

CITY OF LYNN CHARTER

ARTICLE 1

**INCORPORATION: FORM OF GOVERNMENT:
POWERS OF THE CITY**

Section 1-1 Incorporation

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

Section 1-2 Short Title

This instrument shall be known and may be cited as the Lynn Home Rule Charter.

Section 1-3 Division of Powers

The administration of the fiscal, prudential, and municipal affairs of the city, with the government thereof, shall be vested in an executive branch, to consist of the mayor, and a legislative branch, to consist of the city council. The executive branch shall never exercise any legislative power, and the legislative branch shall never exercise any executive power.

Section 1-4 Powers of the City

Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the commonwealth, it is the intent and the purpose of the voters of Lynn, through the adoption of the charter to secure for the city all powers it is possible to secure under the constitution and statutes of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1-5 Construction

The powers of the city under the charter are to be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in Section 1-4.

Section 1-6 Intergovernmental Relations

Subject only to express limitations in the constitution or statutes of the commonwealth, the city may exercise any of its powers or perform any function, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any political subdivision, or agency thereof or the United States government or agency thereof.

ARTICLE 2

EXECUTIVE BRANCH

Section 2-1 Mayor—Qualifications; Term of Office; Compensation

(a) Mayor, Qualifications -- The chief executive officer of the city shall be a mayor, elected by and from the qualified voters of the city. Any voter shall be eligible to hold the office of mayor. The mayor shall devote his full time to the office and shall not hold any other elective public office, nor shall he actively engage in any other business, occupation or profession during his service as mayor.

(b) Term of Office -- The term of office of the mayor shall be four years beginning on the first Monday of January following his election and until his successor is qualified.

(c) Compensation--The city council shall by ordinance establish an annual salary for the mayor. No ordinance increasing the salary of the mayor shall be effective unless it shall have been adopted in the first eighteen months of the term for which councillors are elected and it provides that such salary is to be effective at the commencement of the next term of office of the mayor.

Section 2-2 Executive Powers; Enforcement of Ordinances

The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several city agencies under his general supervision and control. The mayor shall cause the charter, the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept.

The mayor shall exercise a general supervision and direction over all city agencies, unless otherwise provided by law. Each city agency shall furnish to him, forthwith upon his request, any information, materials or otherwise as he may request and as the needs of his office and the interest of the city may require.

Section 2-3 Appointments by the Mayor

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The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, persons appointed by state officials and persons serving under the city council. All such appointments made by the mayor shall be subject to review by the city council as provided by section 3-9.

Section 2-4 Removal of Officials

The mayor may, in writing, suspend any head of a department or member of a board or other officer or employee, and in such case he shall at once report his action and his reasons therefore to the city council. The suspension of any such person shall, fifteen days following the date such report is made, be a removal, unless within the said fifteen days the person whose removal is sought has filed a request for a hearing on such removal before the city council. Such hearing shall be held in accordance with the procedure established in Section 6-6.

Section 2-5 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 or a city officer or city employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever he makes a designation 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 said 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 Lynn.

(signed)
Mayor

Section 2-6 Communications; Special Meetings

(a) Communications to the City Council--Within six weeks following the start of each fiscal year the mayor shall submit to the city council, and make available for public distribution, a complete report on the financial and administrative activities of the city for the preceding fiscal year, as provided in Section 8-15. He shall from time to time throughout the year, by written communications, keep the city council fully informed of the financial condition and administrative problems of the city and shall recommend to them such measures for their consideration as, in his judgment, the needs of the city require.

(b) Special Meetings of the City Council—The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the city council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

Section 2-7 Approval of Mayor, Exception (Veto)

Every order, ordinance, resolution or vote adopted or passed by the city council, relative to the affairs of the city, except the election of officers, shall be presented to the mayor for his approval. If he approves he shall sign it; if he disapproves it, he shall return it, with his objections thereto in writing, to the city council, which shall enter his objections at large on its records, and again consider it, and the same shall be deemed approved and be in force if it is not returned by the mayor, as herein provided, within ten days after it was presented to him. If the city council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds yea and nay vote of all the members, it shall then be in force, but the vote thereon shall not be taken before ten days, nor after thirty days, from the date of its return to the city council.

Section 2-8 Temporary Absence of the Mayor

(a) Acting Mayor--Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of his office for a period of three successive working days or more, the president of the city council shall be the acting mayor. In the event of the absence or disability of the president of the city council, the vice-president shall serve.

(b) Powers of Acting Mayo--The acting mayor shall have all of the powers of the mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the mayor shall have continued for more than sixty days, nor shall he approve or disapprove of any measure passed by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which the city council president, or vice-president, is serving as acting mayor he shall not vote as a member of the city council.

Section 2-9 Vacancy in Office of Mayor

(a) Special Election—If a vacancy in the office of mayor occurs in the first fifteen months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity or otherwise the city council shall forthwith order a special election to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then expired term.

(b) Council Election—If a vacancy in the office of mayor occurs in the last nine months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the city council shall become the mayor. Upon the qualification of the president of the city council as the mayor, under this section, a vacancy shall exist in his seat on the city council which shall be filled in the manner provided in Section 3-12.

(c) Powers, Term of Office--The mayor elected under Section 2-9(a) or (b) shall have all the powers of the mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

ARTICLE 3

LEGISLATIVE BRANCH

Section 3-1 Composition; Eligibility; Election and Term

(a) Composition—There shall be a city council consisting of eleven members which shall exercise the legislative powers of the city. Four of these members, to be known as councillors at-large, are to be nominated and elected by and from the voters of the city, at-large. Seven of the members, to be known as ward councillors, are to be nominated and elected by and from the voters of seven city wards, one ward councilor to be elected from each such ward.

(b) Eligibility--Any voter shall be eligible to hold the office of councillor. A ward councillor, notwithstanding his removal from one ward in the city to another during the term for which he was elected, may continue to serve and to perform his duties until the expiration of the term for which he was elected.

(c) Election and Term--The term of office for councillors shall be for two years beginning the first Monday of January following their election and until their successors are qualified.

Section 3-2 Presiding Officer

The city council shall, annually on the first Monday in January, meet for the purpose of organization. They shall be called together by the city clerk, or in the absence of the city clerk by the member present senior in both age and years of service, who shall preside. The city council shall then elect, from among its members, by separate roll call votes, a president and vice-president.

A majority vote of the full council shall be necessary for such election. No other business shall be in order until such officers are elected. The president shall preside at all meetings of the city council, regulate the proceedings and decide all questions of order. He shall have such other powers and duties as may be provided by the charter, by ordinance or by vote of the city council. He shall have the same right to vote as any other city councillor. In the event of the absence or disability of the president, the vice-president shall act as president.

Section 3-3 Compensation

The city council shall, by ordinance, establish an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first eighteen months of the term for which councillors are elected and it provides that such salary is to be effective at the commencement of the term of office of the next city council to be elected.

Section 3-4 Prohibitions

(a) Appointment after Expiration of Term--No city councillor shall hold any compensated appointive city office or city employment during his term and until two years following the expiration of the term for which he was elected. This provision shall not prohibit a city officer or city employee who has taken a leave of absence from such office or employment from resuming his duties as such following service as a city councillor.

(b) Interference in Administration—Except as may be otherwise authorized by the charter, no member of the city council, nor any committee of the city council, shall directly take part in the conduct of the administrative business of the city.

Section 3-5 Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers--Except as otherwise provided by law or the charter, the legislative powers of the city council may be exercised in a manner determined by it.

(b) Quorum—A majority of the city council shall constitute a quorum but smaller number may meet and adjourn from time to time. The affirmative vote of a majority of the full council shall be necessary to adopt any motion, resolution, order or other vote, except as otherwise provided by the charter, or law.

(c) Rules of Procedure—The city council shall from time to time establish rules for its proceedings.

- (i) Regular meetings of the council shall be held at a time and place fixed by ordinance.
- (ii) Special meetings of the city council shall be held at the call of the mayor, as provided in Section 2-6 (b), on the call of the president of the city council, or on the call of any three or more members, by written notice delivered in hand or to the place of residence or business of each member at least forty-eight hours in advance of the time set, and which includes notice of the subjects to be acted upon.

- (iii) Except as may be otherwise authorized by law, all sessions of the city council, and any committee thereof, shall be open to the public and to the press.
- (iv) Every matter which comes before the city council shall be put to a vote, the result of which shall be recorded.
- (v) A full, accurate, up-to-date record of the proceedings of the city council shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

Section 3-6 Council Access to Information

- (a) In General--The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.
- (b) City Officer, Members of Multiple-Member Bodies, and City Employees--The city council may require any city officer, member of a multiple-member body or city employee to appear before it to give such information: as the city council may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of the said city officer, member of the multiple-member body or city employee.
- (c) Mayor--The city council may at any time require the mayor to provide it with specific information on any matter within its jurisdiction. The city council may require the mayor to appear before it, in person, to respond to written questions presented to him. The mayor may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the city council. The mayor shall not be required to answer any questions not relevant to those presented to him in advance and in writing.
- (d) Notice Requirements—The city council shall give at least five days written notice to any person it shall require appearing before it under the provisions of this section. Notice under this section shall be by delivery in hand.

