



CITY COUNCILNo. C0398-19

IN THE YEAR TWO THOUSAND AND NINETEEN

**AN ORDER TO REQUEST APPROVAL FROM THE STATE LEGISLATURE TO
AMEND THE CITY OF EVERETT CHARTER RELATIVE TO THE APPOINTEES OF
THE CITY COUNCIL**

/s/John Hanlon

Be it Ordered by the City Council of the City of Everett, Massachusetts that the following special act be sent to the state legislature for their consideration:

An Act Relative to the Appointees of the City Council of the City of Everett

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1.

Upon passage of this Act by the State Legislature, the following shall become effective for all current and future appointments of the Everett City Council.

The Home Rule Charter of the City of Everett is hereby amended as follows:

Section 2-6, Exercise of Powers, Quorum; Rules, is hereby amended by deleting the phrase “city clerk” in subsection (c)(4) and replacing it with the phrase “clerk of the city council”;

Section 2-8, Appointments of the City Council, is hereby amended by deleting the existing version of the section and replacing it with the following new version of the section:

(a) In General

- (1) All appointments of the appointed officers of the city council shall be made by an affirmative majority vote of the entire membership of the full city council.
- (2) The qualification of the appointed officers of the city council to begin serving in their appointed offices shall be as prescribed in Section 9-12 (b) of this Charter.
- (3) Whenever possible, the oaths of office for the appointed officers of the city council shall be administered by the city clerk or the president of the city council.
- (4) Appointed officers of the city council may be removed from their office, for just cause, by a minimum two-thirds (2/3) affirmative vote of the entire membership of the full city council.

(5) An appointed office of the city council shall be declared to be vacant in the following instances:

- a. Death of the office holder;
- b. Resignation of the officer holder;
- c. Retirement of the office holder;
- d. Incapacity of the office holder;
- e. Final conviction of the officer holder of a state or federal felony; or
- f. Removal of the office holder by the city council.

For resignations and retirements, said office shall be deemed to be vacated at the close of business on the effective date of the resignation; in all other instances, said office shall be deemed to be vacated immediately.

(6) Any vacancy in an appointed office of the city council shall be filled in a like manner for the remainder of its unexpired term.

(7) Unless their office has been deemed to be vacated, the appointed officers of the city council may, once qualified, continue to serve in their respective appointed offices until their successors have been qualified.

(8) The city council may, from time to time, adopt additional rules of procedure regulating the appointment and the removal of appointed city council officers.

(9) Appointed officers of the city council shall receive such compensation as the city council may, from time to time, determine.

(b) City Clerk

(1) The city council shall have charge and control of the city clerk's office, through the city clerk.

(2) The minimum term for the office of the city clerk shall be five (5) years.

(3) The city clerk shall:

- a. Perform such duties as prescribed by the general laws, by the charter or by ordinance.
- b. Archive, attest and file the full and accurate records of the doings of the city council as submitted by the clerk of the city council.

(c) Assistant City Clerk

(1) The minimum term for the office of the city clerk shall be five (5) years.

(2) The assistant city clerk shall:

- a. Perform such duties as prescribed by the city clerk or by ordinance.
- b. In the absence of the city clerk, perform the duties of the city clerk.

(d) Clerk of the City Council

- (1) The newly elected city council shall appoint a clerk of the city council biennially in January of each year following a municipal election.
- (2) The clerk of the city council shall hold office for the duration of the current legislative term, unless their office is declared to be vacated.
- (3) The clerk of the city council shall:
 - a. Keep full and accurate records of the doings of the city council; and
 - b. Perform such other duties as prescribed by ordinance or required by the city council.

(e) Clerk of Committees

- (1) The newly elected city council shall appoint a clerk of committees biennially in January of each year following a municipal election.
- (2) The clerk of committees shall hold office for the duration of the current legislative term, unless their office is declared to be vacated.
- (3) The clerk of committees shall:
 - a. Keep full and accurate records of the doings of the several committees of the city council, and
 - b. Perform such other duties as may be required by the city council.

(f) Other Staff

Subject to appropriation, the city council may employ such other staff as it deems necessary.,

SECTION 2.

This act shall take effect upon its passage and the passage of any corresponding necessary changes to the Revised Ordinances of the City of Everett, the Everett City Council's Rules of Procedure and the Everett City Council's Legislative Code.

Once all necessary changes are fully in effect, the Everett City Council shall appoint a Clerk of the City Council to serve for the remainder of its current legislative term.