the ensuing fiscal year, describe
15 important features of the budget, indicate any major variations from the
16 current fiscal year in financial policies, expenditures and revenues together
17 with the reasons for such changes, summarize the City's debt position and
18 include other material as the Mayor deems desirable.

19

20 SECTION 6-6. Budget.

21 The proposed operating budget shall provide a complete financial plan for all
22 City funds and City activities for the ensuing fiscal year. Except as may

1 otherwise be required by general law, or this Charter, it shall be in the form
2 which the Mayor deems desirable. In the presentation of the budget, the
3 Mayor shall utilize modern concepts of fiscal presentation so as to furnish an
4 optimum level of information and the best financial control. The budget shall
5 show in detail all estimated income from the proposed property tax levy and
6 from all other sources and all proposed expenditures, including debt service,
7 for the following year. The budget shall be arranged to show the actual and
8 estimated income and expenditures for the previous, current and ensuing
9 fiscal years and shall indicate in separate sections:

10 (a) Proposed expenditures for current operations during the ensuing
11 fiscal year, detailed by City agency in terms of work programs, staffing, and
12 the method of financing such expenditures;

13 (b) Proposed capital expenditures during the ensuing fiscal year,
14 detailed by City agency, and the proposed method of financing each such
15 capital expenditure;

16 (c) The relationship of each proposed capital expenditure to the capital
17 improvement program required to be submitted under SECTION 6-9; and

18 (d) Estimated surplus revenue and budgetary fund balances at the end
19 of the current fiscal year, including estimated balances in any special
20 accounts established for specific purposes.

21

22

1 SECTION 6-7. Action on budget.

2 (a) Public Hearing - Forthwith upon its receipt of the proposed operating
3 budget, the City Council shall post on the city website and provide for the
4 publication in a local newspaper of a notice stating the time and place, not
5 less than seven nor more than fourteen days following such publication, at
6 which it will hold a public hearing on the proposed operating budget as
7 submitted.

8 (b) Review - The City Council shall consider, in open public meetings, the
9 detailed expenditures proposed for each city agency and may confer with
10 representatives of each such agency in connection with its review and
11 consideration. The City Council may require the mayor, or any other city
12 agency, to furnish it with such additional information as it may deem
13 necessary to assist it in its review and consideration of the proposed
14 operating budget.

15 (c) Action by City Council - The City Council shall adopt the budget, with or
16 without amendments, within the time frame as is provided by general law.
17 In amending the budget, the City Council may delete or decrease any
18 programs or amounts except expenditures required by law, or for debt
19 service. If the City Council fails to take any action with respect to any item in
20 the proposed budget the period as provided by general law, such amount
21 shall, without any action by the City Council, become a part of the
22 appropriations for the ensuing fiscal year and shall be available for the

1 purposes specified. The final budget shall be posted on the city's website.

2

3 SECTION 6-8. Supplementary budgets; other appropriations.

4 (a) Intradepartmental transfers - With the approval of the Mayor, funds
5 appropriated for one line item within the appropriation made for a particular
6 municipal agency may be transferred to another line item within the same
7 municipal agency. Whenever such a transfer is authorized by the Mayor,
8 notice of the transfer, and the circumstances under which such transfer was
9 deemed advisable, shall be filed with the Clerk of the City Council.

10 (b) Interdepartmental transfers - With the approval of the City Council,
11 funds appropriated for the use of one municipal agency may be transferred
12 to the use of another municipal agency. Requests to the City Council for the
13 transfer of funds from one municipal agency to another shall be made by the
14 Mayor, in writing, and shall include a statement setting forth the reason the
15 additional funds are needed by the agency to which it is proposed they be
16 transferred and shall be accompanied by a certificate signed by the agency
17 from which the appropriation is proposed to be taken that such transfer will
18 not prevent that agency from performing its vital functions. A copy of this
19 request shall, forthwith, be posted on the City bulletin board and on the city
20 website. The City Council shall, by its rules, provide a procedure governing
21 interdepartmental transfer requests which shall include at least two readings
22 and a public hearing by the City Council. Such rule shall specify the

1 circumstances under which notice by publication in a newspaper shall be
2 required and circumstances under which simple posting on the City bulletin
3 board and city website shall be sufficient.

4 (c) Supplementary appropriations - Whenever the Mayor shall submit to the
5 City Council a request for a new appropriation of any sum of money, either
6 as a supplement to some item in the annual operating budget or for an item,
7 or items, not included in the annual operating budget as adopted, the City
8 Council shall not act upon such request until it has (1) given notice by
9 posting on the city website and by publication in a local newspaper of the
10 request, and (2) held a public hearing concerning such request. The
11 publication of the notice and the public hearing shall be generally in
12 conformity with the provisions of SECTION 6-7(a) concerning the proposed
13 annual operating budget.

14
15 SECTION 6-9. Capital improvement program.

16 The Mayor shall submit a capital improvement program to the City Council at
17 least 150 days before the start of each fiscal year. It shall include:

18 (a) A clear and concise general summary of its contents;

19 (b) A list of all capital improvements proposed to be undertaken during the
20 next ensuing five years, with supporting information as to the need for each
21 capital improvement;

22 (c) Cost estimates, methods of financing and recommended time schedules

1 for each improvement; and

2 (d) The estimated annual cost of operating and maintaining each facility and
3 piece of major equipment involved.

4 This information is to be annually revised by the Mayor with regard to the
5 capital improvements still pending or in the process of being acquired,
6 improved or constructed.

7
8 SECTION 6-10. Independent audit.

9 The City Council shall annually provide for an outside audit of the books and
10 accounts of the city to be conducted by a certified public accountant or a
11 firm of certified public accountants, which has no personal interest, direct or
12 indirect, in the fiscal affairs of the city or any of its officers. The council will
13 be assisted in this effort by an Audit Committee to be composed of the
14 council's Property and Finance Committee chair, who will serve as chair of
15 the Audit Committee, the city's Finance Director, the City Accountant, the
16 Beverly School Business Manager, and the Budget/Management Analyst for
17 the Council. The Audit Committee will assist the council in preparing the
18 Request for Qualifications (RFQ), perform due diligence in the dissemination
19 of the RFQ, evaluate responses, conduct any necessary firm interviews and
20 make a recommendation to the council. The Audit Committee shall meet
21 following the conclusion of each annual audit to evaluate the performance
22 and effectiveness of the audit firm. The City Council shall annually request a

1 sum of money sufficient to satisfy the estimated cost of conducting the audit
2 as presented to the mayor, in writing, at the time of the Council's
3 submission of its proposed budget for the upcoming fiscal year to the
4 Mayor. The City Council shall submit the award of the audit and proposed
5 contract to the Mayor to be signed. The award of a contract to audit shall be
6 made by the City Council on or before September 15 of each year. The
7 report of the audit shall be filed in final form with the City Council not later
8 than March 31 in the year following its award. At least every 5 years, the
9 City Council shall conduct the procurement process as described in this
10 SECTION to retain these auditing services.

11
12
13 **ARTICLE 7**

14 **Elections and Election Related Matters**

15
16 SECTION 7-1. City elections: general, preliminary.

17 The regular municipal election shall be held on the first Tuesday following
18 the first Monday in November in each odd-numbered year. On the sixth
19 Tuesday preceding every regular municipal election there shall be a
20 preliminary election for the purpose of nominating candidates.