Section 3-7 Officers Elected by the City Council

- (a) In General--The following administrative officers of the city shall be chosen by vote of the city council; a city clerk, a city treasurer, a city collector, city auditor who shall be called the comptroller, a city solicitor, a city electrician and a board of assessors to consist of three members.
- (b) Powers and Duties--The several officers elected by the city council shall exercise the powers and discharge the duties respectively conferred or imposed by law upon such officers. The city council may, in addition thereto, prescribe further appropriate powers and duties upon such officers.
- (c) Term of Office--Each of the officers above mentioned shall be elected by the city council, as soon as may be after the first day of March, for the term of three years, beginning on the first day of April following. If, following the expiration of an initial three-year term, an officer is reelected by the city council to succeed himself in the same office such subsequent election shall be for an indefinite term, but subject to removal as provided below.
- (d) Removal--The city council may remove from office at any time any officer elected by it, but only in accordance with the following procedure:

- (1) The city council shall adopt a preliminary resolution of removal which shall state in clear and specific terms the ground on which the proposed removal is based;
- (2) A copy of the said preliminary resolution shall be delivered in hand, or sent by registered or certified mail to the last known place of residence of the person whose removal is sought, forthwith following its adoption;
- (3) If, at the, expiration of ten days following the adoption of the said resolution the affected officer has not requested a public hearing concerning the proposed removal, the preliminary resolution shall be deemed to be final;
- (4) If, within ten days following the date the resolution has been adopted the affected officer has, in writing, requested a public hearing concerning such removal, the preliminary resolution shall remain in effect pending a public hearing;
- (5) Not less than fourteen nor more than twenty-one days following the receipt of a written request for a public hearing concerning a proposed removal, the city council shall conduct such a hearing, at which the affected officer shall have a right to be represented by counsel, to call witnesses, examine other witnesses, and to require the production of other evidence;
- (6) Within fourteen days following the conclusion of the public hearing the city council shall adopt a final resolution of removal, or it shall vote to rescind the preliminary resolution of removal previously adopted. Failure to take such action within such period shall be deemed to be rescission of the preliminary resolution of removal.

(e) Coordination--Notwithstanding their election by the city council the city officers named in this section shall at all reasonable times be subject to the call of the mayor for conference, discussion, consultation and coordination of any matter which relates to their respective offices.

(f) Qualifications—All persons elected to a city office by the city council under this section shall at the time of their election and at all times during their tenure in such office, be a resident and a voter of the city. Establishment of a principal place of residence outside of the limits of the city of Lynn shall be deemed to be an automatic resignation of the office to which said person was elected. The city council may, by ordinance, establish additional standards of competence and suitability which may be required of candidates for any office to be filled by vote of the city council.

Section 3-8 Clerk of the City Council

The city clerk shall be, ex-officio, the clerk of the city council. The clerk of the council shall give notice of all meetings of the city council to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be assigned by the charter, by ordinance or by other vote of the city council. The city council shall, by ordinance, establish a salary schedule and a job description for the clerk of the council.

Section 3-9 Appointments to City Offices

Confirmation--The mayor shall submit to the city council the names of all persons he desires to appoint to any city office, as a department head or as a member of a multiple-member body, except a position which is covered by the state civil service law. The city council shall refer all such names as are submitted to a standing committee which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not less than seven nor more than twenty-one days following such referral. If the city council has taken no other action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council.

Section 3-10 Procedures

(a) In General--Unless otherwise provided by law or this charter, a measure adopted by the city council shall not be effective until approved by the mayor under section 2 -7.

(amended by Chapter 58 of the Acts of 2018).

(b) Emergency Measures--An emergency measure shall be introduced in the form and manner prescribed generally except that it shall be plainly designated as an emergency measure. A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative votes of two-thirds of the members of the full city council.

Following such adoption of an emergency preamble the city council may, by a two-thirds vote, pass the measure with or without amendment at the meeting at which it was introduced. Emergency measures shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or a measure adopted in conformity with the procedures for measures generally is passed extending it.

(c) Publication and Public Hearings Required—Notice of a proposed ordinance or loan order, except those submitted under subsection (b), shall be in accordance with the laws of the commonwealth and rules and regulations promulgated by the attorney general.

(amended by Chapter 58 of the Acts of 2018).

(d) Council Reconsideration--The clerk of the city council shall hold every measure adopted by the city council for a period of twenty-four hours, Sundays and legal holidays excepted, and if during said time notice of an intent to file a motion to reconsider the matter is filed with the clerk of the council by a member entitled to make such a motion, the measure shall be returned to the city council for further action. If no such statement of intent is filed with the clerk of the council he shall, at the expiration of the said twenty-four hour period forthwith present the matter to the mayor.

(e) Publication of Adopted Measures—If any measure required to be published in full by subsection (c) exceeds 8 octavo pages of ordinary print, than in lieu of publication, the measure may be published in a booklet or pamphlet and made available for distribution to any person requesting the measure at the office of the city clerk; provided, however, that notice of that publication and a summary of the contents thereof shall be published as otherwise provided in said subsection (c).

(amended by Chapter 58 of the Acts of 2018).

(f) Repealed.

(Repealed by Chapter 58 of the Acts of 2018).

Section 3-11 Management Audits

(a) In General--A complete management audit of each city agency shall be made at least once in every eight years in order to accomplish the following purposes:

- (1) To identify any areas which hinder or prevent the city agency from performing its assigned responsibilities, goals or objectives and to offer suggestions for the removal of such obstacles and to suggest ways in which the responsibilities, goals or objectives might better be met.
- (2) To evaluate the adequacy of management practices being utilized in the agency, with respect to fiscal controls and use of available personnel and equipment.
- (3) To suggest specific ways and means by which the functions and services of the agency might be improved.

(b) Elements to be Considered--Each such management audit shall include, but need not be limited to, a consideration of the following:

- (1) Organization, staffing and manpower.
- (2) Adequacy of financial controls.
- (3) Facilities and equipment.
- (4) Goal setting, long and short range.
- (5) Procurement practices.
- (6) Overtime policies.
- (7) Cost comparisons with other municipalities and comparable private enterprise activities.

(c) Organization of Reports--Each management audit shall consist of the following parts:

- (1) Introduction--A brief explanation of the methods used to conduct the audit.
- (2) Scope--A statement of the extent of the examination made.
- (3) Major Contacts--A listing of the names of all persons interviewed in the conduct of the management audit and an outline of the procedures followed.
- (4) Findings--Details of the practices found during the management audit which, in the opinion of the audit team, requires modification or other change in order to strengthen and improve the agency and its performance.
- (5) Recommendations--Specific suggestions for actions to be taken either by the agency itself through changes in its own internal policies and operating procedures, or by the city council, based upon specific findings made.

(d) Administration--The city council shall be responsible for the conduct of all management audits under this section. The city council shall determine which city agencies shall be reviewed in any particular year and shall provide a schedule to assure that each city agency is so audited at least once in every eight years. The city council shall determine the manner in which such audits shall be conducted and shall award all contracts for professional consulting services in connection therewith. The city council may delegate the details of the overview of such audits to a standing committee, or to the city auditor or other designee who shall keep it fully informed of the implementation of all changes suggested in such audit reports by the city agencies concerned.

Section 3-12 Delegation of Powers

The city council may delegate to one or more city agencies the powers vested in it by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of such licenses and permits by any such city agency, and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Section 3-13 Filling of Vacancies

(a) Councillor at Large--If a vacancy in the office of councillor at large shall occur in the first eighteen months of the term for which councillors are elected, the vacancy shall be filled by the candidate for the office of councillor at large at the preceding city election who received the highest number of votes without being elected and provided such person is willing to serve. If a person who received such highest number of votes is not willing to serve the other candidates in descending order of number of votes received shall be offered the vacancy until one accepts the office. The city clerk shall certify the said candidate to the office of councillor at large to serve for the balance of the unexpired term.

(b) Ward Councillor--If a vacancy in the office of ward councillor shall occur in the first eighteen months of the term for which councillors are elected the vacancy shall be filled in the same manner as provided for councillors at large, provided that the candidate who is willing to serve shall have received at least thirty percent of the total number of votes cast for the office of ward councillor in the ward for which the vacancy exists. If no such candidate is available the city council shall, within thirty days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters residing in the ward to serve for the balance of the unexpired term.

(c) In General--No vacancy which occurs after the expiration of the first eighteen months shall be filled unless failure to act to fill the vacancy would result in less than seven members serving in the office of city councillor. In that event all vacancies which exist shall be filled in the manner provided above and the city council restored to full strength.

