

Chelsea (1994)

PART IV

City Manager.

Section 4-1. - Appointment; qualifications.

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

The city council shall enter into an employment agreement with the city manager. Said employment agreement and any renewals of said employment agreement shall be for a period of at least two years. The city manager shall devote full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the city manager engage in any other business unless such action is approved in advance in writing by the city council.

The city manager need not be a resident of the city or of the commonwealth at the time of appointment, but shall establish residence within the city within twelve months following appointment, unless the city council shall waive such requirement. (As amended 8-1-02; amended 8-26-94).

Section 4-2. - Powers of appointment.

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

The city manager shall appoint all members of multiple-member bodies provided, however, that appointments made by the city manager shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the city council, unless the city council shall within such period by majority of the full city council vote to reject such appointment or has sooner voted to affirm it.

Section 4-3. - Administrative powers and duties.

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

(a) to supervise, direct and be responsible for the efficient administration of all officers and employees appointed by the city manager and their respective departments and of all functions for which the city

manager is given responsibility, authority or control by this charter, by ordinance, or by vote of the city council;

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

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

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

(e) to keep the city council fully informed as to the needs of the city, and to recommend to the city council for adoption such measures requiring action by them as the city manager deems necessary or expedient;

(f) to ensure that complete and full records of the financial and administrative activity of the city are maintained and to render reports to the city council as may be required;

(g) to be responsible for the rental, use, maintenance and repair of all city facilities, except those under the jurisdiction of the school committee. Rental agreements of more than five years in duration shall be subject to the approval of the city council;

(h) to act as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment. The city manager may delegate this function to some other officer or employee as deemed necessary;

(i) to prepare and maintain a full and complete inventory of all city owned real and personal property;

(j) to administer personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all city officers and employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the city;

(k) to fix the compensation of all city officers and employees appointed by the city manager within the limits established by appropriation and any applicable compensation plan or collective bargaining agreement;

(l) to be responsible for the negotiation of all collective bargaining agreements with city employees over wages, and other terms and conditions of employment. The city manager may employ special counsel to assist in the performance of these duties. Cost items of collective bargaining agreements shall be subject to the approval of the city council;

(m) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast;

(n) to keep the city council fully informed as to the financial condition of the city and to make recommendations to the city council as the city manager determines necessary or expedient;

(o) to inquire into the affairs of any city department, agency or office;

(p) to delegate, authorize or direct any subordinate officer or employee of the city to exercise any power, duty or responsibility which the office of city manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be considered to be the acts of the city manager;

(q) to perform such other duties as necessary or as may be assigned by this charter, by ordinance, or by vote of the city council. (Amended 8-26-94)

Section 4-4. - Compensation.

The city manager shall receive such compensation for services as the city council shall determine, but such compensation shall be within the limits of available appropriations. (Amended 8-26-94)

Section 4-5. - Vacancy in office.

Any vacancy in the office of city manager shall be filled as soon as possible by the city council. Pending appointment of the city manager or the filling of any vacancy, the city council shall forthwith appoint some other person to perform the duties of the city manager. The appointment of the acting city manager shall be for a term not to exceed three months; provided, however, that a renewal, not to exceed an additional three months may be provided. (Amended 8-26-94)

Section 4-6. - Temporary absence.

The city manager shall designate by letter filed with the city council and city clerk a qualified officer or employee of the city to perform the duties of the city manager during a temporary absence or disability, such officer or employee to be approved by vote of the city council. In the event of failure of the city manager to make such designation or if the officer or employee so designated is for any reason unable to serve, the city council may designate some other qualified officer or employee to perform the duties of the city manager until the city manager shall return. (Amended 8-26-94)

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

The powers of the acting city manager under section 4-5 and the temporary city manager under section 4-6 shall be limited to matters not admitting of delay, provided however, that no temporary city manager under section 4-6 shall have the power to make any permanent appointment to, or removal from, any office or position under the city. (Amended 8-26-94)

Section 4-8. - Annual review of the city manager.

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

The city council shall publish in at least one newspaper of general circulation in the city a notice stating the date and time of the city council meeting when the city manager's annual review shall be scheduled. Such notice shall appear at least fourteen days before said meeting. (As amended 8-1-02; amended 8-26-94).

Barnstable (1995)

PART IV

Town Manager

Section 4-1 Appointment, Qualifications, Term of Office

The town council shall appoint by a majority vote of the full council a town manager.

The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager, or an assistant city or town manager or the equivalent public or private sector level experience. The town council may from time to time establish such additional qualifications as deemed necessary and appropriate.