21
22

1 SECTION 7-2. Nonpartisan elections.

2 All elections for City offices shall be nonpartisan and election ballots shall be
3 printed without any party mark, emblem, or other designation whatsoever.
4

5 SECTION 7-3. Preliminary election.

6 (a) Signature requirements - The number of signatures of voters required to
7 place the name of a candidate on the official ballot to be used at a
8 preliminary election shall be as follows: for the office of Mayor not less than
9 300 such signatures; for the office of Councilor-at-Large not less than 300
10 such signatures; for the office of district School Committee member, not less
11 than 150 signatures, all of which must be from the wards included in the
12 district from which the nomination is sought; Ward Councilor and Ward
13 School committee member, not less than 50 such signatures, all of which
14 shall be from the ward from which the nomination is sought.

15 (b) Ballot position - The order in which names of candidates appear on the
16 ballot for each office shall be determined by a drawing, by lot, conducted by
17 the City Clerk, which shall be open to the public.

18 (c) Determination of candidates - No more than twice the number of
19 candidates to be elected to the same office receiving at a preliminary
20 election the highest number of votes for nomination for any office shall be
21 the sole candidates for that office whose names shall be printed on the
22 official ballots to be used at the regular municipal election at which such

1 office is to be voted upon, and no acceptance of a nomination shall be
2 necessary to its validity.

3 If the preliminary election results in a tie vote among candidates for
4 nomination receiving the lowest number of votes which, but for said tie vote,
5 would entitle a person receiving the same to have their name printed on the
6 official ballots for the election, all candidates participating in said tie vote
7 shall have their names printed on the official ballots, although in
8 consequence thereof there be printed on such ballots the names of
9 candidates exceeding twice the number to be elected.

10 (d) Condition making preliminary unnecessary - If at the expiration of time
11 for filing statements of candidates to be voted upon at any preliminary
12 election not more than twice as many such statements have been filed with
13 the City Clerk for an office as candidates are to be elected to such office, the
14 candidates whose statements have been filed with the City Clerk shall be
15 deemed to have been nominated to such office, and their names shall be
16 voted upon for such office at the succeeding general election, and the City
17 Clerk shall not print their names on the ballots to be used at said preliminary
18 election and no other nomination to such office shall be made. If in
19 consequence it shall appear that no names for one or more offices are to be
20 printed upon the official ballots to be used at a preliminary election for any
21 particular office or offices of the city, no preliminary election shall be held for
22 such office or offices.

1 SECTION 7-4. Ballot position, regular municipal election.

2 The order in which names of candidates appear on the ballot for each office
3 shall be determined by a drawing, by lot, conducted by the City Clerk, which
4 shall be open to the public.

5
6 SECTION 7-5. Wards.

7 The territory of the City shall be divided into six wards so established as to
8 consist of compact and contiguous territory, bounded insofar as possible by
9 the center line of known streets or ways or by other well-defined limits. Each
10 such ward shall be composed of voting precincts otherwise established in
11 accordance with general laws. The City Council shall from time to time, but
12 at least once in each 10 years, review such wards to insure their uniformity
13 in number of inhabitants.

14
15 SECTION 7-6. Application of general laws.

16 Except as expressly provided in this Charter and authorized by law, all City
17 elections shall be governed by the laws of the commonwealth relating to the
18 right to vote, the registration of voters, the nomination of candidates, the
19 conduct of preliminary, general and special elections, the submission of
20 charters, charter amendments and other propositions to the voters, the
21 counting of votes, the recounting of votes, and the determination of results.

22

1 SECTION 7-7. Petitions to Council or School Committee.

2 The City Council or the School Committee shall hold a public hearing and act
3 with respect to every petition that is addressed to it, which is signed by 100
4 voters, or more, and seeks the passage of a measure. The hearing shall be
5 held by the City Council or the School Committee, or, in either case, by a
6 committee or subcommittee thereof, and the action by the City Council or
7 the School Committee shall be taken not later than 90 days after the petition
8 is filed with the Clerk of the Council or the Secretary of the School
9 Committee as may be appropriate. Hearings on two or more petitions filed
10 under this SECTION may be held at the same time and place. The Clerk of
11 the Council or the Secretary of the School Committee shall mail notice of the
12 hearing to the 10 persons whose names appear first on the petition at least
13 5 days before the hearing. Notice, by publication, of all such hearings shall
14 be at public expense, and shall include both newspaper publication and
15 posting on the city website.

16
17 SECTION 7-8. Citizen initiative measures.

18 (a) Commencement - Initiative procedures shall be started by the filing of a
19 proposed initiative petition with the city clerk or the secretary of the school
20 committee. The petition shall be addressed to the City Council or to the
21 school committee, shall contain a request for the passage of a particular
22 measure which shall be set forth in full in the petition and shall be signed by

1 at least 250 voters. At least 25 signatures must be certified from each ward.
2 The petition shall be accompanied by an affidavit signed by 10 voters and
3 containing their residential address stating those voters will constitute the
4 petitioners committee and be responsible for circulating the petition and
5 filing it in proper form.

6 (b) Referral to City Solicitor - The city clerk or the secretary of the school
7 committee shall, immediately following receipt of a proposed petition, deliver
8 a copy of the petition to the Board of Registrars of Voters. If the Board of
9 Registrar of Voters determines that a petition has been signed by at least 250
10 voters, the petition shall be transmitted forthwith to the city solicitor. The
11 city solicitor shall, within 30 days following receipt of a copy of the petition,
12 in writing, advise the City Council or the school committee and the city clerk
13 whether the measure as proposed may lawfully be proposed by the initiative
14 process and whether, in its present form, it may lawfully be adopted by the
15 City Council or the School Committee. If the opinion of the city solicitor is
16 that the measure is not in proper form, the reply shall state the reasons for
17 this opinion, in full. A copy of the opinion of the city solicitor shall be mailed
18 to the members of the petitioners committee.

19 (c) Submission to City Clerk - If the city solicitor determines that the petition
20 is in a proper form, the city clerk shall provide blank forms for the use of
21 subsequent signers and shall print at the top of each blank form a fair,
22 concise summary of the proposed measure, as determined by the city

1 solicitor, together with the names and addresses of the first 10 voters who
2 signed the originating petition. The city clerk shall notify the petitioners
3 committee that the blank forms are issued. Within 60 days following the
4 date of the notice, the petition shall be returned and filed with the city clerk
5 signed by at least 10 per cent of the total number of voters as of the date of
6 the most recent regular municipal election. Signatures to an initiative
7 petition need not all be on 1 paper, but all papers pertaining to any single
8 measure shall be fastened together and shall be filed as a single instrument,
9 with the endorsement on it of the name and address of the person
10 designated as filing the papers. With each signature on the petition there
11 shall also appear the street and number of the residence of each signer.
12 Within 10 days following the filing of the petition, the registrars of voters
13 shall ascertain the number of voters that signed the petition and the
14 percentage that number is of the total number of voters as of the date of the
15 most recent regular municipal election. The registrars of voters shall attach
16 to the petition a certificate showing the results of its examination and shall
17 return the petition to the city clerk or the clerk of the school committee,
18 depending on how the petition is addressed. A copy of the registrars of
19 voters' certificate shall also be mailed to the members of the petitioners
20 committee.

21 (d) Action on Petitions - Within 30 days following the date a petition has
22 been returned to the city clerk or the secretary of the school committee, the

1 City Council or the School Committee, after publication in accordance with
2 the provisions of Section 2-9(c), shall act with respect to each initiative
3 petition by passing it without change, by passing a measure which is stated
4 to be in lieu of the initiative measure or by rejecting it. The passage of a
5 measure which is in lieu of an initiative measure shall be deemed to be a
6 rejection of the initiative measure. If the City Council or the School
7 Committee fails to act within 30 days following the date the measure is
8 returned to it, the measure shall be deemed to have been rejected on the
9 thirtieth day. If an initiative measure is rejected, the city clerk or the clerk of
10 the school committee shall promptly give notice of that fact to the
11 petitioners committee by certified mail.