Whenever a vacancy exists on the council which is not filled in the period after the expiration of the first eighteen months of the term for which councillors are elected the person at the city election who is elected to the seat in which the vacancy exists shall forthwith be sworn shall serve for the balance of the then unexpired term, in addition to the term for which he was elected. If the vacancy is in the office of councillor at large it shall be filled by the person receiving the highest number of votes for the office who is not then a member of the city council.

Section 3-14 General Powers

Except as otherwise provided by law or the charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law.

ARTICLE 4

SCHOOL COMMITTEE

Section 4-1 Composition; Eligibility; Term of Office

- (a) Composition--The school committee shall consist of the mayor, who shall be chairman, and, six members elected at large.
- (b) Eligibility--Any voter shall be eligible to hold the office of school committee member.
- (c) Term of Office--The term of office of school committee members shall be for two years beginning the first Monday in January following their election, and until their successors are qualified.

Section 4-2 Officers of the School Committee

The committee shall organize biennially on the first Monday in January, and shall elect one of its members vice chairman, whose duty it shall be to preside in the absence of the mayor.

Section 4-3 General Powers and Duties

The school committee, in addition to the powers and duties conferred and imposed by law on school committees, shall have power to:

- (a) Elect a superintendent of schools, and may, subject to the civil service laws and regulations, appoint, suspend or remove at pleasure such subordinate officers of assistants, including custodians of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business;
- (b) Define the term of service, the duties and fix the compensation of all officers and employees appointed by it;
- (c) Provide, when they are necessary, temporary accommodations for school purposes;
- (d) Make all repairs, the expenditure for which are made from the regular appropriation for the school department, except as is otherwise provided herein, or by statute;
- (e) The school committee, in addition to the powers and duties conferred and imposed by law on the school committee, shall have power to: Control all school buildings and ground connected therewith; except maintenance and repairs which shall be under the jurisdiction of the division of inspectional services.

(as amended by Chapter 117 of the Acts of 2006)

- (f) Make all reasonable rules and regulations, not inconsistent with any laws of the commonwealth, for the management of the public schools of the city and for conducting the business of the schools.

Section 4-4 Sites for School Buildings

No site for a school building shall be acquired or designated, no plans for the construction or alteration of a school building shall be accepted, or work thereon begin, and no furnishings or equipment shall be purchased or installed, by the city, without first having obtained in each case the approval of the school committee signified by order.

- (a) Appointment--No member of the school committee, except the mayor, shall, during the term for which he is elected, hold any other office or position, the compensation for which is payable out of the city treasury, nor shall such person be eligible to hold any such office or position until two years

following the expiration of such term. This provision shall not prevent a city officer or city employee who has taken a leave of absence from such office or employment from resuming his duties as such following such service as a school committee member.

(b) Interference in Administration--No member of the school committee, nor any subcommittee of the school committee, shall, directly or indirectly, attempt to take any part in the conduct of the administrative businesses of the school committee.

Section 4-6 Exercise of Powers

(a) In General--Unless otherwise provided by general law, or by the charter, the power of the school committee may be exercised in the manner determined by it.

(b) Quorum--The presence of four members of the school committee shall constitute a quorum. The affirmative votes of four members shall be necessary to adopt any order, resolution or other formal vote, but a smaller number may adjourn from time to time.

(c) Meetings to be Public--All meetings of the school committee, and of every sub-committee thereof, shall at all times be open to the public and to the press, unless otherwise authorized by law.

Section 4-7 Budget Hearing

At least thirty days before the meeting at which the school committee is to vote on the budget request which it will submit to the mayor for inclusion in the budget he is required to submit to the city council, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall indicate specifically areas of increase from the current budget, if any, and the reasons for such changes. The notice shall farther state (1) the times and places where complete copies of the preliminary budget proposal are available for examination by the public, and (2) the date, not less than seven nor more than fourteen days following such publication, the time and the place at which a public hearing will be held by the school committee on its budget proposal.

The action of the school committee in adopting the budget, following the public hearing shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

Section 4-8 Mayor to be Coordinator

The mayor shall be responsible for the effective coordination of all activities of the school department with the activities of all other city agencies. He shall transmit all requests of the school committee which require action by the city council to the city council, and he shall, at the request of the city council, provide it with such information concerning such requests as may be necessary or desirable.

Section 4-9 Vacancies

If a vacancy shall occur in the office of school committee member it shall be filled in the same manner as is provided in section 3-12 for the filling of vacancies in the office of city councilor at large.

ARTICLE 5

FINANCIAL PROCEDURES

Section 5-1 Submission of Budget, Budget Message

Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year which shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the city's debt position, and include such other material as the mayor deems desirable or the city council may reasonably require.

Section 5-2 Action on the Budget

(a) Public Hearing--The city council shall, within seven days following its receipt of the proposed budget, publish in one or more local newspapers the general summary of the proposed budget as submitted by the mayor and a notice stating: (1) the times and places where copies of the proposed budget are available for inspection by the public, and (2) the date, time, and place, not less than two weeks after such publication, when a public hearing on said proposed budget will be held by the city council or a standing committee of the city council.

(b) Adoption--The city council shall adopt the budget, with or without amendments, within sixty days following the day the budget is received by it, or such other period as may be permitted by law. In amending the budget the city council may delete or decrease any programs or amounts except expenditures required by law or for debt service. If the city council fails to take action with respect to any item in the budget within sixty days after receipt of the budget, or such other period as may be permitted by law, such amount shall, without any action by the city council, become part of the appropriations for the year and made available for the purposes specified.

Section 5-3 Supplementary Budgets, Other Appropriations

Whenever the mayor shall submit to the city council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item or items not included therein, the city council shall not act on such request until it has (1) given notice by publication in a local newspaper of the request, (2) held a public hearing on such request. The publication of notice and the public hearing shall be generally in conformity with the provisions of section 5-2 concerning the annual operating budget.

Section 5-4 Independent Audit

At least once in every two years an outside audit of the books and accounts of the city shall be made. In the event that the commonwealth shall fail in any such period to provide for such an audit to be conducted, within sixty days following the date a written request for them to do so is made by the city council, the city council shall provide for such an audit to be made by a certified public accountant, or a firm of such accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers.

Section 5-5 Capital Outlay Program

(a) Submission to Council--The mayor shall prepare and submit to the city council a five year capital outlay program at least three months prior to the final date for submission of the proposed operating budget.

(b) Contents--The capital outlay program in the form submitted shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital expenditures which are proposed to be made during the five fiscal years next ensuing, with appropriate financial and other details concerning each such expenditure;
- (3) Cost estimates, proposed methods of financing, and time scheduling for each such expenditure;
- (4) The estimated annual cost to operate and maintain any facilities to be acquired or constructed.

The above information shall be revised and extended annually.

Section 5-6 Certain Bonded Indebtedness

Repealed.

(repealed by Chapter 58 of the Acts of 2018).

Section 5-7 Allotments

On or before August first of each year, or within ten days after the approval of the city council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the city officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the chief financial officer, with a copy to the city clerk, in such form as the chief financial officer may prescribe, an allotment schedule of the appropriations of all personnel categories included in said budget, indicating the amounts to be expended by the department or agency for such purposes during each of the fiscal quarters of said fiscal year, or such shorter time periods as the mayor or chief financial officer may prescribe. Whenever said chief financial officer determines that any department or agency, including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to such effect to the department head, the mayor, the city solicitor, and to the city clerk who shall forthwith transmit the same to the city council. Upon such a determination and notice thereof, said chief financial officer shall provide such officers additional reports on at least a monthly basis indicating the status of such accounts.

The mayor within seven days after receiving such notice shall determine whether to waive or enforce such allotment. If the allotment for such period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for such period is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of such period. All actions, notices, and decisions provided for in this section shall be transmitted to the city council and the city clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid from such department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments. Approval of a payroll for payment of wages, or salaried or other personnel expenses which would result in an

expenditure in excess of the allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the city shall have no obligation to pay such personnel cost or expense arising after such allotment or appropriation, has been exhausted.

Notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, every collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to and shall expressly incorporate the provisions of this section.

(added by Chapter 8 of the Acts of 1985)

Section 5-8 Personal Liability for Expenditure in Excess of Appropriation

a. For the purposes of this section, the following words shall have the following meaning unless the context clearly requires otherwise:

“Emergency”, a major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health and safety of persons or property.

“Official”, a permanent, temporary or acting city department head.

b. No official of the city of Lynn, except in the case of an emergency, involving the health or safety of the people or their property, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of that official’s departmental or other governmental unit’s appropriation duly made in accordance with the law or commit the city or cause the city to be committed to any obligation for the future payment of money in excess of that appropriation, with the exception of court judgments. Any official who intentionally violates this section shall be personally liable to the city for the amounts expended in excess of an appropriation to the extent that the city does not recover these amounts from the person to whom the amounts were paid. The superior court or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city, or the attorney general, under this section and to order relief that the court finds appropriate to prevent further violations of this section. Notwithstanding any general or special law to the contrary, any violation of this section shall be considered sufficient cause for removal by the school department or general government appointing authority pursuant to subsection (d) of section 3-7 of article 3 and section 6-6 of article 6 of the city charter.