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

The town manager need not be a resident of the town or of the Commonwealth at the time of appointment but shall establish residence within the town within six months following appointment, unless the town council shall extend such time.

Section 4-2 Powers of Appointment

Except as otherwise provided by this charter, the town manager shall appoint, based upon merit and fitness alone, all department heads, officers, subordinates, and employees for whom no other method of selection is provided in this charter except employees of the school department, airport commission and persons serving under officers elected directly by the voters of Barnstable.

All appointments made by the town manager are subject to the approval of the town council. In accordance with the procedures set forth in section 5-1, the town manager may be required, to consult with or engage in a joint recruitment and selection process with multiple member bodies, prior to the appointment of department heads or employees, who may provide policy advice, or support or receive direction from said multiple member bodies.

Section 4-3 Administrative Powers and Duties

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

(a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility under this charter, by ordinance, or by vote of the town council.

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

(c) to coordinate all activities of town departments or agencies.

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

(e) to keep the town council fully informed as to the needs of the town, and to recommend to the council for adoption such measures requiring action by them as the town manager deems necessary or expedient.

(f) to insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the town council as may be required.

(g) to be responsible for the rental, use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee and the airport commission.

(h) to be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and approve the award of all contracts, except contracts for educational materials.

(i) to develop and maintain a full and complete inventory of all town owned real and personal property.

(j) to administer personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all town employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the town.

(k) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan.

(l) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department and the airport commission. The town manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the town council. (Amended by Town Council item 91-119 on 6/6/91; amendment approved by voters on 11/5/91).

(m) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in Part VI of this charter.

(n) to keep the town council fully informed as to the financial condition of the town and to make recommendations to the town council as the town manager determines necessary or expedient.

(o) to investigate or inquire into the affairs of any town department, agency or office.

(p) to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be considered to be the acts of the town manager.

(q) to perform such other duties as necessary or as may be assigned by this charter, by ordinance, or by vote of the town council.

Section 4-4 Compensation

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

Section 4-5 Vacancy in Office

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

Section 4-6 Temporary Absence

The town manager may designate by letter filed with the town council and town clerk a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. The town council may not revoke such designation until at least fourteen days have elapsed whereupon it may appoint such other person to perform the duties of the town manager. In the event of failure of the town manager to make such designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the town council, the town council may designate some other qualified person to perform the duties of the town manager until the town manager shall return.

Section 4-7 Removal of Town Manager

The town council by affirmative vote of a majority of the full council may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure:

Prior to removal or termination the town council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full council. The preliminary resolution may suspend the town manager for a period not to exceed thirty days. A copy of the resolution shall be delivered to the town manager forthwith.

If so requested by the town manager, town council shall provide a written statement setting forth the reasons for the removal or termination.

Within five days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such hearing with the town council. If such a hearing is requested, the hearing shall be held at a meeting of the town council not later than twenty days from the date of request. At such hearing the town manager shall be entitled to address the town council and make comments related to the preliminary resolution.

If a public hearing has not been requested by the town manager, the town council may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of a majority of the full council at any time after ten days following the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager requests a public hearing, the town council may, at the conclusion of the hearing or within five days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full council.

The town council may suspend by an affirmative vote of the majority of the full council, the town manager pending and during any public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal shall become effective unless provided otherwise. The action of the town council in terminating, removing or suspending the town manager shall be final.

Section 4-8 Annual Review of the Town Manager

Annually the town council shall prepare and deliver to the town manager a written evaluation of the town manager's performance.

Newton (Proposed, 2016)

ARTICLE 3. EXECUTIVE BRANCH

Sec. 3-1. Mayor; Election; Term; Compensation.

There shall be a mayor, who shall be elected by and from the voters of the city.

The mayor shall be the chief executive officer of the city. The mayor shall devote full time to the office and shall not hold any other elective public office, nor actively engage in any other business, occupation or profession during the term of office as mayor. The mayor shall hold office for the term of 4 years from the first business day of January following the election and until the mayor's successor is qualified.

No person shall be eligible for election to the office of mayor for a fourth consecutive term.

The mayor shall receive such salary as the city council determine by ordinance, but no change in such salary shall take effect during the current term of the mayor in office at the time of the adoption of the ordinance making such change.

Sec. 3-2. Executive Powers; Enforcement of Ordinances; Assistants.

(a) In General—The executive and administrative powers of the city shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several city agencies under the mayor's general supervision and control. The mayor shall enforce the laws, ordinances, and orders for the government of the city, and shall keep a record of all official acts as mayor. To aid the mayor with official mayoral duties, the mayor may appoint staff, fix their salaries and define their duties.