12 (e) Supplementary Petitions - Within 45 days following the date an initiative
13 petition has been rejected, a supplemental initiative petition may be filed
14 with the city clerk or the secretary of the school committee, but only by
15 persons constituting the original petitioners committee. The supplemental
16 initiative petition shall be signed by a number of additional voters equal to at
17 least 5 per cent of the total number of voters as of the date of the most
18 recent regular municipal election, and shall be examined by the registrars of
19 voters who shall issue a certificate as provided in subsection (c) within 10
20 days of the submission of supplementary petitions. The signatures on the
21 initial petition filed under subsection (c) and the signatures on the
22 supplemental petition filed under this subsection, taken together, shall

1 contain the signatures of at least 15 per cent of the total number of voters
2 as of the date of the most recent regular municipal election. If the number of
3 signatures to this supplemental petition is found to be sufficient by the
4 registrars of voters and a certificate of same is submitted to the City Clerk,
5 the City Council shall call a special election to be held on a date not less than
6 45 nor more than 90 days following the date of the certificate of the
7 registrars of voters that a sufficient number of voters have signed the
8 supplemental initiative petition and shall submit the proposed measure,
9 without alteration, to the voters for determination, provided, however, if a
10 regular municipal election is to be held within 120 days following the date of
11 the certificate, the City Council may omit calling the special election and
12 cause the question to appear on the election ballot at the approaching
13 election for determination by the voters.

14 (f) Publication - The full text of an initiative measure which is submitted to
15 the voters shall be published in at least 1 local newspaper not less than 7
16 nor more than 14 days preceding the date of the election at which the
17 question is to be voted upon. Additional copies of the full text shall be
18 available for distribution to the public in the office of the city clerk and shall
19 be posted on the city website.

20 (g) Form of Question - The ballots used when voting on a measure proposed
21 by the voters under this section shall contain a question in substantially the
22 following form:

1 Shall the following measure which was proposed by an initiative petition take
2 effect?

3 (Here insert the fair, concise summary of the proposed measure, as
4 determined by the city solicitor as referenced in subsection (c)).

5 o YES o NO

6 (h) Time of Taking Effect – Subject to the requirements of SECTION 7-13, if
7 a majority of the votes cast on the question is in the affirmative, the
8 measure shall be deemed to be effective immediately, unless a later date is
9 specified in the measure.

10 SECTION 7-9: CITIZEN REFERENDUM PROCEDURES

11 (a) Petition, Effect on Final Vote - If, within 21 days following the date on
12 which the City Council or the school committee has voted finally to approve
13 any measure, a petition signed by a number of voters equal to at least 15
14 per cent of the total number of voters as of the date of the most recent
15 regular municipal election and addressed to the City Council, or to the
16 School Committee, protesting against the measure or any part of it is filed
17 with the secretary of the School Committee or city clerk, the effective date
18 of that measure shall be temporarily suspended. The School Committee or
19 the City Council shall forthwith immediately reconsider its vote on the
20 measure or part of it and, if the measure is not rescinded, the City Council
21 shall provide for the submission of the question for a determination by the
22 voters either at a special election, which it may call at its convenience,

1 within such time as may be requested by the School Committee or at the
2 next regular municipal election; provided, however, that pending this
3 submission and determination, the effect of the measure shall continue to be
4 suspended.

5 (b) Certain Initiative Provisions to Apply - The petition described in this
6 section shall be termed a referendum petition and SECTION 7-8, (a), (b), (c)
7 and (f) and (g) in so far as applicable the section relates to the filing and
8 certification of signatures, and the ballot question shall apply to such
9 referendum petitions, except that the words "measure or part thereof
10 protested against" shall be deemed to replace the word "measure" and the
11 word "referendum" shall be deemed to replace the word "initiative" wherever
12 it may occur in said sections. Subject to the requirements of section 7-13,
13 the measure or part thereof protested against shall be null and void unless a
14 majority of those voting on the question shall vote in favor of the measure
15 or part of it protested against at the election.

16
17 SECTION 7-10. Ineligible measures.

18 None of the following shall be subject to the initiative or the referendum
19 procedures:

- 20 (1) Proceedings relating to the internal organization or operation of the City
21 Council or of the School Committee;
22 (2) An emergency measure adopted in conformity with the Charter;

- 1 (3) The City budget or the School Committee budget as a whole;
- 2 (4) Revenue loan orders;
- 3 (5) Any appropriation for the payment of the City's debt or debt service;
- 4 (6) An appropriation of funds to implement a collective bargaining
- 5 agreement;
- 6 (7) Proceedings relating to the election, appointment, removal, discharge,
- 7 employment, promotion, transfer, demotion, or other personnel action;
- 8 (8) Any proceedings repealing or rescinding a measure or part thereof which
- 9 is protested by referendum procedures; and
- 10 (9) Any proceedings providing for the submission or referral to the voters at
- 11 an election.

12

13 SECTION 7-11. Submission of other matters to voters.

14 The City Council may of its own motion, and shall at the request of the

15 School Committee if a measure originates with that body and pertains to

16 affairs under its jurisdiction, submit to the voters at any regular municipal

17 election for adoption or rejection any measure in the same manner and with

18 the same force and effect as are hereby provided for submission by petitions

19 of voters.

20

21 SECTION 7-12. Conflicting provisions.

22 If two or more measures passed at the same election contain conflicting

1 provisions, only the one receiving the greatest number of affirmative votes
2 shall take effect.

3

4 SECTION 7-13: Required Voter Participation

5 For any measure to be effective under the initiative procedure and for any
6 measure to be declared null and void under a referendum procedure, at least
7 20% of the voters as of the most recent regular municipal election must vote
8 at an election that includes on the ballot submission to the voters of 1 or
9 more initiative or referendum questions.

10

11 SECTION 7-14. Recall elections.

12 (a) Application - Any person holding an elected City office may be recalled
13 from such office by the voters in accordance with the procedures made
14 available in this Section.

15 (b) Recall petition.

16 (1) Office elected by voters at large - Four hundred or more voters
17 may file with the Board of Registrars of Voters an affidavit containing the
18 name of the officer sought to be recalled and a statement of the grounds for
19 recall. The signatures on such affidavit shall contain the names of at least 60
20 voters in each of the wards into which the City is divided for the purpose of
21 elections.

22 (2) Office elected by voters by ward - One hundred or more voters

1 may file with the Board of Registrars of Voters an affidavit containing the
2 name of the officer sought to be recalled and a statement of the grounds for
3 recall. The signatures on such affidavit shall contain the names only of
4 voters in the ward from which the officer was elected.

5 (3) Office elected by district: Two hundred or more voters may file
6 with the Board of Registrars of Voters an affidavit containing the name of the
7 officer sought to be recalled and a statement of the grounds for the recall.
8 The signatures on such affidavit shall contain the names only of voters in the
9 district from which the officer was elected.

10 (4) At large, by ward or district - If the affidavit is found to be valid,
11 the City Clerk shall thereupon deliver to the first 10 persons named on said
12 affidavit, petition blanks demanding said recall, printed forms of which shall
13 be kept available. The blanks may be completed by printing or by
14 typewriting; they shall be addressed to the City Council; they shall contain
15 the names and residence addresses of the 10 persons to whom they are
16 issued and they shall contain the grounds for recall as stated in the affidavit;
17 they shall demand the election of a successor to the office; and they shall be
18 dated and signed by the City Clerk.