(added by Chapter 8 of the Acts of 1985 and amended by Chapter 58 of the Acts of 2018)

ARTICLE 6

ADMINISTRATIVE ORGANIZATION

Section 6-1 Reorganization Plans by City Council

Except as otherwise provided by law or the charter, the city council may by ordinance, reorganize, consolidate, or abolish any existing city agency in whole or in part, establish new city agencies, and

prescribe the functions of any city agency. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by him.

Section 6-2 Reorganization Plans by Mayor

(a) Submission--The mayor may from time to time prepare and submit to the city council reorganization plans which may, subject to applicable law and the charter, reorganize, consolidate, or abolish any city agency, in whole or in part, or establish new city agencies, as he deems necessary or expedient. Such reorganization plans shall be accompanied by an explanatory message when submitted.

(b) Adoption--Every such reorganization plan shall, upon receipt by the clerk of the council, be referred to an appropriate standing committee of the city council. The city council shall, not more than thirty days later, hold a public hearing on the matter and the committee to which it was referred shall, within fourteen days following such hearing, issue a report stating either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the city council unless the city council has prior to that date voted to disapprove the reorganization plan. A reorganization plan presented by the mayor the city council under this section may not be amended by it, but shall either be approved or rejected as submitted.

Section 6-3 Publication of Reorganization Plan

An up-to-date record of any reorganization plan under this article shall be kept on file in the office of the city clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

Section 6-4 Multiple-Member Bodies, Composition, Term of Office

Except as otherwise directed by law, all multiple-member bodies shall consist of three or more members appointed for terms of three years each, so arranged that the term of one-third of the members, or as nearly that number as may be, shall expire each year.

Section 6-5 Terms of Office

Notwithstanding any other provision of the charter which may appear to be in conflict, all department heads who after serving a full term of office when appointed for a term of years are reappointed to the same office to succeed themselves shall thereafter serve for an indefinite term, not subject to reappointment, but subject to removal, as provided in section 6-6.

Section 6-6 Removal

The provisions of section 3-7(d) shall apply to all removals from city office. In instances where the mayor, or some other person or agency is the appointing authority, the mayor or such other appointing authority shall issue the preliminary notice of removal, as provided in section 3-7(d)1, and, in addition to delivery of a copy of the said notice to the affected person, as provided in section 37(d)2, shall cause a copy to be filed with the city council.

These provisions shall not be construed as being applicable to any person who is governed by the state civil service law and rules, or by the terms of a collective bargaining agreement.

Section 6-7 Expiration of Terms

Every appointment to city office shall begin on the first day of April, unless another provision is made by law or the charter, for the term specified, and until a successor has been qualified. Whenever the sequential expiration of terms of office to a multiple-member body has been broken by the operation of the provisions of section 3-7(c) or section 6-5 and a vacancy or vacancies shall subsequently occur, appointments to fill such vacancies shall be made for such lesser number of years as may be required in order to re-establish terms of office, which as nearly as may be, expire in different years.

Section 6-8 Board of Assessors, Chairman

(a) Assessing Department — There shall be in the city a department known as the assessing department, which shall be under the charge of an officer, known as the director of assessing, appointed by the chief financial officer, subject to the approval of the city council, for a term of three years.

(b) Director of Assessing — The director of assessing, hereinafter referred to as the director, for the board of assessors, shall have all the powers, and perform the duties of assessors of cities in the commonwealth in accordance and in compliance with the General Laws, except as paragraph (c) shall otherwise provide. Said director shall appoint an operations director subject to confirmation by the city council and shall establish within the department such divisions as the director shall adjudge is necessary for the operation of the business of the department. Said director shall review every application for exemption or abatement of taxes; and shall report his findings to the board of assessors.

(c) Board of Assessors — There shall be in the assessing department, hereinafter referred to as the department, aboard, known as the board of assessors, consisting of the director of assessing and two assessors appointed by the city council. The members of said board of assessors appointed by the city council shall serve for a term of three years.

It shall be the duty of said board of assessors to review the findings of the director of assessing on applications for exemptions or abatements of taxes, and to grant or deny all such applications after such hearing as said board of assessors deems proper.

(d) Whenever a member of the board of assessors serves as a professional appraiser within the department, he shall be subject to the direction of and report to the director of assessing.

(added by Chapter 8 of the Acts of 1985)

Section 6-9 Personnel Department

There shall be a department of personnel which shall be responsible for all personnel related functions and activities of the city, including, but not limited to:

(a) Plan, administer and direct all phases and components of the city personnel plan, including wage and salary administration, position classification, sick and vacation leave, employee grievance

procedure, accident prevention programs, physical examinations, equal opportunity and affirmative action programs, personnel transactions and all record keeping concerning city employees.

(b) Develop, new and revised personnel policies and practices, and recommend the same to the mayor and city council for implementation, where such action is necessary.

(c) Review all departmental requests for new personnel and make recommendations concerning such requests to the mayor and city council.

(d) Advise and assist municipal officers and employees in all aspects of public employment including recruitment, promotion, transfer, dismissal, wages, hours and other conditions of employment, insurance benefits and related matters.

(e) Determine before any employees shall be hired, reinstated, promoted or transferred by any city agency that:

(1) There is an existing vacancy.

(2) The salary which is proposed is in accordance with the existing salary schedule.

(3) There has been compliance with the civil service law and rules, if applicable.

(f) Development of a career public service program.

(g) Supervise the registration of all persons who are to be employed by the city in any capacity, and certification of eligible lists to department heads when vacancies exist.

All city officers and other appointing authorities shall cooperate with the personnel department by providing to it, upon request, any and all information related to personnel matters as may from time to time be made.

The personnel department shall be headed by a personnel director appointed by the mayor, subject to the approval of the city council. The term of office of the personnel director shall be for three years.

The personnel director shall be appointed solely on the basis of his professional and technical qualifications. He shall be a person especially fitted by education, training and experience to perform the duties of the office. Desirable qualifications, not mandatory, which should be considered in making such appointment would include: knowledge of principles and practices and equipment of office management; knowledge of city ordinances and rules and regulations relating to personnel matters; knowledge of the state civil service law and rules; knowledge of the principles and practices of personnel administration; ability to establish and to maintain effective working relations with a wide range of public officers and employees.

Section 6-10 Department of Public Works

(a) In General—Notwithstanding the provisions of any general or special law or any ordinance to the contrary, there shall be established in the city of Lynn a department of public

works, parks and cemetery, hereinafter called the department, which shall be under the direction and control of the commissioner of public works, parks and cemetery, hereinafter called the commissioner. The department shall have all the duties, responsibilities, powers and functions now or from time to time vested by general or special law or any ordinance in the following departments which shall be and are hereby merged to wit: department of public works, park department and cemetery department, except for the board of park commissioners and board of cemetery commissioners. Said boards shall retain all duties and responsibilities, powers and functions now or from time to time vested by general or special law, or ordinance. The board of park commissioners shall serve in an advisory capacity to the commissioner on matters of policy and administration regarding parks in the city of Lynn. The board of cemetery commissioners shall have full charge and supervision of all cemeteries owned or controlled by the city; and, it shall retain control and supervision of all trust funds granted or to be granted to it for the specified purposes.

(b) The commissioner with the approval of the mayor and city council, sitting as a body, may from time to time establish such divisions within the department as he shall deem necessary. Each such division shall assume such management and control as shall be determined by the commissioner. All salaries of the personnel shall be set within the wage scales established by ordinance by the city council, or by collective bargaining agreements, pursuant to chapter one hundred and fifty E of the General Laws, notwithstanding the provisions of any general or special law to the contrary. The existing appointing authority, in concurrence with the personnel director, shall appoint all employees of the department in accordance with the provisions of chapter thirty-one of the General Laws excepting the first associate commissioner and second associate commissioner as the mayor may determine, who shall not be subject to the provisions of said chapter thirty-one; and who, notwithstanding any general or special law to the contrary, shall be appointed by the mayor, subject to the approval of the city council.

(c) Commissioner of Public Works--A commissioner of public works shall be appointed by the mayor, subject to the approval of the city council, for a term of three years. The commissioner of public works shall be a person especially fitted by education, training and experience, to perform the duties of the office_ He need not be a resident of the City of Lynn when appointed but he shall, within six months following such appointment, establish such residence or the position shall be deemed to be vacant.

