

1 head has determined a suspension or removal is appropriate may seek
2 review of this determination by the mayor by filing a petition for review, in
3 the office of the mayor, in writing, within 10 days following receipt of notice
4 of this determination. The decision of the mayor shall be final, it being the
5 intention of this provision to vest all authority and to fix all responsibility for
6 suspension or removal solely in the mayor. Nothing in this section shall be
7 construed to be a bar to any other review as may be provided by law.

8 **SECTION 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES**

9 Whenever a vacancy, either temporary or permanent, occurs in a city office
10 and the needs of the city require that the office be filled, the mayor may
11 designate the head of another city agency or a city officer or city employee
12 or some other person to perform the duties of the office on a temporary
13 basis until the position can be filled as otherwise provided by law or by this
14 charter. The mayor shall file a certificate in substantially the following form,
15 with the city clerk, whenever a person is designated under this section:
16 I designate *(name of person)* to perform the duties of the office of
17 *(designate office in which vacancy exists)* on a temporary basis until the
18 office can be filled by *(here set out the regular procedure for filling the*
19 *vacancy, or when the regular officer shall return)*. I certify that said person
20 is qualified to perform the duties which will be required and that I make this
21 designation solely in the interests of the city of Newburyport.

1 (signed)

2 Mayor

3 Persons serving as temporary officers under this section shall have only
4 those powers of the office essential to the performance of the duties of the
5 office during the period of the temporary appointment. Notwithstanding any
6 general or special law to the contrary, no temporary appointment shall be
7 for more than 90 days, but not more than two 30-day extensions of a
8 temporary appointment may be made when a permanent vacancy exists in
9 the office.

10 **SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS**

11 (a) *Communications to the City Council* - The mayor shall, from time to
12 time, by written communications, recommend to the city council for its
13 consideration such measures as, in the judgment of the mayor, the needs of
14 the city require. The mayor shall, from time to time, by written
15 communication, keep the city council fully informed of the financial and
16 administrative condition of the city and shall specifically indicate in such
17 reports any financial or administrative problems facing the city.

18 (b) *Special Meetings of the City Council* - The mayor may at any time call
19 special meetings of the city council, for any purpose, by causing a notice of
20 the meeting to be delivered in hand or to the place of business or residence
21 of each member of the city council. This notice shall, except in an

1 emergency of which the mayor shall be the sole judge, be delivered at least
2 48 weekday hours in advance of the time set and shall specify the purpose
3 or purposes for which the meeting is to be held. A copy of each such notice
4 shall immediately be posted in accordance with applicable laws.

5 **SECTION 3-7: APPROVAL OR VETO BY MAYOR OF MEASURES, ETC,**

6 **OVERRIDING VETO**

7 Every order, ordinance or vote adopted or passed by the city council relative
8 to the affairs of the city, except resolutions, the selection of city officers by
9 the city council and any matters relating to the internal affairs of the city
10 council, shall be presented to the mayor for approval. If the mayor approves
11 of the measure, the mayor shall sign it; if the mayor disapproves of the
12 measure, the mayor shall return the measure, with the specific reason or
13 reasons for such disapproval attached to it, in writing, to the city council.

14 The city council shall enter the objections of the mayor in its records, and
15 not sooner than 7 days, nor later than 30 days from the date of its return to
16 the city council, may again consider the same measure. If the city council,
17 notwithstanding the disapproval by the mayor, shall again pass the order,
18 ordinance or vote by a 2/3 vote of the full council, it shall then be deemed in
19 force, notwithstanding the failure of the mayor to approve it. If the mayor
20 has neither signed a measure nor returned it to the city council within 10

1 days following the date it was presented to the mayor, the measure shall be
2 deemed approved and in force.

3 **SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR**

4 *(a) Acting Mayor* - Whenever, by reason of sickness, disability, absence from
5 the city or other cause, the mayor shall be unable to perform the duties of
6 the office, the president of the city council shall be the acting mayor.

7 *(b) Powers of Acting Mayor* - The acting mayor shall have only those powers
8 of the mayor that are essential to the conduct of the business of the city in
9 an orderly and efficient manner and on which action may not be delayed.

10 The acting mayor shall have no authority to make any permanent
11 appointment or removal from city service unless the disability of the mayor
12 shall extend beyond 60 days, nor shall an acting mayor approve or
13 disapprove of any measure adopted by the city council unless the time
14 within which the mayor must act would expire before the return of the
15 mayor. During any period in which any member of the city council is serving
16 as acting mayor, that councilor shall not vote as a member of the city
17 council.

18 **SECTION 3-9: DELEGATION OF AUTHORITY BY MAYOR**

19 The mayor may authorize any subordinate officer or employee of the city to
20 exercise any power or perform any function or any duty which is assigned by
21 this charter, or otherwise, to the mayor, and the mayor may rescind or

1 revoke any such authorizations previously made, but all acts performed
2 under any such delegation of authority during a period of authorization shall
3 be and remain the acts of the mayor. Nothing in this section shall be
4 construed to authorize a mayor to delegate his power of appointment to city
5 office or employment or to sign or return measures approved by the city
6 council.

7 **SECTION 3-10: VACANCY IN OFFICE OF MAYOR**

8 (a) *Special Election* - If a vacancy in the office of mayor occurs during the
9 first 3 years of the term for which the mayor is elected, whether by reason
10 of death, resignation, removal from office, incapacity, or otherwise, the city
11 council shall immediately, in the manner provided in section 7-1, order a
12 special election to be held within 90 days following the date the vacancy is
13 created, to fill the vacancy for the balance of the then unexpired term. If a
14 regular city election is to be held within 120 days following the date the
15 vacancy is created, a special election need not be held and the position shall
16 be filled by vote at such regular election.

17 (b) *President of City Council To Serve As Mayor* - If a vacancy in the office of
18 mayor occurs in fourth year of the term for which the mayor is elected,
19 whether by reason of death, resignation, removal from office, or otherwise,
20 the city council president shall serve as acting mayor, if, however, the city
21 council president is unable or unwilling to serve as acting mayor, the city

1 council shall then elect by majority vote, one of its remaining members to
2 serve as acting mayor. Upon the qualification of any member of the city
3 council as acting mayor , under this section, a vacancy shall exist in that
4 seat on the city council which shall be filled in the manner provided in
5 section 2-11. A city councilor serving as mayor under this subsection, who
6 subsequently stands for office as mayor shall not be entitled to have the
7 words "candidate for re-election" printed against their name on the election
8 ballot.

9 *(c) Powers, Term of Office* - The mayor elected under Section 3-10(a) or (b)
10 shall have all the powers of the mayor. A person elected under subsection
11 (a), shall serve for the balance of the term unexpired at the time of election
12 to the office. A person chosen under subsection (b), shall serve until the
13 time of the next regular election at which time the person elected to fill the
14 office for the ensuing term of office shall serve, in addition, for the balance
15 of the then unexpired term and shall not be subject to the third sentence of
16 Section 3-1(a).

17 **ARTICLE 4**

18 **SCHOOL COMMITTEE**

19 **SECTION 4-1: SCHOOL COMMITTEE**

20 *(a) Composition, Term of Office* - There shall be a school committee which
21 shall consist of X members. X of these members shall be nominated and