19 The recall petitions shall be returned to the office of the Board of Registrars
20 of Voters within 28 days following the date they are issued, signed by not
21 less than 20% of the total number of voters (of the ward, district, or of the
22 City as is appropriate) as of the date of the most recent regular municipal

1 City election.

2 The sheets constituting a petition need not all be filed at the same time. For
3 the purposes of this Section, such a petition shall be deemed filed whenever
4 the persons responsible for its filing notify the Board of Registrars of Voters,
5 in writing, that the filing is complete. Before receiving such notice, the Board
6 of Registrars of Voters may, but shall not be required to, certify signatures
7 on the sheets already filed.

8 The Board of Registrars of Voters shall, within 10 days following the date the
9 petition forms are filed, certify the number of signatures thereon which are
10 the names of voters and the percentage that number represents of the total
11 number of voters as of the date of the most recent City election.

12 (c) Recall election - If the petitions are certified by the Board of Registrars of
13 Voters to contain a sufficient number of signatures, they shall forthwith
14 submit the same, with their certificate, to the City Council. Upon receipt of
15 the certified petition forms, the City Council shall forthwith give written
16 notice to the officer whose recall is sought of the validity of such petitions. If
17 the officer whose recall is sought does not resign the office within five days
18 following delivery of the said notice, or by leaving at the last known place of
19 residence, the City Council shall order a special election to be held on a date
20 fixed by it not less than 65 days nor more than 90 days after the date of its
21 notice to the officer whose recall is sought.

22 (d) Ballot question - Ballots used at the recall election shall state the

1 proposition in substantially the following form: "Shall (insert name of officer)
2 be recalled from the office of (insert name of office held)?"

YES

NO

3
4 (e) Officeholder - The person whose recall is sought shall continue to hold
5 the office and to perform the duties until the recall election. If a majority of
6 the votes cast on the question as stated above is in the affirmative, the
7 officer shall be deemed to be recalled and the office shall be deemed to be
8 vacant upon the certification of the election results. If a majority of the votes
9 cast on the said question is in the negative, the person whose recall was
10 sought shall continue in the office until the expiration of the term for which
11 elected, but subject to recall as provided in SECTION 7-14 (f), below.

12 (f) Restriction on recall petition - No recall petition shall be filed against any
13 officer until at least six months following the commencement of a term of
14 office, nor, in the case of an officer subjected to a recall election and not
15 recalled thereby, during the remainder of the current term of office. A recall
16 election shall not be held if less than six months of the term of office of the
17 person whose recall is sought remain at the time of the certification of the
18 petition forms.

19 (g) Filling of vacancy - If the Office of Mayor is declared vacant as the result
20 of a recall election, the City Council shall forthwith call a special election to

1 be held on a date fixed by it not less than 65 days nor more than 90 days
2 following the date of the recall election. The person elected at such special
3 election shall serve for the balance of the unexpired term remaining at the
4 time of election.

5 Vacancies in any other office shall be filled in accordance with the
6 procedures for filling the same as provided in SECTION 2-11 and SECTION
7 4-1(f).

8 No person recalled from an office under the terms of this section shall be
9 eligible to be a candidate to fill any vacancy created by such recall.

11 **ARTICLE 8**

12 **General Provisions**

13 SECTION 8-1. Charter changes and Charter Review.

14 (a) In general - This Charter may be replaced, revised or amended in
15 accordance with any procedure made available under the State Constitution,
16 or by general laws enacted in accordance with the State Constitution.

17 (b) Periodic review - The City Council shall provide, in every year ending in a
18 zero, for a review of the Charter by a special or standing committee of the
19 Council and four additional persons to be appointed by the Council President.
20 The said committee shall file a report within the said year recommending
21 any changes in the Charter that it may deem to be necessary or desirable.

22

1 SECTION 8-2. Severability.

2 The provisions of this Charter are severable. If any provision of this Charter
3 is held invalid, the other provisions shall not be affected thereby. If the
4 application of this Charter, or any of its provisions, to any person or
5 circumstance is held invalid, the application of this Charter and its provisions
6 to other persons and circumstances shall not be affected thereby.

7
8 SECTION 8-3. Specific provision to prevail.

9 To the extent that any specific provision of this Charter may conflict with any
10 other provision expressed in general terms, the specific provision shall
11 prevail.

12
13 SECTION 8-4. Rules and regulations.

14 A copy of all rules and regulations adopted by City agencies shall be placed
15 on file in the office of the City Clerk and shall be available for review by any
16 person who requests such information at any reasonable time. No rule or
17 regulation adopted by any City agency shall become effective until seven
18 days following the date it is so filed.

19
20 SECTION 8-5. Review of ordinances.

21 The City Council shall provide, in each year ending in a two or in a seven, for
22 a review of all ordinances of the City for the purpose of determining if any

1 amendments or revisions may be necessary or desirable. Such review shall
2 be conducted under the supervision of the City Solicitor, or, if the City
3 Council so directs, by special counsel appointed for that purpose. A report,
4 with recommendations, shall be submitted within the said year.

5
6 SECTION 8-6. Uniform procedures applicable to multiple-member bodies.

7 (a) Meetings – All multiple-member bodies of the City shall meet regularly at
8 such times and places as they may, by their own rules, prescribe, unless
9 some other provision is made by ordinance or by law. Special meetings of
10 any multiple-member body shall be held on the call of the Chairman or by
11 1/3 of the members thereof, by written notice delivered in hand or to the
12 place of residence of each member or by electronic mail, which contains the
13 item or a list of items to be acted upon. Except in case of an emergency,
14 such notice shall be delivered at least 48 hours in advance of the time set for
15 such meeting. A copy of such notice to members shall, forthwith, be posted
16 upon the City bulletin board and city website.

17 (b) Rules and journals – Each multiple-member body shall determine its own
18 rules and order of business, unless otherwise provided by this Charter, by
19 law, or by ordinance, and shall provide for keeping minutes of its
20 proceedings. These rules and the minutes of meetings shall be public
21 records, and certified copies of them shall be kept available in the office of
22 the City Clerk. For the convenience of the public, copies of these records

1 shall also be kept at the Beverly Public Library; provided, however, such
2 copies kept at the public library are not to be construed in any way as being
3 the official records.

4 (c) Voting – If requested by any member, any vote of any multiple-member
5 body shall be taken by a call of the roll and the vote of each member shall
6 be recorded in the journal; provided, however, that if the vote is unanimous
7 only that fact need be recorded.

8 (d) Quorum – A majority of the members of a multiple-member body shall
9 constitute a quorum.

10
11 SECTION 8-7. Number and gender.

12 Words importing the singular number may extend and be applied to several
13 persons or things; words importing the plural number may include the
14 singular; and words importing the masculine gender shall include the
15 feminine gender.

16
17 SECTION 8-8. Computation of time.

18 In computing time under the Charter, if seven days or less, "days" shall refer
19 to days not including Saturdays, Sundays or legal holidays. If more than
20 seven days, every day shall be counted.

21

22

1 SECTION 8-9. References to General Laws.

2 All references to General Laws contained in the Charter refer to the General
3 Laws of the Commonwealth of Massachusetts and are intended to refer to
4 and to include any amendments or revisions to such chapters or sections, or
5 to the corresponding chapters and sections of any rearrangement,
6 recodification, or revision of such statutes enacted or adopted subsequent to
7 the adoption of this Charter.