(d) Associate Commissioners--There shall be a first associate commissioner and a second associate commissioner, as the mayor may determine, subject to the approval of the city council, appointed for terms of three years each, so arranged that the terms of office of the two associate commissioners and the term of office of the commissioner all expire in different years. The commissioner and associate commissioners need not be residents of the city of Lynn when appointed, but within six months following such appointment shall establish such residence, or the position shall be deemed to be vacant. The commissioner and associate commissioners shall not be subject to the provisions of chapter thirty-one of the General Laws. During the term of office, the commissioner and associate commissioners shall not hold any other elective office, nor shall the commissioner or associate commissioners engage in any other business or occupation. Before entering upon their duties, the commissioner and associate commissioner shall be sworn to the faithful and impartial performance thereof, by the city clerk. The commissioner and associate

commissioners shall execute bonds in favor of said city for the faithful performance of said duties in such sum and with such surety as may be fixed or approved by the city council.

(e) Removal, Commissioner and Associate Commissioner--The mayor with the approval of the city council, or the city council by a two-thirds vote of all of its members, may remove the commissioner or the associate commissioners for cause before their terms of office expire subject to the applicable charter provisions granting a hearing. At least fifteen days before such proposed removal shall become effective, there shall be filed with the city clerk a preliminary written resolution setting forth in detail the reason for the proposed removal and a copy of said resolution shall be served upon the person to be removed.

(f) The city council may, by ordinance, adopt any ordinances as may be necessary to further the organization of the department.

(g) Acting Commissioner--The commissioner of public works may by letter, filed with the city clerk, designate a qualified member of the department or other city official to perform his duties during his temporary absence or disability. In the event of the failure of the commissioner to make such designation the mayor, with the approval of the city council may so designate such person to perform the duties of the commissioner until his return or his disability shall cease.

(h) Non-Interference--The mayor shall be responsible for the overall supervision of the department of public works and for the establishment of priorities for the guidance of the commissioner, but neither he nor any committee of the city council shall in any manner attempt to become involved in the scheduling of work assignments to employees or otherwise interfere with the day-to-day operation of the department.

(Amended by Chapter 59 of the Acts of 1986)

Section 6-11 — Chief Financial Officer

(a) A chief financial officer shall be appointed by the mayor subject to confirmation by the city council for a term of five years. The chief financial officer shall report to the mayor and shall be a person especially fitted by education, training, and experience to perform the duties of the office. Said chief financial officer shall not hold any elective office nor shall he engage in any other business or occupation; provided, however, that the mayor may appoint the chief financial officer to also hold the position of director of assessing, treasurer, tax collector, (or treasurer/collector), auditor, director of the department of information and technology, purchasing agent and director of assessing, subject to the approval of the city council, for a term of three years. Said chief financial officer shall appoint a treasurer, tax collector, (or treasurer/collector), auditor, director of the department of information and technology, purchasing agent and director of assessing subject to the approval of the city council, for a term of three years.

(b) Said treasurer, tax collector, auditor, director of the department of information and technology, purchasing agent and director of assessing shall have such powers and duties as may be vested in those offices expressly by general or special law, but shall otherwise report to and be under the direction and supervision of the chief financial officer.

(c) The powers and duties of said chief financial officer shall include the following: coordination, administration, and supervision of all financial services and activities; assistance in all matters related to municipal financial affairs; implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the school department, and including but not limited to: maintenance of all financial and accounting data and records; implementation and maintenance of uniform data processing capabilities for all departments; supervision of all data processing activities; implementation and maintenance of uniform budget guidelines and procedures; assistance in development and preparation of all department budgets and spending plans; review of all contracts and obligations; monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies of the status of accounts; establishment of a spending plan for each department; and the allotment of funds on a periodic basis as provided in section 5-7 of the charter. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure and preserve the financial interests of the city.

Within a reasonable period of time after receiving a written request from the mayor of the city of Lynn or a written request from the city council upon majority vote, the chief financial officer shall provide an oral or written assessment, or both, as the mayor or city council may request, of the current and future financial impact of the cost of any proposed appropriation, lease or contract arrangement for a term including more than a fiscal year, collective bargaining agreement or borrowing authorization, including, but not limited to, an assessment of how that cot item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, this assessment shall include an analysis of other information of a financial nature requested by the mayor and the city council. The assessment and analysis shall be provided by the chief financial officer as a professional opinion.

(d) All departments budgets and requests for budget transfers must be submitted to the chief financial officer for review and recommendation prior to submission to the mayor, city council or school committee, as appropriate

(e) The chief financial officer shall report on a quarterly basis to the mayor and city council of the financial status of the city.

(f) The treasurer, tax collector, (or treasurer/collector), auditor, of the department of information and technology, purchasing agent and director of assessing shall be subject to removal for cause by the chief financial officer notwithstanding any other provisions of the charter.

(g) The mayor with the approval of the city council, or the city council, without the approval of the mayor, by a two-thirds vote of all members, may remove the chief financial officer before the term of office expires. At least fifteen days before such proposed removal shall become effective there shall be filed with the city clerk a preliminary written resolution setting forth in detail the reason for the proposed removal and a copy of said resolution shall be served upon the person to be removed.

(added by Chapter 8 of the Acts of 1985 and amended by Chapter 58 of the Acts of 2018)

ARTICLE 7

NOMINATIONS, ELECTIONS INITIATIVE, REFERENDUM AND RECALL

Section 7-1 Board of Election Commissioners

(a) Composition--The board of election commissioners shall consist four persons, two chosen from each of the two leading political parties as defined in section One of Chapter Fifty of the General Laws, one of whom shall be designated chairman.

(b) Appointment--The members of the board of election commissioners shall be appointed for terms of four years each, so arranged that one such term of office shall expire on December first of each year, by the mayor, subject to the approval of the city council. In case of a vacancy on the board of election commissioners it shall be filled, for the balance of the unexpired term by the mayor, subject to council approval.

(c) Political Representation--The members of the board of election commissioners shall, as equally as may be, represent the two leading political parties, and in no case shall an appointment be made as to cause the board to have more than two members of the same political party.

(d) Powers and Duties--All the powers, rights, privileges, liabilities, and duties relating to primaries, caucuses or elections by law vested in and imposed upon the mayor and city council or either of them, the city clerk, the city solicitor, or the board of registrars of voters in cities, except the power and duty of giving notice of elections and fixing the days and hours of holding the same, shall be vested in and performed by the board of election commissioners, who shall be subject to all the penalties prescribed by general laws for failure to perform the said duties.

The board of election commissioners shall in all matters relating to objections and questions arising in the case of nominations of candidates for city offices have the powers and perform the duties of the board of registrars and the city clerk and city solicitor under section Twelve of Chapter Fifty-three of the General Laws; and when the board is sitting to consider such matters, the justice of the District Court of Southern Essex, or an associate justice of the same court, shall be a member of the said board and shall preside, but shall not vote unless the other commissioners are equally divided, as provided in Chapter Ninety-two of the acts of nineteen hundred and thirty-one.

(d) Organization of the Board--The mayor shall designate one of the members of the board to serve as its chairman. The board shall elect a secretary, provided however, if the members are unable to agree upon the choice of a secretary, the mayor shall designate the secretary. The secretary shall keep a full and accurate record of the proceedings of the board, and shall cause such notices as the board may require to be properly served or posted.

Section 7-2 City Elections: General, Preliminary

The regular general city elections shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

On the fourth Tuesday preceding every regular general city election, there shall be held a preliminary election for the purpose of nominating candidates.

Section 7-3 Nonpartisan Elections

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

Section 7-4 Preliminary Elections

(a) **Signature Requirements**--The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than five hundred such signatures, not more than one hundred fifty of which shall be from any one ward; for the office of councillor at large, or school committee member not less than three hundred fifty such signatures, not more than one hundred of which shall be from any one ward; for the office of ward councillor not less than one hundred such signatures from the ward.

(b) **Ballot Position**--The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of election commissioners which shall be open to the public.

(c) **Determination of Candidates for Election**--The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons equal in number to twice the number of persons so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall appear on the official ballot to be used at the regular general city election.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a candidate receiving the same to have his name printed on the ballot for the election, all candidates participating in the said tie vote shall have their names printed on the official ballot for the said election although in consequence there shall be printed on the said ballots names of candidates to a number exceeding twice the number to be elected.

A preliminary election shall be held in the city and in every ward thereof notwithstanding circumstances under which fewer candidates have filed papers requesting their names to appear on the ballot for nomination than there are places to fill.

Section 7-5 Regular City Election

The order in which the names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the board of election commissioners which shall be open to the public.

Section 7-6 Special Election for Mayor

Whenever a special election is to be held to fill a vacancy in the office of mayor, as provided in section 2-9(a) a preliminary election shall also be held twenty-eight days preceding the date established for the said special election. The number of signatures required on nomination papers shall be the same as is provided in section 7-4.

Section 7-7 Wards

The territory of the city shall be divided into seven wards so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such ward shall be composed of voting precincts otherwise established in accordance with law. The city council shall from time to time review such wards to insure their uniformity in number of inhabitants.