(b) The mayor shall appoint a chief administrative officer to coordinate and direct the operations of the various departments and functions of municipal government. The chief administrative officer shall serve at the pleasure of the mayor and be appointed on the basis of having strong administrative and executive qualifications or such other qualifications and shall be especially fitted by education, training and experience to perform the duties of the office.

Sec. 3-3. Appointments by Mayor.

(a) The mayor shall appoint all city officers, department heads and all volunteer members of city boards, commissions, committees and agencies for whom no other method of appointment is provided by this charter or by law.

(b) Appointments by the mayor of city officers and department heads shall become effective 30 days from the date of the first regularly scheduled city council meeting after notice of the proposed appointment is filed with the city clerk, unless the city council within said 30 days shall reject the appointment.

(c) All officers and city agencies shall, subject to the civil service laws of the commonwealth, appoint their subordinates and employees to hold office until they are removed by the officer or city agency under whom they serve; but the mayor shall approve all appointments in the police and fire departments, and the mayor shall have the power of removal in the police and fire departments.

(d) Appointments by the mayor of volunteer members of city boards, commissions, committees and agencies shall take effect 60 days from the date of the first regularly scheduled city council meeting after the notice of the proposed appointment is filed with the city clerk, unless the city council rejects the appointment within those 60 days. Rejection by the city council shall require a 2/3 vote. Appointments to boards, commissions, committees and agencies may include city employees; provided that, unless otherwise required by law, such employees shall not serve as chair of the board, commission, committee or agency and such city employees shall not comprise more than 1/3 of the full membership of the board, commission, committee or agency.

(e) The question on rejection of any appointment made by the mayor shall not be subject to charter objection as provided in subsection (c) of section 2-9.

(f) The mayor shall regularly, but not less frequently than annually, provide a listing of all vacancies on city boards and commissions, along with an indication of the appointing authority responsible for filling the vacancy, to the city clerk and the city council. The city clerk shall make the listing available to the public electronically.

Sec. 3-4. Notice of Appointment.

In making appointments, the mayor shall sign and file with the city clerk a notice of appointment, a copy of which shall be filed on the same day with the clerk of the council.

Sec. 3-5. Removal of Officials.

(a) The mayor may remove any person appointed by the mayor by filing written notice of the removal with the city clerk.

(b) If the position of a city officer or department head becomes vacant, the mayor shall notify the clerk and the city council.

Sec. 3-6. Temporary Appointments.

If there is a vacancy in an office appointed by the mayor, whether by reason of disability, death, resignation or removal from office for any reason, the mayor may appoint the head of another city office or agency, or a city officer or employee, or some other person to perform the duties of the office for a period not to exceed 3 months. If a vacancy continues beyond 3 months, the mayor may make a second 3-month appointment, but no temporary appointment shall be continued beyond 6 months without the approval of the city council.

Sec. 3-7. Communications to the City Council; Calling of Special Meetings of the City Council.

(a) Communications—Within 6 weeks following the start of each fiscal year, the mayor shall submit to the city council, and make available to the public, a complete report on the financial and administrative activities of the city for the preceding fiscal year. The mayor shall not less frequently than semi-annually,

by written communications to the city council, provide full disclosure of municipal revenues and all information related to the financial condition and future needs of the city and shall recommend such measures to the council as the mayor determines the needs of the city require.

(b) Calling Special Meetings—The mayor may call a special meeting of the city council by causing a notice of such meeting that specifies the matters which the mayor desires to be considered to be left at the usual place of residence of each councilor or given to in hand and public notice of the meeting to be posted at least 24 hours in advance of the time set for the meeting; or such lesser period as the mayor may determine in case of an emergency, of which the mayor shall be the judge.

Sec. 3-8. Adoption of Measures; Mayor's Veto.

Not sooner than 24 nor more than 96 hours after the adjournment of any meeting of the city council, the clerk of the council shall present to the mayor the record of the proceedings of the meeting and copies of all measures passed at the meeting, unless a city councilor has filed with the city clerk a motion to reconsider the measure under section 2-9(d).

Every measure relative to the affairs of the city passed by the city council shall be presented to the mayor for the mayor's approval except: (i) any measure relating to the internal affairs of the city council; (ii) any measure relating to the election of officers whose election by the city council is authorized by law or this charter; (iii) matters exclusively within the jurisdiction of the city council or (iv) the budget.