8
9 SECTION 8-10. Certificate of election or appointment.

10 Every person who is elected, including those elected by the City Council, or
11 appointed to an office of the City shall receive a certificate of such election
12 or appointment from the City Clerk. Except as otherwise provided by law,
13 before performing any act under an appointment or election, all such
14 persons shall take and subscribe to an oath of office and be sworn to the
15 faithful performance of their duties.

16
17 SECTION 8-11. Oath of office of Mayor, Councilors, and School Committee
18 members.

19 The Mayor-elect, Councilor-elect, and School Committee members-elect
20 shall, on the first Monday in January of each even-numbered year at 12:00
21 noon, meet and be sworn to the faithful discharge of their duties. The oath
22 may be administered to the Mayor by the City Clerk, or by a judge of a court

1 of record, or by a Justice of the Peace. The oath may be administered to the
2 members of the City Council and the School Committee by the Mayor, after
3 the Mayor has been duly sworn, or by any of the above named officials. A
4 certificate that said oath or oaths have been taken shall be entered in the
5 journal of the City Council.

6 In case of the absence of the Mayor-elect, or any member-elect of the City
7 Council or School Committee on said day, the oath of office may at any time
8 thereafter be administered to such person who for any reason shall not have
9 taken the oath on the day named. A certificate of each oath subsequently
10 taken shall be entered in the journal of the City Council.

11 After the oath has been administered to the Councilors present, they shall
12 organize, with the member elected at large receiving the highest number of
13 votes at the preceding regular municipal election, as President, as provided
14 in SECTION 2-2. The President shall be sworn by the City Clerk, or, in the
15 case of the absence of the City Clerk, by any person qualified to take oaths
16 or affirmations.

17 After the oath has been administered to the School Committee members
18 present, the Committee shall organize by choosing a School Committee
19 President, as provided in SECTION 4-2. The President shall be sworn by the
20 City Clerk, or, in the case of the absence of the City Clerk, by any person
21 qualified to take oaths or affirmations.

22

1 SECTION 8-12. Notice of vacancies.

2 Whenever a vacancy shall occur in any City office or in the employment of
3 the City, or, when by reason of a retirement, or resignation, or the
4 expiration of a fixed term, or otherwise a vacancy can be anticipated, the
5 Mayor or other appointing authority shall forthwith cause public notice of
6 such vacancy or impending vacancy to be publicly posted on the City bulletin
7 board and on the city website for not less than 10 days. Each such notice
8 shall contain a brief description of the duties of the office or position and
9 shall indicate a list of necessary or desirable qualifications for the office or
10 position. Any person who desires to be considered for an appointment to fill
11 such vacancy may, within 10 days following the date the notice is posted, or
12 such longer period as may be indicated in such announcement, file with the
13 appointing authority a statement setting forth with reasonable clarity and
14 specificity the qualifications of such person for such appointment. No
15 permanent appointment to fill any position shall be effective until at least 14
16 days have elapsed following such posting to permit the reasonable
17 consideration of all such applicants. This section shall not apply to positions
18 covered under the civil service law and rules or if in conflict with the
19 provisions of a collective bargaining agreement.

20
21 SECTION 8-13. Loss of office, excessive absence.

22 If any person appointed to serve as a member of a multiple-member body

1 shall fail to attend three or more consecutive meetings, or all of the
2 meetings held during four calendar months, or 1/2 or more of all of the
3 meetings of such body held in one calendar year, the remaining members of
4 the multiple-member body shall, by a majority vote of their members, notify
5 the appointing authority. Such notice to the appointing authority shall
6 include the notice from the chair of the multiple-member body to the person
7 meeting the criteria above given in hand, or mailed, postage prepaid, by
8 registered or certified mail, return receipt requested, of the body's intent to
9 notify of the appointing authority of the incidence of absence at least 10
10 days before providing notice to the appointing authority, and the response, if
11 any, received from the person so notified. Only the appointing authority
12 may determine if the seat is to be declared vacant.

13
14 SECTION 8-14. Filling of vacancies.

15 If the appointing authority has made the determination that the seat is now
16 vacant as a result of excessive absence as defined in s. 8-13, the remaining
17 membership of an appointed multiple-member body may request that an
18 appointment be made to fill the existing vacancy.

19
20 SECTION 8-15. Removals and suspensions.

21 Any City officer, member of a multiple-member body, department head or
22 employee of the City, not subject to the provisions of the civil service law or

1 covered by the terms of a collective bargaining agreement which provide a
2 different method, and whether appointed for a fixed or an indefinite term,
3 may be suspended or removed from office by the appointing authority. Any
4 such person may be suspended from office by the appointing authority for
5 an initial period of 15 days, subject to an additional 15-day extension if
6 deemed necessary by the appointing authority. Suspension may be
7 conterminous with removal and shall not interfere with the rights of the
8 officer or employee under the procedure given below.

9 Nothing in this section shall be construed as granting a right to such a
10 hearing to a person who has been appointed for a fixed term when that term
11 of office expires and such person is not reappointed for another term of
12 office.

13 The appointing authority, when removing any such person, shall act in
14 accordance with the following procedure:

15 (a) Mayoral Appointments - The Mayor may, in writing, remove or suspend
16 any City officer, member of a multiple-member body, or department head
17 appointed by the Mayor by notice to said person by stating the **cause**
18 reasons for the suspension and removal and advising the City officer,
19 member of a multiple-member body, or department head of the opportunity
20 to request a meeting with the Mayor. Such meeting must occur within 5
21 days of the request unless otherwise agreed by the Mayor and the City
22 officer, member of a multiple-member body, or department head. The

1 employee may elect to have the meeting held publicly. The employee shall
2 be allowed to read their rebuttal statement or reply to the notice of
3 suspension or removal. The Mayor shall notify the employee of whether or
4 not the decision has been rescinded within 5 days after the meeting is
5 concluded. If such notification is not provided within such time, the decision
6 to suspend or remove shall remain in effect. If a meeting is not requested,
7 the decision of the Mayor is final 6 days after delivery of the notice to the
8 employee.

9 This notice of suspension or removal to said City officer, member of a
10 multiple-member body, or the department head shall be delivered in hand,
11 or mailed by certified mail, postage prepaid, to the last known address of
12 said City officer, member of a multiple-member body, or department head.
13 At the same time, the Mayor shall file a written statement with the City
14 Clerk, stating that such person is suspended or removed and the effective
15 date of said suspension or removal.

16 (b) City Council Appointments - The City Council, may, in writing, remove or
17 suspend any person appointed or elected by the City Council by notice to the
18 employee stating the **cause** for the suspension and removal and advising
19 the employee of the opportunity to request a to appear at a meeting of the
20 Council. This notice to said employee shall be delivered in hand, or mailed
21 by certified mail, postage prepaid, to the last known address of said
22 employee. At the same time, the City Council shall file a written statement

1 with the City Clerk, stating that such person is suspended or removed and
2 the effective date of said suspension or removal.

3 The employee may make a written reply by filing such reply statement with
4 the City Clerk and the City Council President within 5 days following the date
5 the statement of the City Council has been filed. In the reply to the City
6 Clerk and the City Council President, the employee may request permission
7 to appear at a public meeting of the City Council to read the written reply
8 concerning removal or suspension. Such meeting must occur within 10 days
9 of the employee's request unless otherwise agreed by the City Council
10 President and the employee.

11 At the meeting, the employee shall be allowed to read their rebuttal
12 statement or reply to the notice of removal / suspension. The City Council
13 President may read the notice of removal or suspension. The City Council
14 shall notify the employee of whether or not the decision has been rescinded
15 no later than 10 days after the Council meeting is adjourned. If such
16 notification is not provided within such time, the decision to suspend or
17 remove shall remain in effect. If no meeting is requested, the decision of
18 the City Council is final 6 days after delivery of the notice to the employee.

19 (c) Any employee of the City, not subject to provisions (a) or (b) above, may
20 be removed or suspended by the appointing authority in accordance with the
21 following procedure. The appointing authority shall provide notice of the
22 suspension or removal to said employee by stating the reasons for the

1 suspension and removal, and advising the employee of the opportunity to
2 request a meeting with the Mayor. This notice to said employee shall be
3 delivered in hand, or mailed by certified mail, postage prepaid, to the last
4 known address of said employee. At the same time, the appointing
5 authority shall file a written statement with the City Clerk and the Mayor
6 stating that such employee is suspended or removed and the effective date
7 of said suspension or removal.

8 The employee may file a reply with the appointing authority and may
9 request a meeting with the Mayor within 5 days of receiving the notice of
10 suspension or removal. The employee may elect to have the meeting held
11 publicly. Such meeting must be held within 5 days of receipt the employee's
12 request, unless otherwise agreed by the appointing authority and the
13 employee. At the meeting, the employee shall be allowed to read their reply
14 to the notice of suspension or removal. The appointing authority may read
15 the notice of removal or suspension as provided to the employee. The Mayor
16 shall issue a final decision upholding or rescinding the removal or suspension
17 no later than 5 days after the meeting. If such notification is not provided
18 within such time, the decision to suspend or remove shall remain in effect.
19 If no meeting is requested, the decision of the appointing authority is final 6
20 days after delivery of the notice to the employee.

21

22

1 **ARTICLE 9**

2 **Transitional Provisions**

3
4 SECTION 9-1. Continuation of existing laws.

5 All general laws, special laws, City ordinances, City Council votes, and rules
6 and regulations of or pertaining to the City that are in force when this
7 Charter takes effect, and not specifically or by implication repealed hereby,
8 shall continue in full force and effect until amended or repealed, or rescinded
9 by due course of law, or until they expire by their own limitation.

10
11 SECTION 9-2. Continuation of government and administration.

12 All City agencies shall continue to perform their duties until re-elected,
13 re-appointed, or until successors to their respective positions are duly
14 appointed or elected, or until their duties have been transferred and
15 assumed by another City agency.

16
17 SECTION 9-3. Transfer of records and property.

18 All records, property and equipment whatsoever of any City agency, or part
19 thereof, the powers and duties of which are assigned in whole or in part to
20 another City agency, shall be transferred forthwith to such agency.

1 SECTION 9-4. Continuation of personnel.

2 Any person holding a City office, or a position in the administrative service of
3 the City, or any person holding full-time employment under the City, shall
4 retain such office, or position, or employment, and shall continue to perform
5 the duties of such office, position or employment until provision shall have
6 been made for the performance of those duties by another person or
7 agency; provided, however, no person in the permanent full-time service of
8 the City shall forfeit their pay grade, or time in service of the City. All such
9 persons shall be retained in a capacity as similar to the capacity in which
10 they were serving at the time this Charter is adopted as is practicable and
11 any reduction in the personnel needs of the City shall be accomplished
12 through a policy of attrition, unless specific provision is otherwise made in
13 this article.

14
15 SECTION 9-5. Effect on obligations, taxes, etc.

16 All official bonds, recognizances, obligations, contracts, and other
17 instruments entered into or executed by or to the City before the adoption of
18 this Charter, and all taxes, assessments, fines, penalties, forfeitures,
19 incurred or imposed, due or owing to the City, shall be enforced and
20 collected; and all writs, prosecutions, actions and causes of action, except as
21 herein otherwise provided, shall continue without abatement and remain
22 unaffected by the Charter; and no legal act done by or in favor of the City

1 shall be rendered invalid by reason of the adoption of this Charter.

2

3 SECTION 9-6. Time of taking effect. **TBD**

4

5 SECTION 9-7. Disposition of certain special laws.

6 (a) Certain special laws recognized and retained — The following special acts
7 are hereby especially recognized and retained:

8 An act passed by the legislature of the Colony of Massachusetts Bay on
9 November 7, 1668 (old style calendar), providing, in part, That Basse River
10 be henceforth a touneship of themselues... and that it be called Beverly. And
11 an act passed on May 28, 1679 (old style calendar) in which the Boundaries
12 between Beverly, Salem and Wenham are established and clarified. And An
13 act passed by the legislature of the Province of the Massachusetts Bay on
14 September 13, 1753, entitled, AN ACT FOR SETTING OFF THE
15 INHABITANTS, AS ALSO ESTATES OF THE PROPRIETORS, OF THAT PART OF
16 THE PRECINCT OF SALEM AND BEVERLY, SO-CALLED, WHICH IS PART OF
17 SALEM, TO THE TOWN OF BEVERLY. And an act passed by the legislature of
18 the Commonwealth of Massachusetts in 1857, Chapter 90, entitled, AN ACT
19 TO SET OFF A PART OF THE TOWN OF BEVERLY, AND ANNEX THE SAME TO
20 THE TOWN OF DANVERS

21 (b) Certain special laws recognized and retained, in part — The following
22 special acts which were enacted for the purpose of enabling and authorizing

1 the City to exercise certain powers or functions, which prior to the
2 enactment of Article 89 of the Amendments to the State Constitution may
3 not otherwise have been available to the City, are hereby recognized, so
4 much of these acts which might grant a power to the City which it otherwise
5 might not have are hereby retained, but all such powers shall be exercised in
6 a manner consistent with the Charter:

7 1885, Chapter 294 AN ACT TO FURNISH THE TOWN OF BEVERLY WITH
8 WATER AND TO INCREASE THE SUPPLY THEREOF

9 1927, Chapter 8 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
10 ESTABLISH A TRUST FUND TO PROVIDE MEDICAL TREATMENT FOR THE
11 PUBLIC SCHOOL CHILDREN OF SAID CITY

12 1953, Chapter 552 AN ACT PROVIDING THAT THE CITY OF BEVERLY
13 MAY IMPROVE CERTAIN WATER COURSES FOR THE PROTECTION OF PUBLIC
14 HEALTH

15 1960, Chapter 113 AN ACT AUTHORIZING THE ESTABLISHMENT OF A
16 SEPARATE ACCOUNT IN THE TREASURY OF THE CITY OF BEVERLY
17 CONSISTING OF RECEIPTS OF ITS RECREATION COMMISSION AND
18 PROVIDING FOR EXPENDITURES THEREFROM WITHOUT FURTHER
19 APPROPRIATION

20 1968, Chapter 313 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
21 REVOKE ITS ACCEPTANCE OF THE LAW APPLICABLE TO TENEMENT HOUSES
22 IN CITIES

1 1969, Chapter 308 AN ACT AUTHORIZING THE ESTABLISHMENT OF A
2 SEPARATE ACCOUNT IN THE TREASURY OF THE CITY OF BEVERLY
3 CONSISTING OF RECEIPTS OF ITS YOUTH ACTIVITIES COMMISSION AND
4 PROVIDING FOR EXPENDITURES THEREFROM WITHOUT FURTHER
5 APPROPRIATION

6 1974, Chapter 735 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
7 ENTER INTO A CERTAIN CONTRACT WITH GORDON COLLEGE FOR SEWAGE
8 DISPOSAL