Section 7-8 Application of State Laws

Except as expressly provided in the charter and as authorized by law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular and special elections, the submission of charters and charter amendments and other propositions to the voters, the counting of votes, recounts of votes, and the declaration of results.

Section 7-9 Petitions to City Council and School Committee

The city council or the school committee shall hold a public hearing and shall act finally on every petition which is presented to it and which is signed by not less than one hundred and fifty voters. The hearing shall be held by the city council or the school committee, or in either case by a committee or sub-committee thereof, and final action taken with respect thereto, not later than three months following the date the said petition is filed with the clerk of the council or the secretary of the school committee as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. Notice of the public hearing shall be by publication in a local newspaper, not less than seven days prior to such hearing which shall contain a general summary of the subject matter of the petition and the date, time and place at which the hearing will be held. A copy of the said notice shall be mailed to the ten petitioners whose names first appear on the petition.

Section 7-10 Citizen Initiative Measures

(a) Commencement of Proceedings--Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or the secretary of the school committee as may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in the petition, and shall be signed by at least ten percent of the total number of voters as of the date of the preceding city election. Signatures to initiative petitions need not all be on one paper. All such papers pertaining to any one measure shall however be fastened together and shall be filed in the office of the board of election commissioners as one instrument, with the endorsement thereon of the name and resident address

of the person designated as filing the same. With each signature to the petition there shall appear the street and number, if any, of each signer.

Within ten days following the filing of the petition the board of election commissioners shall ascertain by what number of voters the petition is signed, and what percentage that number is of the total number of persons who were registered to vote at the preceding regular city election and shall attach thereto their certificate showing the results of such examination.

The board of election commissioners shall forthwith transmit the petition and their certificate to the city council or to the school committee according as the petition is addressed and at the same time they shall send a copy of their certificate to the person designated on the petition as having filed the same.

(b) Referral to City Solicitor--If the board of election commissioners have determined that the petition has been signed by a sufficient number of voters, the clerk of the council or the secretary of the school committee, whichever is applicable, shall forward a copy of the petition to the city solicitor. Within fifteen days following the date of his receipt of a copy of the said petition the city solicitor shall, in writing, advise the city council or the school committee, as may be, whether the measure as proposed in the initiative petition may be proposed by the initiative process and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure does not qualify for the initiative procedure, or that it may not lawfully be passed by the city council or the school committee he shall state his reasons therefor in full in his reply. The clerk of the council or the secretary of the school committee shall furnish a copy of the city solicitor's opinion to the person designated on the petition as having filed the same.

(c) Action on Petition--Within thirty days following the date a petition has been returned to the clerk of the council or the secretary of the school committee, by the city solicitor which has been certified by the board of election commissioners to contain more than ten percent of the names of voters as aforesaid, and after publication in accordance with the procedure established in section 3-10(c) for ordinances and loan orders, the city council or the school committee shall act with respect to each initiative petition by passing a measure which is stated to be in lieu of such initiative proposal. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act with respect to any initiative measure which is presented to it within thirty days following the date it is returned to the clerk of the council or the secretary of the school committee, the measure shall be deemed to have been rejected on such day. If an initiative measure is rejected, the clerk of the council or the secretary of the school committee shall promptly give notice of that fact to the person designated as having filed the same and to the first ten names on each such petition, by mail.

(d) Supplemental Petitions--Within forty-five days following the date notice or rejection of an initiative petition has been given by the clerk of the council or the secretary of the school committee, a supplemental initiative petition addressed to the city council or the school committee may be filed in the office of the board of election commissioners. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five percent of the total number of persons registered to vote as of the date of the preceding regular city election; if the number of signatures to a supplemental initiative petition is deemed to be sufficient by the board of election commissioners, the city council of election commissioners, the city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days following the date of the certificate of the board of election commissioners that a sufficient

number of voters had signed the supplemental petition, and shall submit the proposed measure, without alteration, to the voters for determination; provided however, that if any city election is to be held within one hundred and twenty days following the date of the certificate, the city council may omit calling the special election and cause said question to be submitted to the voters at such approaching election.

(e) The full text of any initiative measure which is to be submitted to the voters shall be published, in full, in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which the question is to appear on the ballot.

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

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

(Text of the measure, or, a fair, concise summary prepared by the petitioners)

Yes No

(g) Time of Taking Effect--If a majority of the votes cast on the question, as stated above, is in the affirmative the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

Section 7-11 Citizen Referendum Procedures

(a) Referendum Petition, Effect on Final Approval—If, within twenty-one days following the final approval of any measure by the city council or by the school committee, a petition signed by a number of voters equal to fifteen percent of the total number of persons registered to vote as of the date of the preceding city election, and addressed to the city council or to the school committee as the case may be, protesting against such measure or any part thereof taking effect. The city council or the school committee shall, forthwith, reconsider such measure or part thereof, and if such measure or part thereof is not rescinded, the city council shall submit the same, by the method herein provided to the voters either at a special election, which it may in its discretion call, or the next regular city election and such measure or part thereof shall be null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b) Certain Initiative Procedures to Apply--The petition described in this section shall be termed a referendum petition and insofar as applicable section 7-10(a), (b), (e), and (f) shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace the word "measure in said sections wherever it may occur and the word "referendum" shall be understood to replace the word initiative" where it may occur.

Section 7-12 Initiative and Referendum: Ineligible Measures

None of the following measures shall be subject to initiative or referendum procedures; (1) proceedings relating to the internal organization or operation of the city council or the school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriation for the payment of the city's debts and obligations, (6) appropriations of funds necessary to implement a written agreement executed

under collective bargaining, (7) proceedings, or parts thereof, relating to the election, appointment, employment, suspension, transfer, demotion, removal or discharge of any officer or employee, (8) any proceedings repealing or rescinding a measure or part thereof, which is protested by referendum procedure, and (9) any procedure providing for the submission or referral of matter to the voters at an election.

Section 7-13 Submission of Proposed Measures to Voters

The city council may, of its own motion, and shall, upon the request of the school committee if a measure originates with that committee and pertains to affairs under its administration, submit to the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 7-15 Recall of Elected Officials

(a) Application--Any person who holds an elected city office, with more than six months remaining of the term of office, may be recalled from the office, by the voters, in the manner provided in this section.

(b) Recall Petitions--Twenty-five or more voters may file with the board of election commissioners an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. If the officer is elected at large, the names on the affidavit shall be from the city at large. If the officer is elected by and from a ward the names on the petition shall be voters of the said ward. The election commissioners shall deliver to the said voters petition blanks demanding said recall, printed forms of which they shall keep available. The blanks may be completed by writing or typewriting; they shall be addressed to the city council; they shall contain the names of the persons who have filed the affidavit and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the board of election commissioners. A copy of the petition shall be kept on file in the office of the election commissioners in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the election commissioners within thirty days following the date the petitions were issued, signed by at least fifteen percent of the total number of persons registered to vote as of the date of the preceding city election, if the officer is elected at large and signed by at least fifteen percent of the total number of persons registered to vote in the ward as of the most recent city election, if the officer is elected from a ward.

The board of election commissioners shall forthwith certify thereon the number of signatures which are names of voters.

(c) Recall Election--If the petition shall be certified by the board of election commissioners to be sufficient, they shall forthwith submit the same to the city council. Upon its receipt of the certified petition, the city council shall forthwith give written notice of said petition and certificate to the person

whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the city council shall order an election to be held not less than thirty-five nor more than sixty days after the date of the certificate of the sufficiency of the petition. If, however, another city election is to occur within sixty days after the date of the said certificate, the city council shall hold the recall election on the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section and only the ballots for candidates need be counted.

(d) Nomination of Candidates--An officer whose recall is sought may not be a candidate to succeed himself if recalled at the recall election. Other candidates shall be entitled to have their names appear on the ballot at such recall election by filing the number of signatures for the office as required by section 7-4 (a). The publication of the warrant for the recall election and the conduct of the same shall be in accordance with the provisions of other laws relating to elections.

Propositions on Ballot—Ballots used at a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer)
Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the propositions shall appear the word "candidates" and the names of candidates arranged as drawn by lot in accordance with section 7-4(b).

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

(f) Officeholder--The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section.

If the officer is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) Repeat of Recall Petition--No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

ARTICLE 8

GENERAL PROVISIONS

Section 8-1 Charter Changes

(a) In General—This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

(b) Periodic Review—The city council shall provide in each year ending in a four, for a review of the charter by a special or standing committee of the city council and four persons to be appointed by the mayor. The joint committee shall file a report within the said year recommending any amendments or revisions deemed necessary or desirable.

Section 8-2 Severability

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

Section 8-3 Specific Provision to Prevail

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 8-4 Rules and Regulations

A copy of all rules and regulations adopted by any city agency shall be placed on file in the office of the city clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any city agency shall become effective until five days following the date it is so filed.

