ARTICLE 10

TRANSITIONAL PROVISIONS

SECTION 10-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, city ordinances, and rules and regulations of or pertaining to Newburyport, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

SECTION 10-3: TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any city agency, or part thereof, the powers and duties of which are assigned in whole or in part to another city agency, shall be transferred immediately to that agency.

SECTION 10-4: 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 this 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 otherwise provided in this charter, 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 reason of the adoption of this charter.

SECTION 10-5: DISPOSITION OF CERTAIN SPECIAL LAWS

(a) Certain Special Laws Recognized and Retained – The following special acts are hereby retained: To be determined.

(b) Certain Special Laws Recognized and Retained, in part - The following special acts relating to the organization of the city's government are recognized and retained in part as follows: To be determined.

(c) Certain special laws recognized and retained with respect to incumbents in office at the time of charter adoption – To be determined.

(d) Certain Borrowing Authorizations, Retained - The following special acts which authorized the city to borrow certain sums of money, for certain purposes, are hereby recognized and retained: To be determined.

(e) Certain Other Obsolete Special Laws Repealed – The following acts hereby stand repealed: To be determined.

SECTION 10-6: TIME OF TAKING EFFECT

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

(1) All city officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to the ratification by the voters of the home rule charter.

(2) The first election of officers under this charter shall be held on the first Tuesday following the first Monday in November 2013 for the purpose of electing a mayor, a city council and members of the school committee. A preliminary election for the purpose of nominating candidates to be elected shall be held on the third Tuesday of September 2013, if necessary, as provided in Article 7 of this charter.

(3) On the first Monday in January 2014 the persons elected as mayor, city council members, and school committee members shall be sworn to the faithful performance of their duties.

(4) Not later than 30 days following the date of the ratification of this charter by the voters, the city clerk shall give to each member of the General Court who represent any part of Newburyport a copy of the vote ratifying this charter.

(5) Immediately after the election at which this charter is adopted, the city council shall appoint 4 persons to a committee, at least one of which shall be a member of the charter commission elected in November 2009, to begin a review of the city ordinances for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. The city clerk shall be the fifth member and chair of this committee. The committee shall submit a report, with recommendations, within 1 year following its creation and may submit interim reports with recommendations at any time. The city solicitor, or special counsel appointed for this express purpose, shall serve as an advisor to the committee.

(6) No later than September 30, 2014, the mayor shall promulgate a series of administrative orders providing for the organization of city government into operating agencies in accordance with Article 5-1. Said administrative orders shall include the establishment of a finance department responsible for the fiscal and financial affairs of the city and for the coordination and

overall planning and supervision of all fiscal and financial activities of all city agencies, which may include, to the extent allowed by law, the school department. The finance department shall include the functions of assessing, auditing, collecting, purchasing and treasury. The finance department shall be managed by a finance director who shall be responsible to and be appointed by the mayor, subject to the approval of the city council, for a term of no less than 3 years. Said director shall not be subject to chapter 31 or chapter 151E of the general laws. The director may serve, ex officio, as the auditor or treasurer/collector; provided however that no director shall serve, ex- officio, as both auditor and treasurer/collector. Insert HR provision here.

(7) Forthwith following the 2013 municipal election, the persons elected as members of the city council shall meet for the sole purpose of reviewing and revising policies and procedures, rules, or interim rules that will govern the conduct of the business of the city council until such time following the taking of the oath of office when the city council adopts permanent rules. Such meetings shall be called by the council member-elect most senior in age and shall be open to the public, although the business of any such meetings shall be confined to the topics identified here. The city clerk shall serve as an advisor to the city council-elect in this endeavor.

(8) As soon as practical following the election at which this charter is adopted, the city clerk and the board of registrars of voters shall, using existing precinct boundary lines and voting places, divide the city into X equal voting districts, or, as nearly equal as may be, using such existing precinct lines. At the first municipal election held in the odd numbered year following adoption of this charter, until the city has been reapportioned, as provided in Massachusetts General Laws chapter fifty-four sections one through ten, 1 ward councilor shall be elected from each such ward and 5 councilors shall be elected from the city at large.

(9) Until such time as another salary is established in accordance with the provisions of this charter, the initial of salary for the mayor shall be $X, the initial salary of the for a city councilor shall be $X and the initial salary for a school committee member shall be $X

(10) The mayor and the city council in office at time this charter is adopted, and the mayor and successor city council elected pursuant to this charter, shall have the authority to adopt measures that clarify, confirm, or extend any of the transitional provisions in order that such transition may be made in the most expeditious manner possible.