9 1983, Chapter 250 AN ACT RELATIVE TO THE LICENSING AND KEEPING
10 OF DOGS IN THE CITY OF BEVERLY

11 1986, Chapter 366 AN ACT FURTHER AUTHORIZING THE CITY OF
12 BEVERLY TO ENTER INTO A CERTAIN CONTRACT WITH GORDON COLLEGE
13 FOR SEWAGE DISPOSAL

14 1994, CHAPTER 30 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
15 AMORTIZE THE REVENUE DEFICIT OVER A PERIOD OF THREE YEARS

16 1994, Chapter 228 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
17 ENTER INTO A CONTRACT FOR THE DISPOSAL OF SEWAGE

18 (c) Certain obsolete borrowing authorizations, repealed — The following
19 special acts which authorized the City to borrow certain sums of money, for
20 certain purposes, are hereby recognized as obsolete and are to stand
21 repealed:

22 1874, Chapter 168 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO

1 ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS DEBIT
2 1881, Chapter 231 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
3 REFUND ITS INDEBTEDNESS
4 1893, Chapter 250 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
5 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE
6 PURPOSE OF CONSTRUCTION A SYSTEM OF SEWERAGE
7 1893, Chapter 259 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
8 CANCEL CERTAIN OF ITS BONDS NOW HELD IN ITS SINKING FUND
9 1894, Chapter 29 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO
10 ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS WATER LOAN
11 1896, Chapter 271 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
12 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR PARK
13 PURPOSES
14 1898, Chapter 398 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
15 INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES
16 1900, Chapter 288 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
17 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE
18 PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE
19 1901, Chapter 475 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
20 INCUR INDEBTEDNESS FOR SCHOOL PURPOSES
21 1902, Chapter 421 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
22 INCUR INDEBTEDNESS FOR SCHOOL PURPOSES

1 1903, Chapter 182 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
2 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE
3 PURPOSE OF EXTENDING ITS SYSTEM OF SEWERAGE

4 1903, Chapter 183 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
5 INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE
6 PURPOSE OF EXTENDING ITS WATER SUPPLY SYSTEM

7 1903, Chapter 263 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
8 INCUR INDEBTEDNESS FOR SCHOOL, AND STREET PURPOSES

9 1905, Chapter 132 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
10 INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR WATER SUPPLY
11 PURPOSES

12 1905, Chapter 143 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
13 INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES

14 1906, Chapter 110 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
15 INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES, BEYOND THE
16 STATUTORY LIMIT

17 1906, Chapter 388 AN ACT TO DETERMINE THE INDEBTEDNESS OF THE
18 CITY OF BEVERLY INCURRED FOR WATER SUPPLY PURPOSE

19 1913, Chapter 298 AN ACT RELATIVE TO SEWER LOANS OF THE CITY
20 OF BEVERLY

21 1914, Chapter 321 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
22 INCUR INDEBTEDNESS FOR THE IMPROVEMENT OF ITS HARBOR AND

1 SHORES

2 1914, Chapter 768 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
3 INCUR INDEBTEDNESS FOR THE PURPOSE OF RELAYING CERTAIN WATER
4 MAINS

5 1915, Chapter 266 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
6 INCUR INDEBTEDNESS FOR THE PURPOSE OF RELAYING CERTAIN WATER
7 MAINS

8 1921, Chapter 453 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
9 INCUR INDEBTEDNESS FOR A HIGH SCHOOL BUILDING

10 1948, Chapter 500 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
11 BORROW MONEY FOR FIRE STATION AND SIGNAL STATION BUILDING
12 PURPOSES

13 1949, Chapter 120 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
14 BORROW MONEY FOR SCHOOL PURPOSES

15 1950, Chapter 642 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
16 BORROW MONEY FOR SCHOOL PURPOSES

17 (d) Certain other obsolete special laws repealed — The following special laws
18 which were enacted for special purposes and were limited in time by their
19 own provisions are hereby recognized as obsolete and are to stand repealed,
20 but all acts taken under the authority of the said special laws is hereby
21 preserved:

22 1910, Chapter 505 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF

1 THE CITY COUNCIL OF THE CITY OF BEVERLY
2 1912, Chapter 544 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
3 DISCONTINUE THE USE FOR PLAYGROUND PURPOSES OF A CERTAIN
4 PARCEL OF LAND NEAR THE POOR FARM IN THAT CITY
5 1914, Chapter 650 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
6 PENSION GEORGE O. OBEAR
7 1920, Chapter 275 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
8 CONTRIBUTE A SUM OF MONEY TO THE FEDERAL GOVERNMENT TO BE
9 USED IN THE IMPROVEMENT OF BEVERLY HARBOR
10 1922, Chapter 87 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
11 PAY A SUM OF MONEY TO THE ESTATE OF PATRICK GALLAGHER FOR TAXES
12 ERRONEOUSLY ASSESSED AND COLLECTED
13 1922, Chapter 155 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
14 PAY A SUM OF MONEY TO THE WIDOW OF JAMES J. FAGAN
15 1923, Chapter 356 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
16 PENSION WALTER FARNHAM
17 1924, Chapter 125 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
18 PENSION NATHANIEL W. CORLISS
19 1924, Chapter 333 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
20 PAY A SUM OF MONEY TO THE WIDOW OF JAMES J. FAGAN
21 1925, Chapter 275 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
22 APPROPRIATE MONEY TO PROVIDE FACILITIES FOR HOLDING IN SAID CITY

1 DURING THE CURRENT YEAR THE STATE CONVENTION OF THE VETERANS
2 OF FOREIGN WARS OF THE UNITED STATES

3 1936, Chapter 142 AN ACT PLACING UNDER THE CIVIL SERVICE LAWS
4 THE OFFICE OF THE CHIEF OF POLICE OF THE CITY OF BEVERLY

5 1938, Chapter 203 AN ACT AUTHORIZING THE PLACING OF THE OFFICE
6 OF CHIEF OF FIRE DEPARTMENT OF THE CITY OF BEVERLY UNDER THE
7 CIVIL SERVICE LAWS.

8 1938, Chapter 375 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
9 REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED
10 FROM ALONZO B. MORSE

11 1941, Chapter 469 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
12 TAKE BY EMINENT DOMAIN FOR PUBLIC AIRPORT PURPOSES CERTAIN
13 PROPERTY IN THE TOWN OF DANVERS

14 1943, Chapter 429 AN ACT RELATING TO THE ACQUISITION OF
15 CERTAIN PROPERTY BY THE CITY OF BEVERLY FOR A PUBLIC PARK

16 1946, Chapter 113 AN ACT RELATIVE TO THE NUMBER OF MEMBERS OF
17 THE RESERVE POLICE FORCE IN THE CITY OF BEVERLY

18 1951, Chapter 187 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
19 PAY A CERTAIN CLAIM LEGALLY UNENFORCEABLE BY REASON OF FAILURE
20 TO COMPLY WITH CERTAIN PROVISIONS OF ITS CITY CHARTER

21 1959, Chapter 162 AN ACT AUTHORIZING THE GRANTING OF A
22 LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO VITTORI ROCCI

1 POST #56 OF THE ITALIAN-AMERICAN WAR VETERANS
2 1959, Chapter 204 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
3 PAY SUMS OF MONEY TO WILLIAM DEVITT, ALICE P. HUSON, BAYARD D.
4 HUSON, LAWRENCE LAPOINTE, MARIE AND ANTHONY VACCARO AND
5 CLIFFORD M. AND HENRIETTA C. CAVERLY
6 1959, Chapter 434 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
7 PAY A CERTAIN UNPAID BILL TO MERRIMACK-ESSEX ELECTRIC COMPANY
8 1962, Chapter 118 AN ACT PROVIDING LIFE TENURE FOR GORDON T.
9 RICHARDSON, INCUMBENT OF THE OFFICE OF COMMISSIONER OF PUBLIC
10 WORKS OF THE CITY OF BEVERLY
11 1963, Chapter 139 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
12 ACQUIRE LAND AND TO CONSTRUCT AN OFF-STREET PARKING AREA AND
13 TO BORROW MONEY FOR THE CONSTRUCTION THEREOF
14 1965, Chapter 588 AN ACT PROVIDING FOR LIFE TENURE FOR WALTER
15 T. BARNES, INCUMBENT OF THE OFFICE OF CITY COLLECTOR OF THE CITY
16 OF BEVERLY
17 1966, Chapter 568 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
18 APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN
19 UNPAID BILLS
20 1967, Chapter 146 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
21 PAY A CERTAIN UNPAID BILL TO SID'S DONUTS, INC.
22 1968, Chapter 571 AN ACT VALIDATING A CERTAIN BUILDING PERMIT

1 ISSUED BY THE CITY OF BEVERLY

2 1970, Chapter 624 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
3 APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, A CERTAIN
4 UNPAID BILL

5 1970, Chapter 661 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
6 APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN
7 UNPAID BILL

8 1973, Chapter 196 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
9 APPROPRIATE AND PAY A SUM OF MONEY TO MICHAEL J. FRASCA

10 1973, Chapter 1139 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
11 CONVEY CERTAIN LAND IN THE CITY OF BEVERLY

12 1974, Chapter 64 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
13 CONVEY CERTAIN LAND IN THE CITY OF BEVERLY

14 1975, Chapter 423 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
15 REDRAW ITS WARD LINES

16 1983, Chapter 493 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
17 ACQUIRE EASEMENTS FOR THE CONSTRUCTION OF CERTAIN SEWERAGE
18 FACILITIES

19 1986, Chapter 533 AN ACT AUTHORIZING THE ACQUISITION OF LAND
20 IN THE TOWN OF WENHAM BY THE CITY OF BEVERLY

21 1989, Chapter 136 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
22 PAY CERTAIN RETROACTIVE COMPENSATION

1 (e) Certain other obsolete special laws repealed — The following special laws
2 which established and amended the Charter for the City of Beverly are
3 hereby recognized as obsolete and are to stand repealed, but all acts taken
4 under the authority of the said special laws are hereby preserved:

5 1894, Chapter 161 AN ACT TO INCORPORATE THE CITY OF BEVERLY

6 1898, Chapter 319 AN ACT RELATIVE TO STREETS AND HIGHWAYS IN
7 THE CITY OF BEVERLY

8 1910, Chapter 542 AN ACT TO REVISE THE CHARTER OF THE CITY OF
9 BEVERLY

10 1911, Chapter 267 AN ACT RELATIVE TO WIRES AND ELECTRIC
11 APPLIANCES IN THE CITY OF BEVERLY

12 1913, Chapter 398 AN ACT RELATIVE TO PRINTING PROPOSALS FOR
13 CONTRACTS WITH THE CITY OF BEVERLY

14 1913, Chapter 208 AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE
15 OF THE CITY OF BEVERLY TO APPOINT THE SCHOOL PHYSICIANS FOR THAT
16 CITY

17 1915, Chapter 72 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
18 PAY PERMANENT MEN IN THE FIRE DEPARTMENT THREE DOLLARS A DAY

19 1915, Chapter 141 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO
20 PAY SALARIES TO THE MEMBERS OF ITS BOARD OF ALDERMEN

21 1919, Chapter 75 AN ACT RELATIVE TO THE PAYMENT OF SALARIES IN
22 THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF BEVERLY

1 1920, Chapter 26 AN ACT RELATIVE TO THE SALARIES OF THE MAYOR
2 AND OTHER PUBLIC OFFICERS OF THE CITY OF BEVERLY

3 1921, Chapter 9 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
4 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

5 1922, Chapter 140 AN ACT PROVIDING FOR A PRELIMINARY ELECTION
6 FOR THE CHOICE OF MUNICIPAL OFFICERS IN THE CITY OF BEVERLY

7 1927, Chapter 279 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
8 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

9 1934, Chapter 159 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
10 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

11 1936, Chapter 29 AN ACT ESTABLISHING BIENNIAL MUNICIPAL
12 ELECTIONS IN THE CITY OF BEVERLY AND MAKING CERTAIN OTHER
13 CHARTER CHANGES

14 1936, Chapter 46 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
15 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

16 1939, Chapter 135 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
17 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

18 1941, Chapter 223 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
19 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

20 1943, Chapter 112 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL
21 MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY IN ODD-NUMBERED
22 YEARS AND ESTABLISHING THE DATE OF SAID ELECTIONS

1 1943, Chapter 198 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
2 COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN

3 1945, Chapter 144 AN ACT RELATIVE TO THE POLLING HOURS AT
4 ELECTIONS IN THE CITY OF BEVERLY

5 1947, Chapter 162 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
6 INCREASE THE COMPENSATION OF THE MEMBERS OF ITS BOARD OF
7 ALDERMEN

8 1951, Chapter 238 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL
9 MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY IN ODD-NUMBERED
10 YEARS AND ESTABLISHING THE DATE OF SAID ELECTIONS

11 1952, Chapter 236 AN ACT CREATING A DEVELOPMENT AND
12 INDUSTRIAL COMMISSION IN THE CITY OF BEVERLY

13 1952, Chapter 336 AN ACT AUTHORIZING THE CITY OF BEVERLY TO
14 INCREASE THE COMPENSATION OF THE MEMBERS OF ITS BOARD OF
15 ALDERMEN

16 1953, Chapter 95 AN ACT RELATIVE TO ADDITIONS TO OR
17 ALTERATIONS OF CERTAIN BUILDINGS IN THE CITY OF BEVERLY

18 1954, Chapter 602 AN ACT RELATIVE TO THE ELECTION OF CERTAIN
19 OFFICIALS IN THE CITY OF BEVERLY BY THE BOARD OF ALDERMEN

20 1955, Chapter 478 AN ACT RELATIVE TO THE SALARIES OF THE MAYOR
21 AND BOARD OF ALDERMEN OF THE CITY OF BEVERLY.

22 1957, Chapter 133 AN ACT PROVIDING THAT CERTAIN MEMBERS OF

1 THE SCHOOL COMMITTEE IN THE CITY OF BEVERLY BE ELECTED BY WARDS

2 1960, Chapter 155 AN ACT PROVIDING FOR THE INITIATIVE AND

3 REFERENDUM FOR THE CITY OF BEVERLY

4 1962, Chapter 112 AN ACT CHANGING THE DATE OF BIENNIAL

5 MUNICIPAL ELECTIONS IN THE CITY OF BEVERLY

6 1969, Chapter 74 AN ACT RELATIVE TO THE AWARDING OF

7 CONTRACTS FOR THE PURCHASE OF MATERIALS AND SUPPLIES OR FOR

8 LABOR TO BE FURNISHED EXCEPT LABOR TO BE RENDERED IN PERSON,

9 WITHOUT ADVERTISING IN THE CITY OF BEVERLY

10 1993, Chapter 230 AN ACT RELATIVE TO THE CHARTER OF THE CITY OF

11 BEVERLY

12 1993, Chapter 330 AN ACT RELATIVE TO THE OFFICE OF CITY

13 COUNCILOR IN THE CITY OF BEVERLY