Section 8-5 Re-enactment and Publication of Ordinances

The city council shall, at five year intervals, cause to be prepared a proposed revision, recodification or republication of the ordinances of the city, which shall be submitted to the city council for action. The city council shall adopt the proposed recodification or revision, with or without amendment, or shall approve the text of the republication, prior to the expiration of the calendar year in which it is submitted to them. Revision, recodification or republication shall be under the supervision of the city solicitor, or if the city council shall so direct by special counsel engaged for that specific purpose. Copies of the compilation shall be made available for public distribution, provided however, a charge, not to exceed the actual cost of reproduction may be charged. In each year between such re-enactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

Section 8-6 Uniform Procedures Governing Multiple Member Bodies

(a) Meetings--All multiple member bodies of the city, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple member body shall be held on the call of the chairman or by one-third of the members thereof by written notice delivered in hand or to the place of residence of each member at least forty-eight hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the said notice shall also be posted on the city bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public and the press.

(b) Rules and Journals--Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record and certified copies shall be placed on file in the office of the city clerk and in the Lynn Public Library.

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

(d) Quorum--A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 8-7 Number and Gender

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

Section 8-8 References to General Laws

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

Section 8-9 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

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

(b) City--the word "city" shall mean the city of Lynn.

(c) City Agency--The words "city agency" shall mean any board, commission, committee or other multiple member body, department, division of office of the city.

(d) City Officer--The words "city officer" when used without further qualification or description, shall mean a person in charge of a department of the city who in the exercise of the duties of his office exercises some portion of the sovereign power, whether great or small.

(e) Emergency--The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, condition which necessitates immediate action.

(f) Full Council--The words "full council" shall mean the entire authorized complement of the city council notwithstanding any vacancies which might exist.

(g) general laws--The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities or to a class of cities and towns of which the city of Lynn is a member.

(h) General Laws--The words "General Laws" (initial letter of each word in capital letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(i) Initiative Measure--The words "initiative measure" shall mean a measure proposed by initiative procedures under this charter.

(j) Local Newspaper--The words "local newspaper" shall mean a newspaper of general circulation within the City of Lynn.

(k) Majority Vote--The words "majority vote" shall mean a majority of the full complement of the city council, school committee or other multiple member body.

(l) Measure--The word "measure" shall mean an ordinance adopted or which could be adopted by the city council, or an order, resolution, vote or other proceeding adopted or which could be adopted by the city council or the school committee.

(m) Multiple Member Body--The words "multiple member body" shall mean any body consisting of two or more members, whether elected, appointed or otherwise constituted, but not including the city council or school committee.

(n) Referendum Measure--The words "referendum measure" shall mean a measure protested by the referendum procedures under this charter.

(o) Voters--The word "voters" shall mean registered voters of the city of Lynn.

Section 8-10 Certificate of Election of Appointment

Every person who is elected, including those elected by the city council, or appointed to an office of the city shall receive a certificate of such election or appointment from the city clerk.

Except as otherwise provided by law, before performing any act under his appointment or election, he shall take and subscribe an oath to qualify him to enter upon his duties. A record of such oath shall be kept by the city clerk.

Section 8-11 City Residence Required

Except for the positions of chief financial officer, superintendent of schools, or positions exempted by law, every person who is appointed to a city office, and every person who is employed on a permanent full time basis by the city not a resident of the city at the time of such appointment or employment shall, within six months following such appointment or employment, establish his ordinary and usual place of residence within the city or such appointment or employment shall be deemed to be vacated or forfeited.

(amended by Chapter 58 of the Acts of 2018).

Section 8-12 Limitation on Office Holding

No person shall simultaneously hold more than one full time city office for which a salary or other emolument is payable from the city treasury. The hours worked in any part time position shall not conflict with the hours worked in any full time position. Nothing in this section shall be

deemed to supersede the provisions of section twenty of chapter two hundred and sixty-eight A of the General Laws.

(amended by Chapter 207 of the Acts of 1988)

Section 8-13 Notice of Vacancies

Whenever a vacancy occurs, or is about to occur, in any city office or city employment, except for positions covered under the civil service law, the appointing authority shall forthwith cause public notice of such vacancy, or impending vacancy, to be posted on the city bulletin board for a period of not less than ten days. Any person who desires to be considered for appointment to said office or employment may, within said ten days, file with the appointing authority a statement in clear and specific terms setting forth his qualifications. No permanent appointment to fill an office or employment shall be effective until at least fourteen days have elapsed following such a posting, and until all persons who have filed statements have been considered.

Section 8-14 Enforcement of Charter Provisions

It shall be the duty of the mayor to see that the provisions of the charter are faithfully followed and complied with by all city agencies. Whenever it appears to the mayor that any city agency is failing to follow any provision of this charter here shall, in writing, cause notice to be given to such agency directing compliance with the charter.

If it shall appear to the city council that the mayor is not himself following the provisions of the charter they shall, by resolution, direct his attention to those areas in which they believe he is failing to comply.

Section 8-15 Annual Report of the City

An annual report which contains a general summary of the activities of all city agencies shall be published at the close of each fiscal year. The annual report shall contain reports by the mayor, the city council, the city comptroller, the city treasurer, the school committee and such other city agencies as may be required by ordinance to provide such reports. The annual report may be published in a local newspaper for the convenience of the inhabitants, and additional copies shall be made available for distribution, on request, in the office of the city clerk.

ARTICLE 9

TRANSITIONAL PROVISIONS

Section 9-1 Continuation of Existing Laws

All ordinances, rules, regulations and resolutions of the city which are in force at the time the charter is adopted, not inconsistent with the charter, shall remain in effect and shall continue in force until amended, revised or repealed in the manner provided by law or the charter.

Section 9-2 Continuation of Government

All city agencies shall continue to perform their duties until reappointed, re-elected, or until the successors to their respective duties are duly appointed, elected or their duties have been transferred and assumed by another city agency.

Section 9-3 Continuation of Administrative Personnel

Any person holding a city office, or a position in the administrative service of the city, shall retain such office or position, or employment and shall continue to perform his duties until provisions shall have been made for the performance of those duties by another person or agency; provided however, that no person in the permanent full time service of the city shall forfeit his pay grade, or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practicable and any reductions in the personnel needs of the city shall be accomplished through attrition, unless specific provision is otherwise made in this article.

Section 9-4 Transfer of Records and Property

All record, property and equipment whatsoever, of any city agency or part thereof, the powers and duties of which are transferred or assigned to another city agency shall be transferred forthwith to the city agency to which such powers and duties are transferred and assigned.

Section 9-5 Effect on Obligations, Taxes, etc.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of the charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter, and no legal act done by or in favor of the city shall be rendered invalid by the adoption of the charter.

Section 9-6 Time of Taking Effect.

This charter shall become fully effective upon the installations of officers in January of the year following the year in which the charter is adopted, except as is otherwise provided in this section:

(a) The mayor elected at the election at which this charter is adopted shall, in the first year of his term of office, be excused from presenting the capital outlay program as required by section 5-5.

(b) The mayor elected at the election at which this charter is adopted shall proceed forthwith to take all action necessary to establish the personnel department as provided in section 6-9. Although it is not expected to begin at once to perform all of the activities specified in such section, the personnel department shall be expected to assume all such obligations with all deliberate speed.

(c) All rules and regulations of city agencies in force and effect on the date the charter is adopted shall continue in full force and effect, notwithstanding the provisions of section 9-4, provided such rules and regulations are so placed on file within sixty days following the date of installation of officers in the year following the year in which the charter is adopted.

(d) Forthwith following the organization of the city council in the year following the year in which the charter is adopted, the city council shall provide for a complete review of the ordinances of the city to bring them into conformity with this charter. Such review shall be conducted generally in conformity with the provisions of section 8-5. The city council shall provide for the adoption of a new compilation of all city ordinances not later than the last day of June in the second year following the year in which the charter is adopted.

(e) Each multiple member body shall arrange forthwith for full compliance with the provisions of section 8-6.

(f) The provisions of section 8-11 shall not apply to any person who is in the employ of the city on the date on which the charter is adopted with respect to the office or the employment held on such date. Any such person who is promoted to a higher office or grade of employment shall, however, become as a result of such promotion subject to the provisions of this section.

(g) Forthwith following the organization of the city council in the year following the year in which the charter is adopted, the city council shall cause to be established a special committee to advise it in the implementation of the provisions of section 3-11. Such special committee shall consist of not less than seven or more than eleven persons, chosen by the city council, including prominent local businessmen, industrial executives, representatives of organized labor and civic organization. Said special committee shall propose a plan for the implementation of a management audit system, which plan shall in particular propose an order of priority in which such audits are to be conducted. Such plan shall be submitted for the review and consideration of the city council within one year following the date on which the city council is organized in the year following the year in which the charter is adopted.

