



CITY OF LYNN, MA

Lynn City Hall 3 City Hall Square, Lynn, MA 01901 Phone: (781) 598-4000
Hours: M, W, Th, 8:30am-4:00pm; Tue 8:30am-8:00pm; Fri 8:30am-12:30pm



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 any 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. *(Amended through Charter revision - November 4, 1997)*

(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

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 in 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 Mayor--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 a 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, ordinance, resolution, order, or other vote, except as otherwise provided by the charter, or by 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 to appear 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 solicitor, and a city electrician and two members of the board of assessors. *(amended by Chapter 8 of the Acts of 1985)*
- (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 re-elected 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--No measure shall be adopted on the date it is introduced, except in the case of special emergency involving the peace, health, or the safety of the people or their property. Except as otherwise provided by the charter, every adopted measure shall be effective at the expiration of thirty-one days after adoption by the city council or at any later specified therein. Measures not subject to referendum may become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted by the city council, or by the procedure for citizen initiative and referendum provided in Article 7.

(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--Every proposed ordinance or loan order, except any submitted in conformity with Section 3-10 (b), shall be published once in full in at least one local newspaper and in any additional manner as may be provided by ordinance or law. Such publication shall also state the time, not less than seven days following such publication, and the place at which the city council, or a standing committee of the city council, will hold a public hearing on said proposed ordinance or loan order.

(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--After final adoption and approval by the mayor if required, all ordinances and loan orders and such other measures as the city council shall by ordinance direct, shall be published in full in a newspaper of general circulation in the city.

(f) Publication, Exceptions--If any measure required to be published in full by Section 3-10 (c) or (e) exceeds in length eight octavo pages of ordinary print, then in lieu of such publication, the same may be published in a booklet or pamphlet and made available for distribution to any person requesting the same at the office of the city clerk and provided that notice of such publication and a summary of the contents thereof shall be published as otherwise provided in the said sections.

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