Within 10 days of receipt of a measure, the mayor shall return it to the clerk of the council with or without approval, or with a veto. Upon the mayor's approval of a measure it shall be considered adopted. If a measure is vetoed, the mayor shall attach a written statement explaining the reasons for the veto. Measures vetoed by the mayor shall be considered again by the city council at a meeting no sooner than 7 days after receipt of the mayor's veto. If the city council, notwithstanding such veto by the mayor, shall again pass such measure by a 2/3 vote of the full council, it shall then be considered adopted. Every measure not approved or vetoed by the mayor shall be considered adopted 10 days after it has been presented to the mayor.

Sec. 3-9. Temporary Absence from the Office of the Mayor.

If by reason of sickness, absence from the city or otherwise, the mayor is unable to perform the duties of the office of the mayor, the president of the city council shall, as acting mayor, possess the powers of the mayor only in those matters requiring immediate attention, but the acting mayor shall have no power to make permanent appointments. If neither the mayor nor the president of the city council is able to perform the duties of the office of the mayor, the vice-president of the city council shall possess the powers of acting mayor.

During any period in which the president or the vice-president of the city council is serving as acting mayor, the acting mayor shall not serve as the presiding officer of the city council.

The city council, with approval of the mayor, may provide by ordinance for the handling of certain administrative duties of the mayor in the temporary absence of the mayor by other city councilors. The restriction contained in section 3-1 relative to holding other office or actively engaging in a business, occupation or profession shall not apply to an acting mayor holding office under this section.

Sec. 3-10. Permanent Vacancy in the Office of the Mayor.

If a permanent vacancy occurs in the office of the mayor, at any time preceding the last 9 calendar months of the term for which the mayor was elected, the city council shall, at its next regular meeting, call a special election, to be held within 120 days, to fill the vacancy for the remainder of the unexpired term. If a vacancy occurs in the office of the mayor during the last 9 calendar months of the term for which the mayor was elected, the president of the city council shall serve as the acting mayor until the next election for mayor is held. Upon the certification of the results from the next election, the person elected to be mayor shall be immediately sworn and begin serving as mayor and the new mayor shall, in addition to the term for which the member was elected, serve for the balance of the then-unexpired term .

The removal from residency within the city shall create a vacancy in the office.

Northampton (2012)

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

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

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

(c) Compensation - The city council shall, by ordinance, establish an annual salary for the mayor. No ordinance increasing or reducing the salary of the mayor shall be effective unless it has been adopted by a two-thirds vote of the full city council. No ordinance increasing the salary of the mayor shall be effective unless it has been adopted during the first 18 months of the term for which the mayor is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next regular city election.

(d) Prohibitions - The mayor shall hold no other compensated city position. No former mayor shall hold a compensated appointed city office or city employment until 1 year following the date on which the former mayor's city service has terminated. This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time such position was vacated; provided, however, no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as mayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

SECTION 3-2 EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

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

SECTION 3-3 APPOINTMENTS BY THE MAYOR

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

SECTION 3-4 TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate the head of another city agency, a city officer, city employee or some other person to perform the duties of the office on a temporary basis until the position can be filled as provided by law or by this charter. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

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

(signed)

Mayor

Persons serving as temporary officers under this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 90 days; provided, however, not more than 2 30 day extensions of a temporary appointment may be made when a permanent vacancy exists in the office.

SECTION 3-5 COMMUNICATIONS; SPECIAL MEETINGS

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

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

SECTION 3-6 APPROVAL OF MAYOR, VETO

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

SECTION 3-7 TEMPORARY ABSENCE OF THE MAYOR

(a) Acting Mayor - Whenever, by reason of sickness, absence from the city or other cause, the mayor is unable to perform the duties of the office, the president of the city council shall be the acting mayor. The city council, by the affirmative vote of 7 members, shall determine whether the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.

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

SECTION 3-8 DELEGATION OF AUTHORITY BY MAYOR

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

SECTION 3-9 VACANCY IN OFFICE OF MAYOR

(a) If a vacancy in the office of mayor occurs prior to the eighteenth month of the term for which the mayor is elected, the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill such vacancy until the next regular city election. The person elected at that special city election shall take office immediately. If a regular city election is to be

held within 120 days following the date the vacancy is created a special election need not be held and the office shall be filled by vote at the regular city election.

(b) If a vacancy in the office of mayor occurs between the nineteenth and twenty-second month of the term for which the mayor is elected, the city council president shall serve as mayor until the next regular election. The city council president serving as mayor under this subsection shall take office immediately and serve for the balance of the then unexpired term.

(c) If a vacancy in the office of mayor occurs between the twenty-third and fortieth month of the term for which the mayor is elected, the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to serve for the balance of the then unexpired term.

(d) If a vacancy in the office of mayor occurs during or after the forty-first month of the term for which the mayor was elected, the city council president shall serve for the balance of the then unexpired term.

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

(f) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor.