

ENROLLED ORDINANCE

PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



CITY COUNCILNo. C0024-20

IN THE YEAR TWO THOUSAND AND TWENTY

AN ORDINANCE ADDRESSING ANY VACANCY IN THE OFFICE OF THE CITY CLERK AND ASSISTANT CITY CLERK

Councilor /s/ Rosa DiFlorio, as President

Whereas: Under the prior City Charter, the offices of the city clerk and the assistant city clerk received lifetime appointments; and

Whereas: Given such appointment terms, there was not any need to address what happens at the end of the officer’s term other than the office being vacant; and

Whereas: On September 30th of this year, the first appointment to one of these offices made under the current City Charter shall expire and the office could be deemed to be vacant; and

Whereas: Although it would be reasonable to assume that a reappointment will be made to this office by September 30th, changing the following ordinances should remove any issues with this process for both offices going forward.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances:

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Revised Ordinances of the City of Everett be amended as follows:

Chapter 2, Article II, Division 3 of the Revised Ordinances of the City of Everett is hereby amended as follows:

Section 2-61 is hereby amended by deleting the existing version of the section and replacing it with the following new version of the section:

Section 2-61. Appointment; term of office; vacancy; other duties

- (a) The city council shall appoint a city clerk in accordance with Section 2-8(a) of the Charter.

- (b) The city clerk's term of office shall be in accordance with the provisions of Sections 2-8(a) and 10-5(c) of the Charter.
- (c) Unless the office of the city clerk has been deemed to be vacated, the city clerk, once qualified, may continue to serve in their office until their successor has been qualified.
- (d) The office of the city clerk shall be declared to be vacant in the following instances:
 - (1) Death of the office holder;
 - (2) Resignation of the officer holder;
 - (3) Retirement of the office holder;
 - (4) Incapacity of the office holder;
 - (5) Final conviction of the officer holder of a state or federal felony; or
 - (6) Removal of the office holder by the city council.

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

- (e) Whenever a vacancy is pending or declared in the office of the city clerk, the city council shall seek qualified residents of the city to fill such vacancy by having notice of such vacancy posted for a period of two (2) weeks in a one (1) or more local newspapers, on the city's website and on the city's local cable access channel.
- (f) The city council's committee on legislative affairs & elections shall interview each candidate for such vacancy and report its recommendation(s) back to the city council.
- (g) The city clerk shall also serve as the clerk of the city council.

(Rev. Ords. 1976, Pt. 2, Ch. 2, § 27; Ord. of 05-02-01; A0173-12; C0032-14, C0024-20)

Section 2-68(a) is hereby amended by deleting the existing version of the sub-section and replacing it with the following new version of the sub-section:

- (a) Appointment; term of office; vacancy
 - (1) The city council shall appoint an assistant city clerk in accordance with Section 2-8(a) of the Charter.
 - (2) The assistant city clerk's term of office shall be in accordance with the provisions of Sections 2-8(a) and 10-5(c) of the Charter.
 - (3) Unless the office of the assistant city clerk has been deemed to be vacated, the assistant city clerk, once qualified, may continue to serve in their office until their successor has been qualified.
 - (4) The office of the assistant city clerk 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, the office of the assistant city clerk shall be deemed to be vacated at the close of business on the effective date of such action; in all other instances, the office of the assistant city clerk shall be deemed to be vacated immediately.

- (5) Whenever a vacancy is pending or declared in the office of the assistant city clerk, the city council shall seek qualified residents of the city to fill such vacancy by having notice of such vacancy posted for a period of two (2) weeks in a one (1) or more local newspapers, on the city's website and on the city's local cable access channel.
- (6) The city council's committee on legislative affairs & elections shall interview each candidate for such vacancy and report its recommendation(s) back to the city council.

(A0173-12; C0032-14, C0024-20)

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk