



CITY OF GARDNER

INFORMATION FOR VOTERS

2023 Ballot Question

MUNICIPAL ELECTION

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Office of the Mayor



2023 Ballot Question

Proposed Amendments to the City Charter

This document has been prepared to help the voters of the City of Gardner understand what the proposed changes are to the City Charter of the City of Gardner that will appear as a question on the ballot at the upcoming November 7, 2023 municipal election.

The purpose of this document is not to persuade voters to vote a particular way on the item, but rather to help educate those voting in the upcoming election about what the changes are and what exactly they are being asked to vote on.

Each amendment being proposed has its own pages in this packet to better show the amendments to be made and what impact each individual amendment would have. However, the final product would be all of the amendments together as one and not broken out separately.

A current version of the City Charter is available on the City's website, www.gardner-ma.gov

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SECTION 1: SUMMARY OF PROPOSED CHANGES

For a detailed breakdown of the changes proposed to the City Charter, please see SECTION 3 of this document on page 7.

GENDER NEUTRAL CHANGES

Sections 4, 7, 8, 11, 13, 15, 16, 19, 24, 25, 30, 31, 33, & 37

Amendments to the following sections are being proposed in order to make the City Charter a gender neutral document.

The changes made replace the pronouns (he, his, him, her, she, etc.) with the nouns that they refer to (mayor, city council president, city clerk, candidate, etc.)

In the detailed breakdown of the proposed changes, these sections have been marked with a star.

SECTIONS TO BE DELETED

Sections 34, 35, and 51

These sections are current in conflict with existing state law. The City cannot have local ordinances (City laws) that are less strict than state law. As such, it is either illegal for the city to follow these current sections of the City Charter, and thus are required to be ignored, or have a process already outlined in state law that is different than the process outlined in the City Charter.

These changes would remove the sections that the City is legally required to ignore otherwise the City would be found to have broken the law.

In the detailed breakdown of the proposed changes, these sections have been marked with a triangle.

SUBSTANTIVE CHANGES

Section 12:

This amendment changes the length of time that would take place between a City preliminary election (the City's version of a primary election) from four (4) weeks before the general election to seven (7) weeks before the general election.

This would mimic the timeline for State and Federal Elections and put all of the City's elections on a consistent schedule.

Additionally, in 2022, former Governor Baker signed the VOTES Act into law as Chapter 92 of the Acts of 2022. This new law requires all cities and towns to have mail-in voting for all municipal elections. With this new law, under the current timeline, the City Clerk would have to create the new ballots no earlier than four (4) weeks before the general election, get the ballots approved by the candidates appearing on them, get the ballot approved by the Secretary of the Commonwealth's Office, and then order the ballots so that they can get in with the remaining timeframe and get mail-in ballots to those who requested them with enough time for those voters to mail them back before the deadline for those votes to be counted, causing areas of concern.

Section 18:

This amendment removes the requirement that the City Clerk must publish the results of any preliminary election in a newspaper published within Gardner. Please note that the current language requires that the newspaper be published in Gardner, not just sold in Gardner. As such, if Gardner ever lost its local printed newspaper, the City would not be able to follow this section of the Charter for the correct legal way to publish the results of preliminary elections.

This change would allow for greater flexibility in where the City Clerk could post the results, which could very well still mean in a local newspaper, but also allows for other options such as online on the City's website and social media platforms, printed and posted in other locations in the City, and leaves room for easier interpretation as times change to meet what changes may come in the future.

Section 29:

This amendment removes the requirement that all ordinances being voted on by the City Council be published completely and in full text in a newspaper and allows the City Clerk's Office to publish the proposed ordinances in summary rather than in full. The City Council meeting information packet and a fully text of any ordinance being considered is always available in the City Clerk's Office for review should a resident request to see the full document.

Section 32:

This amendment relates to instances in where the City has an Acting Mayor, because the Mayor has either resigned or left office during the middle of the term for other reasons. Under the current language of the City Charter, the City Council President becomes the Acting Mayor with limited authority when there

is a vacancy in the position of Mayor. However, the Charter only allows there to be an Acting Mayor for a period of not more than six (6) months. This creates a system where if a Mayor resigned during the second year of the term, there could be up to four (4) elections in the same year for the same position – Special Preliminary, Special Election, Regular Preliminary, Regular General Election.

This amendment also creates a pay scale for the position of Acting Mayor. Under the current system an Acting Mayor only receives the stipend for being City Council President. At this time this document was written, the current stipend for the City Council President is \$10,707 and no payment can be given above that for any work done as Acting Mayor.

This this amendment would create a system where the City could have an Acting Mayor for a period of up to a year, the second half of this amendment would compensate the Acting Mayor for the work they would be doing as the City's interim CEO.

Section 38:

This amendment clarifies that the Superintendent of Schools is appointed as a contract employee by the School Committee, rather than an elected official of the City.

LANGUAGE OF QUESTION:

Do you approve of the proposed Home Rule Petition by the City of Gardner to the General Court, seeking approval of the Amendments to the Charter of the City of Gardner, summarized below, and approved by the City Council on August 29, 2023?

SUMMARY: These changes would remove the pronoun "he" with the nouns they refer to, removes three sections that are currently in conflict with state law and are not currently able to be followed, extends the period in which an Acting Mayor would be in place in instances when required from six months to a year, adds a salary for an Acting Mayor at 75% of the Mayor's salary, extends the date of a preliminary reaction from four weeks to seven weeks before a general City election, removes the requirement that the City Clerk publish election results and ordinance proposals in a newspaper printed in the City, and clarifies the appointment procedure for the superintendent of schools.

A Yes vote would be a non-binding instruction to the City to submit a Home Rule Petition to the General Court to amend the City of Gardner City Charter in accordance with the August 29, 2023 vote of the City Council.

A No vote would be a non-binding instruction to the City to NOT submit a Home Rule Petition to the General Court to amend the City of Gardner City Charter in accordance with the August 29, 2023 vote of the City Council.

SECTION 2: COMMONLY ASKED QUESTIONS

What does a non-binding ballot question mean and why was this selected for this question?

A non-binding public policy question is a question presented to voters only in a City/Town asking the voters to give non-binding instructions to their local elected officials on specific topics.

In this case, the City Council is asking the voters of the City whether or not they would like to see the City Council send the proposed amendments to the City Charter as a Home Rule Petition.

The City Council voted to have this question on the ballot as a non-binding question, following the recommendations of the Secretary of the Commonwealth's Office, because the item is something that was not required by law to be on the ballot and because the actual vote that amends the City Charter itself is the vote of the state legislature - the House of Representatives and State Senate - and the signature of the governor, not the vote of the voters in the election. The vote decided by the voters in the election simply gives instructions to the City Council on what the voters would like the City Council to do with the document.

For More information on Non-Binding Ballot Questions, see [Massachusetts General Law, Chapter 53, Section 18A](#)

What is a Home Rule Petition?

In Massachusetts, cities have limited powers under state law. A Home Rule Petition is a request from a city for a new

type of power from the state legislature—for example, the power to enact a new tax or regulation, or an exemption from an aspect of state law. If a proposed Home Rule Petition is passed locally, the city government sends the bill to its State Representatives and State Senators, who seek to pass it in the legislature as a state law that would only affect the one municipality.

More information on Home Rule Petitions and the process for adopting them is available on the City's website.

What is the process after the election?

After the election is over, the item will be back before the City Council. The City Council can then vote whether or not to submit the Home Rule Petition to the area's legislative delegation for them to file the Home Rule Petition with the House of Representatives and Senate for them to consider. This would require a vote of eight members of the City Council or a 2/3 majority vote. Since the City's senate seat is currently vacant, it would have to be submitted to State Representative Jon Zlotnik for him to file with the House of Representatives.

If the question is a non-binding question, what if the voters vote no? Can the City Council still vote to send the Home Rule Petition to the State for approval?

Technically, yes. However, there are other safeguards in place to make sure the will of the voters is followed.

Firstly, *IF* the City Council votes to send the Home Rule Petition to the General Court (State Legislature), the Mayor has ten (10) days to decide to either sign their vote or veto it. If the Mayor vetoes the vote to send the item to the General Court, state law does not allow the City Council to override that veto, and it ends the process.

Furthermore, the City's legislative delegation is also under no legal obligation to file the bill with the General Court, whether the question was a binding question or not.

As such, there are certain protections in place, besides just the vote of the City Council to make sure the will of the voters is followed, even though the question is a non-binding question.

When did this process to amend the City Charter begin?

Mayor Nicholson requested that the City Council create a Special Act Charter Drafting Committee in August of 2022. For a full timeline of this process, [CLICK HERE.](#)

Where can I find the public hearing that was held on amending the City Charter?

The Special Act Charter Drafting Committee held a public hearing on amending the City Charter and what, if anything, should be amended on February 23, 2023. A video of that public hearing can be found on the City's YouTube.

What is the process for amending a City Charter?

Massachusetts law outlines two different ways that a City Charter can be amended - one through an elected Charter Commission and one through a Special Act done as a home rule petition. This process is following the Special Act process.

An outline of this process can be found by reviewing the "Special Act" section of the guidance put out by the Commonwealth, please visit the 2023 City Charter Ballot Question page on the City's website.

The proposed changes say Sections 34 and 35 are in conflict with state law. Where can I find what state laws they are in conflict with?

To find a breakdown of the Commonwealth's procurement/contracting laws and their details, please visit the 2023 City Charter Ballot Question page on the City's website.

Further information on this ballot question can be found on the City’s website, www.gardner-ma.gov, under the City Hall Transparency Tab.

The screenshot shows the City of Gardner website's navigation menu. The top navigation bar includes links for Community, Business, City Services, City Hall (highlighted), and How Do I... A secondary navigation bar below it lists various categories: Elected Officials, Boards & Commissions, City Staff Directory, Departments A-G, Departments H-Z, Transparency, Employment Opportunities, and Lobby Directory. A red arrow points to the link '2023 City Charter Ballot Question' under the Transparency section.

Category	Item
Elected Officials	Mayor's Office
	City Council
	School Committee
Boards & Commissions	A - M
	N - Z
City Staff Directory	
Departments A-G	Animal Control Facility
	Assessor
	Auditor
	Building Department
	Cemeteries
	City Clerk
	Community Development & Planning
	Conservation
	Economic Development
	Emergency Management
	Engineering / Survey Department
	Fire Department
	Gardner Educational TV
	Geographic Information Systems (GIS)
Golf Course	
Departments H-Z	Health Department
	Housing Authority
	Human Resources
	Law Department
	Parking & Civil Enforcement
	Parks & Recreation
	Police Department
	Public Works
	Purchasing
	School Department
	Senior Center
	Transfer Station
	Treasurer / Collector
	Veteran's Agent
Water & Sewer	
Transparency	Bids & RFPs
	Election Results
	Election Voting Information
	Feedback Form
	Financial Reports
	Financial Transparency
	City Charter & City Code
	City Budgets and Annual Reports
	Weekly Mayor's Update
	2023 City Charter Ballot Question
Employment Opportunities	
Lobby Directory	
Vestibulo del Directorio en Español	

SECTION 3: DETAILS OF PROPOSED CHANGES

Section 4:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 4. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from the first Monday in January following his election and until his successor is elected and qualified.

PROPOSED EDITS:

SECTION 4. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. **He The Mayor** shall hold office for the term of two years from the first Monday in January following **his the** election and until **his a** successor is elected and qualified.

PROPOSED NEW LANGUAGE:

SECTION 4. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. The Mayor shall hold office for the term of two years from the first Monday in January following the election and until a successor is elected and qualified.

Section 7:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 7. In making his appointments the mayor shall sign and file with the city clerk a certificate in the following form:

CERTIFICATE OF APPOINTMENT

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion he is a recognized expert in the work which will devolve upon him, and that I make the appointment solely in the interest of the city.

Mayor.

Or the following form, as the case may be:

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion he is a person specially fitted by education, training or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.

Mayor.

PROPOSED EDITS:

SECTION 7. In making his appointments the mayor shall sign and file with the city clerk a certificate in the following form:

CERTIFICATE OF APPOINTMENT

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion **he (name of appointee)** is a recognized expert in the work which will devolve **upon him in the course of official duties**, and that I make the appointment solely in the interest of the city.

Mayor.

Or the following form, as the case may be:

*I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion **he (name of appointee)** is a person specially fitted by education, training or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.*

Mayor.

PROPOSED NEW LANGUAGE:

SECTION 7. In making appointments, the mayor shall sign and file with the city clerk a certificate in the following form:

CERTIFICATE OF APPOINTMENT

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion (name of appointee) is a recognized expert in the work which will devolve in the course of official duties, and that I make the appointment solely in the interest of the city.

Mayor.

Or the following form, as the case may be:

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion (name of appointee) is a person specially fitted by education, training or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.

Mayor.

Section 8:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 8. The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board before the expiration of his term of office, except members of the school committee, officers elected by the city council, officers whose election is provided for by this act, and official appointed by the governor. The person removed shall receive a copy of the reasons for his removal in writing; and he may contest the same at a hearing to be given by the city council, at which he shall have the right to be represented by counsel.

PROPOSED EDITS:

SECTION 8. The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board before the expiration of **his the appointee's** term of office, except members of the school committee, officers elected by the city council, officers whose election is provided for by this act, and official appointed by the governor. The person removed shall receive a copy of the reasons for **his**

such removal in writing; ~~and he and~~ may contest the same at a hearing to be given by the city council, at which **he the person** shall have the right to be represented by counsel.

PROPOSED NEW LANGUAGE:

SECTION 8. The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board before the expiration of the appointee's term of office, except members of the school committee, officers elected by the city council, officers whose election is provided for by this act, and officials appointed by the governor. The person removed shall receive a copy of the reasons for such removal in writing and may contest the same at a hearing to be given by the city council, at which the person removed shall have the right to be represented by counsel.

Section 11:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 11. The mayor shall receive for his services such salary as the city council by ordinance shall determine and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected.

PROPOSED EDITS:

SECTION 11. The mayor shall receive for **his** services such salary as the city council by ordinance shall determine and he shall receive no other compensation from the city. **His The mayor's** salary shall not be increased or diminished during the term for which **he the mayor** is elected.

PROPOSED NEW LANGUAGE:

SECTION 11. The mayor shall receive for services such salary as the city council by ordinance shall determine and shall receive no other compensation from the city. The mayor's salary shall not be

increased or diminished during the term to which the mayor was elected.

Section 12:

Reasoning:

This amendment changes the length of time that would take place between a City preliminary election (the City's version of a primary election) from four (4) weeks before the general election to seven (7) weeks before the general election.

This would mimic the timeline for State and Federal Elections and put all of the City's elections on a consistent schedule.

Additionally, in 2022, former Governor Baker signed the VOTES Act into law as Chapter 92 of the Acts of 2022. This new law requires all cities and towns to have mail-in voting for all municipal elections. With this new law, under the current timeline, the City Clerk would have to create the new ballots no earlier than four (4) weeks before the general election, get the ballots approved by the candidates appearing on them, get the ballot approved by the Secretary of the Commonwealth's Office, and then order the ballots so that they can get in with the remaining timeframe and get mail-in ballots to those who requested them with enough time for those voters to mail them back before the deadline for those votes to be counted, causing areas of concern.

NOTE: According to Section 20 of the City Charter, a preliminary election occurs when the number of candidates running for a particular office are more than double the number of open seats available. This occurs when there are more than two candidates running for either Mayor or a particular Ward Councilor seat, more than twelve candidates running for Councilor At-Large, or more than six candidates for School Committee in any given election.

CURRENT LANGUAGE:

SECTION 12. On the fourth Tuesday preceding every regular and special city election at which any officer mentioned in this act is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as, under the provisions of

this act, are to be filled at such election. Voters qualified to vote at a regular city election shall be qualified to vote at a preliminary election. No special election for mayor or any officer shall be held after the expiration of forty days from the calling of the preliminary election. (See also G.L. Chap. 54 sec. 103A as amended).

PROPOSED EDITS:

SECTION 12. On the ~~fourth~~ ~~seventh~~ Tuesday preceding every regular and special city election at which any officer mentioned in this act is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such election. Voters qualified to vote at a regular city election shall be qualified to vote at a preliminary election. No special election for mayor or any officer shall be held after the expiration of forty days from the calling of the preliminary election. (See also G.L. Chap. 54 sec. 103A as amended).

PROPOSED NEW LANGUAGE:

SECTION 12. On the seventh Tuesday preceding every regular and special city election at which any officer mentioned in this act is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such election. Voters qualified to vote at a regular city election shall be qualified to vote at a preliminary election. No special election for mayor or any officer shall be held after the expiration of forty days from the calling of the preliminary election. (See also G.L. Chap. 54 sec. 103A as amended).

Section 13:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

This amendment also cleans up the language used in nomination papers referring to the individuals who

sign the nomination papers for candidates for public office in Gardner.

CURRENT LANGUAGE:

SECTION 13. Any person who is qualified to vote for a candidate for any office mentioned in this act, and who is a candidate for nomination for that office, may have his name as such candidate printed on the official ballot to be used at a preliminary election; provided that, at least twenty-eight (G.L. Chap. 53 sec. 10 as amended) days prior to the preliminary election, he shall file with the city clerk a statement in writing of his candidacy, and with it the petition of at least fifty voters of the city, qualified to vote for a candidate for the said office. Said statement and petition shall be in substantially the following form:

STATEMENT OF CANDIDATE

I (.....), on oath declare that I reside at (number if any) on (name of street) in the city of Gardner; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for nomination for the office of (state the office) for (state the term) to be voted for at the preliminary election for nominations to be held on Tuesday, the day of Nineteen hundred and and I request that my name be printed as such candidate on the official ballots to be used at said preliminary election.

(Signed)

Commonwealth of Massachusetts Worcester, SS
Subscribed and sworn to this day of , nineteen hundred and , before me,

(Signed)

Justice of the Peace or (Notary Public)
My Commission Expires

PETITION ACCOMPANYING STATEMENT OF CANDIDATE

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we the undersigned, voters of the city of Gardner, duly qualified to vote

for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballots to be used at the preliminary election to be held on the Tuesday of , nineteen hundred and . We further state that we believe him to be of good moral character and qualified to perform the duties of the office.

No acceptance by a candidate for nomination named in the said petition shall be necessary for its validity or for its filing, and the petition need not be sworn to. The petition may be on one or more papers.

PROPOSED EDITS:

SECTION 13. Any person who is qualified to vote for a candidate for any office mentioned in this act, and who is a candidate for nomination for that office, may have his the name as such candidate printed on the official ballot to be used at a preliminary election; provided that, at least twenty-eight (G.L. Chap. 53 sec. 10 as amended) days prior to the preliminary election, he the person shall file with the city clerk a statement in writing of his such candidacy, and with it the petition of at least fifty voters of the city, qualified to vote for a candidate for the said office. Said statement and petition shall be in substantially the following form:

STATEMENT OF CANDIDATE

I (.....), on oath declare that I reside at (number if any) on (name of street) in the city of Gardner; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for nomination for the office of (state the office) for (state the term) to be voted for at the preliminary election for nominations to be held on Tuesday, the day of Nineteen hundred and and I request that my name be printed as such candidate on the official ballots to be used at said preliminary election.

(Signed)

Commonwealth of Massachusetts Worcester, SS
Subscribed and sworn to this day of , nineteen hundred and , before me,

(Signed)
Justice of the Peace or (Notary Public)
My Commission Expires

PETITION ACCOMPANYING STATEMENT OF
CANDIDATE

~~Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we the undersigned, voters of the city of Gardner, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballots to be used at the preliminary election to be held on the Tuesday of, nineteen hundred and . We further state that we believe him to be of good moral character and qualified to perform the duties of the office.~~

No acceptance by a candidate for nomination named in the said petition shall be necessary for its validity or for its filing, and the petition need not be sworn to. The petition may be on one or more papers.

PROPOSED NEW LANGUAGE:

SECTION 13. Any person who is qualified to vote for a candidate for any office mentioned in this act, and who is a candidate for nomination for that office, may have the name as such candidate printed on the official ballot to be used at a preliminary election; provided that, at least twenty-eight (G.L. Chap. 53 sec. 10 as amended) days prior to the preliminary election, the person shall file with the city clerk a statement in writing of such candidacy, and with it the petition of at least fifty voters of the city, qualified to vote for a candidate for the said office. Said statement and petition shall be in substantially the following form:

STATEMENT OF CANDIDATE

I (.....), on oath declare that I reside at (number if any) on (name of street) in the city of Gardner; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for nomination for the office of (state the office) for

(state the term) to be voted for at the preliminary election for nominations to be held on Tuesday, the day of Nineteen hundred and and I request that my name be printed as such candidate on the official ballots to be used at said preliminary election.

(Signed)
Commonwealth of Massachusetts Worcester, SS
Subscribed and sworn to this day of , nineteen hundred and , before me,

(Signed)
Justice of the Peace or (Notary Public)
My Commission Expires

PETITION ACCOMPANYING STATEMENT OF
CANDIDATE

We further state that we believe him to be of good moral character and qualified to perform the duties of the office.

No acceptance by a candidate for nomination named in the said petition shall be necessary for its validity or for its filing, and the petition need not be sworn to. The petition may be on one or more papers.

Section 15:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 15. The name of each persons, and of none other, who has filed a statement and accompanying petition as aforesaid with his residence and the title and term of the office for which he is a candidate for nomination, shall be printed on said ballots under the designation of office in the order in which they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present in person or by one representative. Blank space shall be left at the end of each list of candidates for

nomination for the different offices equal to the number to be nominated therefore, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office. There shall be printed on said ballots such directions as will aid the voter, as to wit: "vote for one", "vote for not more than two", and the like. (G.L. Chap 54, sec. 42 as amended).

To the name of a candidate for a city office who is an elected incumbent thereof there shall be added in the same space the words "candidate for re-election" (see G.L. Chap 54, sec. 41 as amended).

PROPOSED EDITS:

SECTION 15. The name of each persons, and of none other, who has filed a statement and accompanying petition as aforesaid with **his the official** residence and the title and term of the office for which **he the individual** is a candidate for nomination, shall be printed on said ballots under the designation of office in the order in which they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present in person or by one representative. Blank space shall be left at the end of each list of candidates for nomination for the different offices equal to the number to be nominated therefore, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office. There shall be printed on said ballots such directions as will aid the voter, as to wit: "vote for one", "vote for not more than two", and the like. (G.L. Chap 54, sec. 42 as amended).

To the name of a candidate for a city office who is an elected incumbent thereof there shall be added in the same space the words "candidate for re-election" (see G.L. Chap 54, sec. 41 as amended).

PROPOSED NEW LANGUAGE:

SECTION 15. The name of each person, and of none other, who has filed a statement and accompanying petition as aforesaid with the official residence and the title and term of the office for which the individual is a candidate for nomination, shall be

printed on said ballots under the designation of office in the order in which they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present in person or by one representative. Blank space shall be left at the end of each list of candidates for nomination for the different offices equal to the number to be nominated therefore, in which the voter may insert the name of any person not printed on the ballot for whom the voter desires to vote for nomination for such office. There shall be printed on said ballots such directions as will aid the voter, as to wit: "vote for one", "vote for not more than two", and the like. (G.L. Chap 54, sec. 42 as amended).

To the name of a candidate for a city office who is an elected incumbent thereof there shall be added in the same space the words "candidate for re-election" (see G.L. Chap 54, sec. 41 as amended).

Section 16:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 16. No ballot used at any preliminary, special or regular city election shall have printed thereon any party or other political designation or mark, and there shall not be appended to the name of any candidate any such party or other political designation or mark, or anything showing how he was nominated, or indicating his views or opinions. (See also G.L. Chap. 53, sec. 34 as amended).

PROPOSED EDITS:

SECTION 16. No ballot used at any preliminary, special or regular city election shall have printed thereon any party or other political designation or mark, and there shall not be appended to the name of any candidate any such party or other political designation or mark, or anything showing **how he was nominated method of nomination**, or indicating **his the candidate's** views or opinions. (See also G.L. Chap. 53, sec. 34 as amended).

PROPOSED NEW LANGUAGE:

No ballot used at any preliminary, special or regular city election shall have printed thereon any party or other political designation or mark, and there shall not be appended to the name of any candidate any such party or other political designation or mark, or anything showing the method of nomination, or indicating the candidate's views or opinions. (See also G.L. Chap. 53, sec. 34 as amended).

Section 18:**Reasoning:**

This amendment removes the requirement that the City Clerk must publish the results of any preliminary election in a newspaper published within Gardner. Please note that the current language requires that the newspaper be published in Gardner, not just sold in Gardner. As such, if Gardner ever lost its local printed newspaper, the City would not be able to follow this section of the Charter for the correct legal way to publish the results of preliminary elections.

This change would allow for greater flexibility in where the City Clerk could post the results, which could very well still mean in a local newspaper, but also allows for other options such as online on the City's website and social media platforms, printed and posted in other locations in the City, and leaves room for easier interpretation as times change to meet what changes may come in the future.

CURRENT LANGUAGE:

SECTION 18. On the first day, not being Sunday or a legal holiday, following the preliminary election, the city clerk shall canvass the returns received from the election officers, and shall forthwith determine the result of the canvass and publish the same in one or more newspapers published in the city, and shall post the same in a conspicuous place in city hall.

PROPOSED EDITS:

SECTION 18. ~~On the first day, not being Sunday or a legal holiday, following the~~

~~preliminary election,~~ the city clerk shall canvass the returns received from the election officers, ~~and shall forthwith determine the result of the canvass and publish the same in one or more newspapers published in the city,~~ and shall post ~~the same~~ them in a conspicuous place in city hall ~~and in other manners consistent with city practices.~~

PROPOSED NEW LANGUAGE:

SECTION 18. The City Clerk shall canvas returns from election officers and post them in a conspicuous place in City Hall and in other manners consistent with city practices."

Section 19:**Reasoning:**

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 19. The two person receiving at a preliminary election the highest and second highest number of votes respectively, for any office, shall be the candidates and the only candidates for that office whose names shall be printed on the official ballots to be used at the succeeding regular or special city election. If two or more persons are to be elected to the same office at such regular or special city election, the several persons, to a number equal to twice the number so to be elected to such office, receiving the highest number of votes for nomination for that office, or all such persons if less than twice the number of those so to be elected, shall be candidates, and except as otherwise provided herein the only candidates, for that office whose names shall be printed on the official ballots to be used at such regular or special city election.

The names shall be printed on the ballots under the designation of the respective offices for which they are candidates in the order in which they may be drawn by the city clerk, as provided in section fifteen. In case two or more persons should receive an equal number of

votes for the same office at any preliminary election held under this act and one of such persons would otherwise be entitled to have his name upon the official ballot then the names of all such persons shall be placed on the ballot.

PROPOSED EDITS:

SECTION 19. The two person receiving at a preliminary election the highest and second highest number of votes respectively, for any office , shall be the candidates and the only candidates for that office whose names shall be printed on the official ballots to be used at the succeeding regular or special city election. If two or more persons are to be elected to the same office at such regular or special city election, the several persons, to a number equal to twice the number so to be elected to such office, receiving the highest number of votes for nomination for that office, or all such persons if less than twice the number of those so to be elected, shall be candidates, and except as otherwise provided herein the only candidates, for that office whose names shall be printed on the official ballots to be used at such regular or special city election.

The names shall be printed on the ballots under the designation of the respective offices for which they are candidates in the order in which they may be drawn by the city clerk, as provided in section fifteen. In case two or more persons should receive an equal number of votes for the same office at any preliminary election held under this act and one of such persons would otherwise be entitled to have **his the candidate's** name upon the official ballot then the names of all such persons shall be placed on the ballot.

PROPOSED NEW LANGUAGE:

SECTION 19. The two person receiving at a preliminary election the highest and second highest number of votes respectively, for any office , shall be the candidates and the only candidates for that office whose names shall be printed on the official ballots to be used at the succeeding regular or special city election. If two or more persons are to be elected to the same office at such regular or special city election, the several persons, to a number equal to

twice the number so to be elected to such office, receiving the highest number of votes for nomination for that office, or all such persons if less than twice the number of those so to be elected, shall be candidates, and except as otherwise provided herein the only candidates, for that office whose names shall be printed on the official ballots to be used at such regular or special city election.

The names shall be printed on the ballots under the designation of the respective offices for which they are candidates in the order in which they may be drawn by the city clerk, as provided in section fifteen. In case two or more candidates should receive an equal number of votes for the same office at any preliminary election held under this act and one of such candidates would otherwise be entitled to the candidate's name upon the official ballot, then the names of all such persons shall be placed on the ballot.

Section 24:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to. Particularly in this case, where the current City Clerk is a woman.

CURRENT LANGUAGE:

SECTION 24. Except as provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Except as otherwise provided in this act, every member of the council shall have the right to vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.

2. The city council shall, from time to time, establish rules for its proceedings. Regular and special meetings of the council shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public, and every matter coming before the council

for action shall be put to vote, the result of which shall be duly recorded. A full and accurate journal of the proceedings of the council shall be kept, and shall be open to the inspection of any registered voter of the city.

3. The city clerk shall have such powers and perform such duties as the council may from time to time prescribe, in addition to such duties as may be prescribed by law. He shall keep the records of the meetings of the council.

PROPOSED EDITS:

SECTION 24. Except as provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Except as otherwise provided in this act, every member of the council shall have the right to vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.

2. The city council shall, from time to time, establish rules for its proceedings. Regular and special meetings of the council shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public, and every matter coming before the council for action shall be put to vote, the result of which shall be duly recorded. A full and accurate journal of the proceedings of the council shall be kept, and shall be open to the inspection of any registered voter of the city.

3. The city clerk shall have such powers and perform such duties as the council may from time to time prescribe, in addition to such duties as may be prescribed by law. **He** **The City Clerk** shall keep the records of the meetings of the council.

PROPOSED NEW LANGUAGE:

SECTION 24. Except as provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Except as otherwise provided in this act, every member of the council shall have the right to vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.

2. The city council shall, from time to time, establish rules for its proceedings. Regular and special meetings of the council shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public, and every matter coming before the council for action shall be put to vote, the result of which shall be duly recorded. A full and accurate journal of the proceedings of the council shall be kept, and shall be open to the inspection of any registered voter of the city.

3. The city clerk shall have such powers and perform such duties as the council may from time to time prescribe, in addition to such duties as may be prescribed by law. He shall keep the records of the meetings of the council.

Section 25:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 25. The city council may at any time request from the mayor specific information upon any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week after the date of the receipt by the mayor of said questions. The mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person, or through the head of a department or a member of a board, upon any subject. The council, or

any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any official, and, by similar investigations, may secure information upon any matter.

PROPOSED EDITS:

SECTION 25. The city council may at any time request from the mayor specific information upon any municipal matter within its jurisdiction, and may request **his the mayor's** presence to answer written questions relating thereto at a meeting to be held not earlier than one week after the date of the receipt by the mayor of said questions. The mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person, or through the head of a department or a member of a board, upon any subject. The council, or any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any official, and, by similar investigations, may secure information upon any matter.

PROPOSED NEW LANGUAGE:

SECTION 25. The city council may at any time request from the mayor specific information upon any municipal matter within its jurisdiction, and may request the mayor's presence to answer written questions relating thereto at a meeting to be held not earlier than one week after the date of the receipt by the mayor of said questions. The mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person, or through the head of a department or a member of a board, upon any subject. The council, or

any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any official, and, by similar investigations, may secure information upon any matter.

Section 29:

Reasoning:

This amendment removes the requirement that all ordinances being voted on by the City Council be published completely and in full text in a newspaper and allows the City Clerk's Office to publish the proposed ordinances in summary rather than in full. The City Council meeting information packet and a fully text of any ordinance being considered is always available in the City Clerk's Office for review should a resident request to see the full document.

CURRENT LANGUAGE:

SECTION 29. Every proposed ordinance, except emergency measures, as hereinbefore defined, shall at least ten days before its final passage, be published in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance.

After final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment. (Section 29 is given as amended by Chapter 65 of the Acts of 1935.)

PROPOSED EDITS:

SECTION 29. Every proposed ordinance, except emergency measures, as hereinbefore defined, shall at least ten days before its final passage, be published **in full in at least one newspaper of the city**, and in any **additional** manner that may be provided by ordinance.

After final passage, it shall, in the same manner as before, again be published once, as

amended and completed in summary, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment. (Section 29 is given as amended by Chapter 65 of the Acts of 1935.)

PROPOSED NEW LANGUAGE:

SECTION 29. Every proposed ordinance, except emergency measures, as hereinbefore defined, shall at least ten days before its final passage, be published and in any manner that may be provided by ordinance.

After final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment. (Section 29 is given as amended by Chapter 65 of the Acts of 1935.)

Section 30:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 30. Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it he shall sign it; if he disapproves it he shall return it, with his objections in writing, to the city council, which shall enter his objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two thirds vote of all the members of the city council, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented to him. This section shall

not apply to budgets submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by the city council under section thirty-three of said chapter.

PROPOSED EDITS:

SECTION 30. Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for ~~his~~ approval. If ~~he~~ the mayor approves it ~~he~~ the mayor shall sign it; if ~~he~~ the mayor disapproves it ~~he~~ shall be returned ~~it~~, ~~with his objections in writing~~, to the city council in writing with the mayor's objections, which ~~shall enter his objections~~ the City Council shall enter at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two- thirds vote of all the members of the city council, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented ~~to him~~. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by the city council under section thirty-three of said chapter.

PROPOSED NEW LANGUAGE:

SECTION 30. Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for approval. If the mayor approves, then the mayor shall sign it; if the mayor disapproves, it shall be returned to the city council in writing with the mayor's objections, which the city council shall enter at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two-thirds vote of all the members of the city council, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented. This section shall not apply to budgets

submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by the city council under section thirty-three of said chapter.

Section 31:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 31. The civil service laws shall not apply to the appointment of the mayor's secretaries nor of stenographers, clerks, telephone operators and messengers connected with his office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

PROPOSED EDITS:

SECTION 31. The civil service laws shall not apply to the appointment of the mayor's secretaries nor of stenographers, clerks, telephone operators and messengers connected with **his the mayor's** office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

PROPOSED NEW LANGUAGE:

SECTION 31. The civil service laws shall not apply to the appointment of the mayor's secretaries nor of stenographers, clerks, telephone operators and messengers connected with the mayor's office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

Section 32:

Reasoning:

This amendment relates to instances in where the City has an Acting Mayor, because the Mayor has either resigned or left office during the middle of the term for other reasons. Under the current language of the City Charter, the City Council President becomes the Acting Mayor with limited authority when there is a vacancy in the position of Mayor. However, the Charter only allows there to be an Acting Mayor for a

period of not more than six (6) months. This creates a system where if a Mayor resigned during the second year of the term, there could be up to four (4) elections in the same year for the same position – Special Preliminary, Special Election, Regular Preliminary, Regular General Election.

This amendment also creates a pay scale for the position of Acting Mayor. Under the current system an Acting Mayor only receives the stipend for being City Council President. At this time this document was written, the current stipend for the City Council President is \$10,707 and no payment can be given above that for any work done as Acting Mayor.

This this amendment would create a system where the City could have an Acting Mayor for a period of up to a year, the second half of this amendment would compensate the Acting Mayor for the work they would be doing as the City's interim CEO.

CURRENT LANGUAGE:

SECTION 32. If a vacancy occurs in the office of mayor before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of the mayor in the last six months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councilor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councilor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councilor, the city council shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councilor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term.

If the Mayor is absent or unable from any cause temporarily to perform his duties, or if his office is vacant during the first eighteen months of his term, his duties shall be performed by

the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

Should an appointive officer of the city be temporarily unable for any cause to perform his duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume his duties. (Section 32 is given as amended by Chap.590 Acts of 1975.)

PROPOSED EDITS:

SECTION 32. If a vacancy occurs in the office of mayor before the last ~~six~~ **twelve** months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of the mayor in the last ~~six~~ **twelve** months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councilor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councilor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councilor, the city council shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councilor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term.

If the Mayor is absent or unable from any cause temporarily to perform ~~his~~ **the** duties of the office, or if ~~his~~ **the** office is vacant during the first eighteen months of his term, his duties shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of

mayor only in matters not admitting of delay, but shall have no power to make permanent appointments. **In the event that the office of Mayor shall be vacated due to resignation or death prior to the end of the term, the acting Mayor shall be entitled to the compensation as city council President in addition to seventy-five (75%) of the then current rate of compensation of the Mayor.**

Should an appointive officer of the city be temporarily unable for any cause to perform ~~his~~ **official** duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume ~~his~~ **his** duties. (Section 32 is given as amended by Chap.590 Acts of 1975.)

PROPOSED NEW LANGUAGE:

SECTION 32. If a vacancy occurs in the office of mayor before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of the mayor in the last six months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councilor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councilor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councilor, the city council shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councilor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term.

If the Mayor is absent or unable from any cause temporarily to perform his duties, or if his office is vacant during the first eighteen months of his term, his duties shall be performed by

the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

Should an appointive officer of the city be temporarily unable for any cause to perform his duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume his duties. (Section 32 is given as amended by Chap.590 Acts of 1975.)

Section 33:

Reasoning:

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 33. It shall be unlawful for the mayor or for a member of the city council or school committee or for any officer or employee of the city, directly or indirectly, to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person or corporation, making or performing such a contract, unless the mayor, such member, officer or employee, immediately upon learning of the existence of such contract, or that such a contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of his interest in such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign the contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest, by the city clerk, provided, however, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock or shares actually issued

shall not be considered, as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

PROPOSED EDITS:

SECTION 33. It shall be unlawful for the mayor or for a member of the city council or school committee or for any officer or employee of the city, directly or indirectly, to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person or corporation, making or performing such a contract, unless the mayor, such member, officer or employee, immediately upon learning of the existence of such contract, or that such a contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of **his** **the** interest in such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign the contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest, by the city clerk, provided, however, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered, as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

PROPOSED NEW LANGUAGE:

SECTION 33. It shall be unlawful for the mayor or for a member of the city council or school committee or for any officer or employee of the city, directly or indirectly, to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person or corporation, making or performing such a contract, unless the mayor, such member, officer or employee, immediately upon learning of the existence of such contract, or that such a contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of the interest in such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign the contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest, by the city clerk, provided, however, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered, as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 34:

Reasoning:

This section of the City Charter was written before Massachusetts General Law created new restrictions for public contracts for construction work and procurement. This section of the City Charter is in conflict with the current state law. Since this section is less strict than state law, ***it is illegal for the City to follow this section of the Charter.*** Therefore, the proposed amendment would remove this section from the Charter since the City cannot legally follow its provisions even if it wanted to.

See Massachusetts General Laws- Chapter 30B, Chapters 30 & 39M, and Chapter 149

CURRENT LANGUAGE:

SECTION 34. No contract for construction work or for the purchase of apparatus, supplies or material, whether the same shall be for repairs or original construction, the estimated cost of which amounts to or exceeds four thousand dollars (see compilation of ordinances no. 52, see also G.L. Chap. 40, sec. 4G as amended), except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisements in at least one newspaper published in the city once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place where plans and specifications of the proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this act. (Section 34 is given as amended by Chapter 16 of the Acts of 1934), and again amended by Chapter 191 of the Acts of 1960, sec. 1).

PROPOSED EDITS:

~~**SECTION 34. No contract for construction work or for the purchase of apparatus, supplies or material, whether the same shall be for repairs or original construction, the estimated cost of**~~

which amounts to or exceeds four thousand dollars (see compilation of ordinances no. 52, see also G.L. Chap. 40, sec. 4G as amended), except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisements in at least one newspaper published in the city once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place where plans and specifications of the proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this act. (Section 34 is given as amended by Chapter 16 of the Acts of 1934), and again amended by Chapter 191 of the Acts of 1960, sec.1).

PROPOSED NEW LANGUAGE:

**SECTION TO BE DELETED IN ITS ENTIRETY
AND NOT REPLACED**

Section 35:

Reasoning:

This section of the City Charter was written before Massachusetts General Law created new restrictions for public contracts for construction work and procurement. This section of the City Charter is in conflict with the current state law. Since this section is less strict than state law, *it is illegal for the City to follow this section of the Charter*. Therefore, the proposed amendment would remove this section from the Charter since the City cannot legally follow its provisions even if it wanted to. See Massachusetts General Laws- Chapter 30B, Chapters 30 & 39M, and Chapter 149

CURRENT LANGUAGE:

SECTION 35. All contracts made by any department, board or commission in which the amount involved is one thousand dollars or more shall be in writing, and no such contract

shall be deemed to have been made or executed until the approval of the mayor and of the department or board making the contract is affixed thereto. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board of officials having the matter in charge, or by a deposit of money, certified check or other security conditioned on the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has in all respects been carried out; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer, department or board making the contract, with the approval of the mayor affixed thereto. (Section 35 is given as amended by Chapter 191 of the Acts of 1960, section 2.)

PROPOSED EDITS:

SECTION 35. All contracts made by any department, board or commission in which the amount involved is one thousand dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor and of the department or board making the contract is affixed thereto. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board of officials having the matter in charge, or by a deposit of money, certified check or other security conditioned on the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has in all respects been carried out; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer, department or board making the contract, with the approval of the mayor affixed thereto. (Section 35 is given as amended by Chapter 191 of the Acts of 1960, section 2.)

PROPOSED NEW LANGUAGE:

**SECTION TO BE DELETED IN ITS ENTIRETY
AND NOT REPLACED**

Section 37:**Reasoning:**

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to.

CURRENT LANGUAGE:

SECTION 37. The school committee shall consist of the mayor, who shall be chairman, and six persons who shall be elected at large from the registered voters of the city. At the biennial municipal election to be held in the year nineteen hundred and ninety-one there shall be elected three persons to serve for two years and three persons to serve for four years. At each biennial election thereafter there shall be elected three persons to serve for the term of four years. (Section 37 is given as amended by Chapter 290 of the Acts of 1989, section 1). NOTE: For provisions with respect to election of members to and powers and duties of the Montachusett Regional Vocational Technical School District Committee, see Chapter 560 of the Acts of 1964 and Chapter 543 of the Acts of 1965).

PROPOSED EDITS:

SECTION 37. The school committee shall consist of the mayor, who shall be ~~chairman~~ **chairperson**, and six persons who shall be elected at large from the registered voters of the city. At the biennial municipal election to be held in the year nineteen hundred and ninety-one there shall be elected three persons to serve for two years and three persons to serve for four years. At each biennial election thereafter there shall be elected three persons to serve for the term of four years. (Section 37 is given as amended by Chapter 290 of the Acts of 1989, section 1). NOTE: For provisions with respect to election of members to and powers and duties of the Montachusett Regional Vocational Technical School District Committee, see Chapter 560 of the Acts of 1964 and Chapter 543 of the Acts of 1965).

PROPOSED NEW LANGUAGE:

SECTION 37. The school committee shall consist of the mayor, who shall be chairperson, and six persons who shall be elected at large from the registered voters of the city. At the biennial municipal election to be held in the year nineteen hundred and ninety-one there shall be elected three persons to serve for two years and three persons to serve for four years. At each biennial election thereafter there shall be elected three persons to serve for the term of four years. (Section 37 is given as amended by Chapter 290 of the Acts of 1989, section 1). NOTE: For provisions with respect to election of members to and powers and duties of the Montachusett Regional Vocational Technical School District Committee, see Chapter 560 of the Acts of 1964 and Chapter 543 of the Acts of 1965).

Section 38:**Reasoning:**

This amendment is included to make the City Charter a more inclusive document by replacing all pronouns with the nouns that they refer to. Additionally, it clarifies that the Superintendent of Schools is appointed as a contract employee by the School Committee, rather than an elected official of the City.

CURRENT LANGUAGE:

SECTION 38. The school committee shall elect annually a superintendent of schools except as provided in section forty-one of chapter seventy-one of the General Laws, and may, under the laws regulating the civil service, appoint, suspend or remove such subordinate officers or assistants, including janitors of school buildings as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties, and shall fix their compensation. 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 salary or compensation for which is payable out of the city treasury. The committee shall organize annually on Tuesday following the first Monday in January, and

shall elect one of its members as vice-chairman, whose duty it shall be to preside at all meetings of the committee at which the mayor is not present.

PROPOSED EDITS:

SECTION 38. The school committee shall **elect appoint** annually a superintendent of schools except as provided in section forty-one of chapter seventy-one of the General Laws, and may, under the laws regulating the civil service, appoint, suspend or remove such subordinate officers or assistants, including janitors of school buildings as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties, and shall fix their compensation. 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 salary or compensation for which is payable out of the city treasury **during the elected term of office**. The committee shall organize annually on Tuesday following the first Monday in January, and shall elect one of its members as **vice-chairman vice-chairperson**, whose duty it shall be to preside at all meetings of the committee at which the mayor is not present.

PROPOSED NEW LANGUAGE:

SECTION 38. The school committee shall appoint annually a superintendent of schools except as provided in section forty-one of chapter seventy-one of the General Laws, and may, under the laws regulating the civil service, appoint, suspend or remove such subordinate officers or assistants, including janitors of school buildings as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties, and shall fix their compensation. No member of the school committee, except the mayor, shall hold any other office or position the salary or compensation for which is payable out of the city treasury during the elected term of office. The committee shall organize annually on Tuesday following the first Monday in January, and shall elect one of its members as vice-chairperson, whose duty it shall be to preside at all meetings of the committee at which the mayor is not present.

Section 51:

Reasoning:

This section of the Charter is currently in conflict with State Law and is illegal for the City to follow. See Massachusetts General Law Chapter 43.

CURRENT LANGUAGE:

SECTION 51. The ballots used in voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. No measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.

PROPOSED EDITS:

~~SECTION 51. The ballots used in voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. No measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.~~

PROPOSED NEW LANGUAGE:

SECTION TO BE DELETED IN ITS ENTIRETY AND NOT REPLACED

SECTION 4: DOCUMENT VOTED ON BY CITY COUNCIL

CITY OF GARDNER

VOTE OF THE CITY COUNCIL

I hereby certify that the following action taken under Item No. _____ of the regularly scheduled meeting of the City of Gardner City Council held on _____, August _____, 2023 and adjourned on August _____, 2023.

VOTED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Gardner to be filed with an attested copy of this vote be, and hereby is approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

Section 1. The Charter of the City of Gardner, being c. 119 of the Acts of 1921 as amended, is further amended as follows:

Making the following changes to the City Charter:

- Section 4: Strike the second sentence “He shall hold office for the term of two years from the first Monday in January following his election and until his successor is elected and qualified.” and replace it with “The Mayor shall hold office for the term of two years from the first Monday in January following the election and until a successor is elected and qualified.”
- Section 7: Strike the existing language and replace it with the following: “In making appointments, the mayor shall sign and file with the city clerk a certificate in the following form:

CERTIFICATE OF APPOINTMENT

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion (name of appointee) is a recognized expert in the work which will devolve in the course of official duties, and that I make the appointment solely in the interest of the city.

Mayor.

Or the following form, as the case may be:

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion (name of appointee) is a person specially fitted

by education, training or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.

Mayor.”

- Section 8: Strike the existing language and replace it with the following: “The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board before the expiration of the appointee’s term of office, except members of the school committee, officers elected by the city council, officers whose election is provided for by this act, and officials appointed by the governor. The person removed shall receive a copy of the reasons for such removal in writing and may contest the same at a hearing to be given by the city council, at which the person removed shall have the right to be represented by counsel.”
- Section 11: Strike the first paragraph in its entirety and replace it with the following: “The mayor shall receive for services such salary as the city council by ordinance shall determine and shall receive no other compensation from the city. The mayor’s salary shall not be increased or diminished during the term to which the mayor was elected.
- Section 12: Strike "fourth" and replace with "seventh".
- Section 13: Strike the first paragraph in its entirety and replace it with the following: “Any person who is qualified to vote for a candidate for any office mentioned in this act, and who is a candidate for nomination for that office, may have the name as such candidate printed on the official ballot to be used at a preliminary election; provided that, at least twenty-eight (G.L. Chap. 53 sec. 10 as amended) days prior to the preliminary election, the person shall file with the city clerk a statement in writing of such candidacy, and with it the petition of at least fifty voters of the city, qualified to vote for a candidate for the said office. Said statement and petition shall be in substantially the following form:
- And be further amended by striking the second sentence of the first paragraph under the heading “PETITION ACCOMPANYING STATEMENT OF CANDIDATE and replacing it with the following: “We further state that we believe this person to be of good moral character and qualified to perform the duties of the office.”

- Section 15: Strike the first paragraph in its entirety and replace it with the following: “The name of each person, and of none other, who has filed a statement and accompanying petition as aforesaid with the official residence and the title and term of the office for which the individual is a candidate for nomination, shall be printed on said ballots under the designation of office in the order in which they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present in person or by one representative. Blank space shall be left at the end of each list of candidates for nomination for the different offices equal to the number to be nominated therefore, in which the voter may insert the name of any person not printed on the ballot for whom the voter desires to vote for nomination for such office. There shall be printed on said ballots such directions as will aid the voter, as to wit: “vote for one”, “vote for not more than two”, and the like. (G.L. Chap 54, sec. 42 as amended).
- Section 16: Strike the existing language and replace it with the following: “No ballot used at any preliminary, special or regular city election shall have printed thereon any party or other political designation or mark, and there shall not be appended to the name of any candidate any such party or other political designation or mark, or anything showing the method of nomination, or indicating the candidate’s views or opinions. (See also G.L. Chap. 53, sec. 34 as amended).
- Section 18: Strike the existing language and replace it with "The City Clerk shall canvas returns from election officers and post them in a conspicuous place in City Hall and in other manners consistent with city practices."
- Section 19: Strike the second sentence in the second paragraph in its entirety and replace it with the following: “In case two or more candidates should receive an equal number of votes for the same office at any preliminary election held under this act and one of such candidates would otherwise be entitled to the candidate’s name upon the official ballot, then the names of all such persons shall be placed on the ballot.”
- Section 24: Strike the second sentence in paragraph 3 in its entirety and replace it with the following: “The city clerk shall keep the records of the meetings of the council.
- Section 25: Strike the first sentence in its entirety and replace it with the following: “The city council may at any time request from the mayor specific information upon any municipal matter within its jurisdiction, and may request the mayor’s presence to answer written questions relating thereto

at a meeting to be held not earlier than one week after the date of the receipt by the mayor of said questions.”

- Section 29: Strike the words "in full" in paragraph one, line two, and replace with "in summary". In lines two and three, strike "in at least one newspaper of the city" and strike "additional" in line three.

In paragraph 2 insert the phrase "in summary" after "and completed".

- Section 30: Strike the existing language and replace it with the following: “Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for approval. If the mayor approves, then the mayor shall sign it; if the mayor disapproves, it shall be returned to the city council in writing with the mayor’s objections, which the city council shall enter at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two-thirds vote of all the members of the city council, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by the city council under section thirty-three of said chapter.”

- Section 31: Strike the existing language and replace it with the following: “The civil service laws shall not apply to the appointment of the mayor’s secretaries nor of stenographers, clerks, telephone operators and messengers connected with the mayor’s office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.”

- Section 32: In the first paragraph strike all references to "six" and replace with "twelve".

In the fourth paragraph strike the existing language and replace it with the following: “If the Mayor is absent or unable from any cause temporarily to perform the duties of the office, or if the office is vacant during the first twelve months of the term, the mayor’s duties shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called “acting mayor”, and shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments. In the event that the office of Mayor

shall be vacated due to resignation or death prior to the end of the term, the acting Mayor shall be entitled to the compensation as city council President in addition to seventy-five (75%) of the then current rate of compensation of the Mayor."

In the fifth paragraph, strike all existing language and replace it with the following: "Should an appointive officer of the city be temporarily unable for any cause to perform official duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume duties. (Section 32 is given as amended by Chap.590 Acts of 1975.)"

Section 33: In the first paragraph strike the words "the nature of his interest in such contract," and replace with "the nature of the interest in such contract."

Section 34: Delete in its entirety.

Section 35: Delete in its entirety.

Section 37. In the first paragraph strike the words "who shall be chairman," and replace with "who shall be chairperson,"

Section 38: Strike the word "elect" and replace with "appoint" in line one.

Strike the second sentence in its entirety and replace with "No member of the school committee, except the mayor, shall hold any other office or position the salary or compensation for which is payable out of the city treasury during the elected term of office.

Strike the term "vice-chairman" in the third sentence and replace with "vice-chairperson."

Section 51: Delete in its entirety.

Section 2 Upon passage by the Council, a question approving the submission of the Petition to the Commonwealth of Massachusetts Legislature shall be submitted to the Voters of the City of Gardner as a non-binding referendum in accordance with Massachusetts law.

Witness my hand and seal of the City of Gardner on this _____ day of August 2023.

Titi Siriphan

City of Gardner City Clerk

CITY OF GARDNER

Home Rule Petition for Special Legislation as below, per the attached certified vote of the City of Gardner City Council taken at the August ____, 2023 City of Gardner City Council Meeting.

“An Act Amending the Charter of the City of Gardner”

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. The Charter of the City of Gardner, being c. 119 of the Acts of 1921 as amended, is further amended as follows:

Making the following changes to the City Charter:

- Section 4:** Strike the second sentence “He shall hold office for the term of two years from the first Monday in January following his election and until his successor is elected and qualified.” and replace it with “The Mayor shall hold office for the term of two years from the first Monday in January following the election and until a successor is elected and qualified.”
- Section 6:** Strike the phrase "but the city solicitor" and replace it with "all members of the Law Department".
- Section 7:** Strike the existing language and replace it with the following: “In making appointments, the mayor shall sign and file with the city clerk a certificate in the following form:

CERTIFICATE OF APPOINTMENT

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion (name of appointee) is a recognized expert in the work which will devolve in the course of official duties, and that I make the appointment solely in the interest of the city.

Mayor.

Or the following form, as the case may be:

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion (name of appointee) is a person specially fitted by education, training or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.

Mayor.”

- Section 8: Strike the existing language and replace it with the following: “The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board before the expiration of the appointee’s term of office, except members of the school committee, officers elected by the city council, officers whose election is provided for by this act, and officials appointed by the governor. The person removed shall receive a copy of the reasons for such removal in writing and may contest the same at a hearing to be given by the city council, at which the person removed shall have the right to be represented by counsel.”
- Section 11: Strike the first paragraph in its entirety and replace it with the following: “The mayor shall receive for services such salary as the city council by ordinance shall determine and shall receive no other compensation from the city. The mayor’s salary shall not be increased or diminished during the term to which the mayor was elected.
- Section 12: Strike "fourth" and replace with "seventh".
- Section 13: Strike the first paragraph in its entirety and replace it with the following: “Any person who is qualified to vote for a candidate for any office mentioned in this act, and who is a candidate for nomination for that office, may have the name as such candidate printed on the official ballot to be used at a preliminary election; provided that, at least twenty-eight (G.L. Chap. 53 sec. 10 as amended) days prior to the preliminary election, the person shall file with the city clerk a statement in writing of such candidacy, and with it the petition of at least fifty voters of the city, qualified to vote for a candidate for the said office. Said statement and petition shall be in substantially the following form:
- And be further amended by striking the second sentence of the first paragraph under the heading “PETITION ACCOMPANYING STATEMENT OF CANDIDATE and replacing it with the following: “We further state that we believe this person to be of good moral character and qualified to perform the duties of the office.”
- Section 15: Strike the first paragraph in its entirety and replace it with the following: “The name of each person, and of none other, who has filed a statement and accompanying petition as aforesaid with the official residence and the title and term of the office for which the individual is a candidate for

nomination, shall be printed on said ballots under the designation of office in the order in which they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present in person or by one representative. Blank space shall be left at the end of each list of candidates for nomination for the different offices equal to the number to be nominated therefore, in which the voter may insert the name of any person not printed on the ballot for whom the voter desires to vote for nomination for such office. There shall be printed on said ballots such directions as will aid the voter, as to wit: "vote for one", "vote for not more than two", and the like. (G.L. Chap 54, sec. 42 as amended).

- Section 16: Strike the existing language and replace it with the following: "No ballot used at any preliminary, special or regular city election shall have printed thereon any party or other political designation or mark, and there shall not be appended to the name of any candidate any such party or other political designation or mark, or anything showing the method of nomination, or indicating the candidate's views or opinions. (See also G.L. Chap. 53, sec. 34 as amended).
- Section 18: Strike the existing language and replace it with "The City Clerk shall canvas returns from election officers and post them in a conspicuous place in City Hall and in other manners consistent with city practices."
- Section 19: Strike the second sentence in the second paragraph in its entirety and replace it with the following: "In case two or more candidates should receive an equal number of votes for the same office at any preliminary election held under this act and one of such candidates would otherwise be entitled to the candidate's name upon the official ballot, then the names of all such persons shall be placed on the ballot."
- Section 24: Strike the second sentence in paragraph 3 in its entirety and replace it with the following: "The city clerk shall keep the records of the meetings of the council.
- Section 25: Strike the first sentence in its entirety and replace it with the following: "The city council may at any time request from the mayor specific information upon any municipal matter within its jurisdiction, and may request the mayor's presence to answer written questions relating thereto at a meeting to be held not earlier than one week after the date of the receipt by the mayor of said questions."
- Section 29: Strike the words "in full" in paragraph one, line two, and replace with "in summary". In lines two and three, strike "in at least one newspaper of the city" and strike "additional" in

line three.

In paragraph 2 insert the phrase "in summary" after "and completed".

- Section 30: Strike the existing language and replace it with the following: “Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for approval. If the mayor approves, then the mayor shall sign it; if the mayor disapproves, it shall be returned to the city council in writing with the mayor’s objections, which the city council shall enter at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two-thirds vote of all the members of the city council, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by the city council under section thirty-three of said chapter.”
- Section 31: Strike the existing language and replace it with the following: “The civil service laws shall not apply to the appointment of the mayor’s secretaries nor of stenographers, clerks, telephone operators and messengers connected with the mayor’s office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.”
- Section 32: In the first paragraph strike all references to "six" and replace with "twelve".

In the fourth paragraph strike the existing language and replace it with the following: “If the Mayor is absent or unable from any cause temporarily to perform the duties of the office, or if the office is vacant during the first twelve months of the term, the mayor’s duties shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called “acting mayor”, and shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments. In the event that the office of Mayor shall be vacated due to resignation or death prior to the end of the term, the acting Mayor shall be entitled to the compensation as city council President in addition to seventy-five (75%) of the then current rate of compensation of the Mayor.”

In the fifth paragraph, strike all existing language and replace it with the following: “Should an appointive officer of the city be temporarily unable for any cause to perform official duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume duties. (Section 32 is given as amended by Chap.590 Acts of 1975.)”

Section 33: In the first paragraph strike the words “the nature of his interest in such contract,” and replace with “the nature of the interest in such contract.”

Section 34: Delete in its entirety.

Section 35: Delete in its entirety.

Section 37. In the first paragraph strike the words “who shall be chairman,” and replace with “who shall be chairperson,”

Section 38: Strike the word "elect" and replace with "appoint" in line one.

Strike the second sentence in its entirety and replace with “No member of the school committee, except the mayor, shall hold any other office or position the salary or compensation for which is payable out of the city treasury during the elected term of office.

Strike the term “vice-chairman” in the third sentence and replace with “vice-chairperson.”

Section 51: Delete in its entirety.

Section 2 This act shall take effect upon its passage.

Note that the City of Gardner vote also included the following, which is not part of the Home Rule Petition but relates thereto.

A. The General Court may make clerical or editorial changes of form only to the bill unless the Gardner City Council approves amendments to the bill before enactment by the General Court.