ARTICLE 10

DEPARTMENT OF INSPECTIONAL SERVICES

Section 10-1 Establishment

There shall be in the city of Lynn a department of inspectional services which shall be responsible for the coordination and management of the inspection-related activities of the city as provided in this act. and for the coordination of all activities of all other city agencies in relation to any inspection services. The department of inspectional services shall be responsible for and shall perform the following functions:

- (a) coordinate all inspection functions carried out by any officer or employee of the city);
- (b) maintain, in a central place, all records relating to inspection, including a common index;
- (c) coordinate enforcement actions for violations of the General Laws, the state building code and city ordinances, rules and regulations, which are subject to enforcement by an officer or employee of the city) provided, that the department of inspectional services shall be available to consumers to assist them in implementing this act)
- (d) develop a single application form indicating all inspections that may be necessary;
- (e) render advice, assistance and guidance to all city offices and agencies in any matter relating to city inspection services) and
- (f) render advice, assistance and guidance to members of the public relating to city inspection services and in the development of user-friendly systems for the convenience of the public;

All inspections performed by or under the authority of the building inspector, board of health, historic districts commission, inspector of gas piping and gas appliances, plumbing inspector, sealer of weights and measures, zoning enforcement officer and any other authorized local inspection shall be coordinated through the department of inspectional services.

Section 10-2 Chief of Inspectional Services – Powers and Duties

The department of inspectional services shall be headed by a chief of inspectional services, who shall be the executive and administrative head of the department and the building commissioner. The appointment of a chief of inspectional services shall satisfy the requirement, under section 3 of chapter 143 of the General Laws, that an inspector of buildings or building commissioner be appointed; provided, that the chief shall possess all the necessary qualifications, experience and certifications required for inspectors of buildings or building commissioners under said chapter 143. The chief of inspectional services shall be appointed by the mayor, subject to city council confirmation, and shall be the executive and administrative head of the department. The chief may be removed, as provided in section 10-6.

The chief shall be exempt from chapter 31 of the General Laws, The chief shall have the following powers and duties:

- (a) to establish a full and complete inventory of all inspection services performed by officers of the city;
- (b) to establish common files, by property address, which shall be accessible to all persons performing inspection services for the city and which shall contain recordings of all inspections performed by city officers and employees;
- (c) to provide common services for all inspection-related personnel and a centralized location for consumers of city inspection services; provided, however, that the chief of inspectional services shall also be available to consumers to assist them in implementing this act;
- (d) city of Lynn public construction and the inspection, maintenance and repairs of public buildings and facilities, including the public schools, and oversight of all capital construction;
- (e) to supervise the coordinator who has direct supervision of clerical and administrative staff;
- (f) zoning enforcement; and
- (g) to serve as the agent to the planning board and to appear at meetings of the city of Lynn planning board; provided, however, that the chief shall administer the technical functions formerly performed by the planning department, including: serving as administrative support to the planning board; performing the statutory functions related to subdivision control, waterways regulation and the laying out and discontinuance of public ways, project review and coordination; providing research and technical assistance to municipal officers, boards and agencies; keeping records; and planning, developing and implementing infrastructure, traffic safety and improvement projects.

The chief of inspectional services shall ensure quality control by (i) reviewing at least 15 per cent of all inspections; (ii) expediting the issuance or denial of all permits; (iii) establishing a service manual within 90 days of appointment; and (iv) performing such other duties and responsibilities as may be established by city ordinance.

Section 10-3 Divisions

The department of inspectional services shall be divided into 3 divisions: (i) the inspectional division, under the direct supervision of the deputy building commissioner; (ii) the facility division, under the direct supervision of the director of buildings and grounds; and (iii) the public health division, under the direct supervision of the public health director.

(a) The inspectional division shall be responsible for all inspectional, administration and enforcement duties relating to a building or property, including the enforcement of all building, housing, health, sanitation and Safety regulations mandated by the city and the commonwealth, including: (i) the state building code pertaining to buildings and other structures; (ii) the state building code applicable to plumbing; (iii) the state building code applicable to gas fittings and gas appliances; (iv) the state building code applicable to electrical wires and fixtures; (v) the state sanitary code promulgated by the department of public health which is subject to enforcement by cities and towns; and (vi) rules and regulations promulgated by the board of health of the city of Lynn. The inspectional division shall administer and control the building inspector, the plumbing inspector, the inspector of gas fittings and gas appliances, the wire inspector, the sealer of weights and measures, the health inspectors, including the sanitarian, food, sanitary code, lead paint inspectors and the planning department, which shall be responsible for all of its present functions conferred upon it by the General Laws and city ordinances. The deputy building commissioner shall have direct supervision of the inspectional division, including the chief building inspector and sanitarian, and shall be responsible for the day-to-day management of the operations of the division including, but not limited to, direct supervision of the chief building inspector and sanitarian positions, overseeing the issuance of all permits, plan review, oversight of all inspections and the coordination of multi-inspector inspections of nuisance properties. The person serving as deputy building commissioner shall be required to become certified as a building commissioner. The deputy building commissioner shall be a level 2 department head for salary purposes and shall be preferred to have a bachelor of science degree in architecture or engineering or 5 years of similar experience in the supervision of inspectional staff.

(b) The facility division shall be responsible for the custodial, maintenance and ground services for all public buildings and facilities in the city of Lynn, including the ordinary maintenance of plumbing and plumbing fixtures and electrical wires and fixtures in all municipal buildings and Structures, including all city recreational facilities, and for the operation and maintenance of the electrical components of the street lighting and traffic regulatory signals and devices. The facility division shall include custodial and maintenance employees and supervisors and shall be under the direct supervision of the director of buildings and grounds, who shall be a level 2 department head for salary purposes. The director of buildings and grounds shall be preferred to have as minimum qualifications a bachelor of Science degree in facility management, architecture or engineering or 5 years of similar experience in municipal facility management.

(c) The public health division shall be responsible for oversight of the state sanitary code, promulgated by the department of public health, which is 'subject to enforcement by cities and towns and shall adopt from time to time additional regulations as necessary or desirable to protect the public health

of the citizens of Lynn and enforce all such regulations through the board of health and the inspectional division. The public health division shall be under the direct supervision of the public health director. The division shall be responsible for providing public health services, grant administration, clinic operation, tobacco control and the day-to-day administration of public' health and safety grants. The division's primary focus shall be to investigate health problems and threats and to prevent, minimize and contain adverse health effects from communicable diseases, disease outbreaks from unsafe food and water, chronic diseases, environmental hazards, injuries and health behaviors, which shall include increased public health programming within the community, increased collaboration with other local responders for emergency response planning and a more robust grant funding effort with associated administrative duties. The division shall administer, control and include the public health coordinator, nurses, doctors, the city veterinarian and grant employees. The sanitarian position within the inspectional division shall be the employee assigned to liaise with the board of health.

(d) Division heads shall be appointed by the mayor subject to confirmation by the city council. Their terms of office shall be for 3 years and they shall be granted tenure upon reappointment pursuant to section 6-5 of the charter of the city of Lynn. Division heads currently employed on the effective date of this act who have already been granted tenure upon reappointment pursuant to said section 6-5 shall only be removed pursuant to sections 2-4 and 6-6 of said charter, Division heads hired on or after the effective date of this act shall be subject to removal for just cause by the chief of inspectional services after a hearing, which satisfies the requirements of due process.

(e) Division heads shall appoint all other officers and employees serving under them, subject to the approval of the chief of inspectional services and the mayor.

Section 10-4 Boards and Commissions

The following multiple member bodies shall, for administrative and communication purposes only, be considered to be within the department of inspectional services: (i) the board of appeals; (ii) the board of examiners; (iii) fence viewers; (iv) the board of health; and (1) the planning board. Nothing in this act shall be construed to give the chief of inspectional services authority to direct the activities of any of these multiple member bodies when they are exercising their official duties.

Section 10-5 Transitional Provisions

The position of director of building and grounds established in subsection (d) of section 5 shall replace the positions of facility manager and supervisor of custodians and maintenance, The positions of facility manager and supervisor of custodians and maintenance shall be eliminated through attrition, at which time the position of second assistant supervisor of custodians and maintenance shall be created.

Nothing in this act shall affect the civil service statute or seniority rights of any employees serving in any of the positions within the divisions of the department of inspectional services.

10-6 Chief of Inspectional Services Removal

The mayor of the city of Lynn may, pursuant to the removal procedure established in sections 2-4 and 6-6 of the charter of the city of Lynn, remove the current chief of the department of inspectional services from office, A chief appointed on or after the effective date of this act who has not been granted tenure shall serve for in

initial term of 3 years and shall be granted tenure pursuant to section 6-5 of said charter if reappointed. Thereafter, the mayor may, pursuant to the removal procedure established in said sections 2-4 and 6-6 remove any such chief who has been granted tenure.

(added by Chapter 378 of the Acts of 2014)

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