

Chapter 4

CITY COUNCIL*

- Art. I. General, §§ 4-1—4-19**
Art. II. Clerk of the Council, §§ 4-20—4-49
Art. III. Betterment Procedures, §§ 4-50—4-51

**ARTICLE I.
IN GENERAL**

Sec. 4-1. Time, place for council meetings.

Regular meetings of the city council shall be held in the months of January through June, inclusive, and in the months of September through December, inclusive, on the first and third Monday evenings of such months and in the months of July and August on the second Monday of each month at 7:45 p.m., unless otherwise ordered by the city council. Where any such Monday shall be a legal holiday, the meeting shall be held on the next following day which is not a legal holiday. Every adjourned sitting of the city council, not an adjourned special meeting, shall constitute a regular meeting, and the order of business thereat shall be the same as in the case of a regular meeting. Said meetings will be conducted in the council chambers of the Newton City Hall. (Rev. Ords. 1973, § 2-1)

Sec. 4-2. Salary of councilors.

In accordance with chapter 39, section 6A, of the General Laws, each member of the city council shall receive annual compensation of nine thousand seven hundred fifty dollars (\$9,750.00), payable monthly. The effective date of any subsequent salary increase voted under this section shall be the date upon which the succeeding board (to that which voted the increase) is sworn into office. Any such subsequent salary increase shall require the affirmative vote of two-thirds (2/3) of the city council and be voted only between January first and September thirtieth of a year in which a municipal election is to be held. (Rev. Ords. 1973, § 2-3; Ord. No. 573, 7-5-73; Ord. No. 201, 3-7-77; Ord. No. R-314, 3-21-83; Ord. No. S-269 and S-270, 9-8-87; Ord. No. V-132, 9-15-97)

Sec. 4-3. Registration of persons receiving consideration to affect outcome of any matter pending before city council.

(a) Any person who has received or will receive a fee or any other consideration to effect positive or negative action by the city council on any matter pending before it shall register with the city clerk their name, address and the name of the person or persons on whose behalf they are seeking such action before commencing such activity.

(b) This section shall not apply to attorneys of record for petitioners to the city council, provided their names and addresses are clearly set forth on the petition.

(c) No violation of this section shall affect the validity of any action of the city council. (Rev. Ords. 1973, § 2-6)

Secs. 4-4—4-19. Reserved.

***Cross references** – Ward boundaries established, § 1-15; administration generally, Ch. 2; notification to officers and boards of certain orders of the city council, § 6-1

*(Ord. No. A-68, 12-08-15 changed references to “Board of Aldermen” to “City Council”)

ARTICLE II. CLERK OF THE COUNCIL

Sec. 4-20. Election and term.

The city council shall elect by ballot a clerk of the council to hold office for a term of two (2) years beginning with the first secular day of January after the election of a new city council and until a successor is appointed. (Rev. Ords. 1973, § 2-101)

Cross reference—City clerk, Ch. 6

Sec. 4-21. Salary.

(a) The compensation for the clerk of the council shall be determined by the city council.

(b) As of July 1, 2016, the salary of the clerk of the council shall be at the annual rate of \$127,776, unless otherwise further amended by the city council. (Rev. Ord. 1973, § 2-102; Ord. No.118, 3-1-76; Ord. No. 265, 2-21-78; Ord. No. R-106, 1-5-81; Ord. No. R-211, 1-18-82; Ord. No. R-315, 3-21-83; Ord. No. S-118, 9-17-85; Ord. No. S-207, 8-11-86; Ord. No. S-208, 8-11-86; Ord. No. S-283 and S-284A, 12-7-87; Ord. No. T-29, 6-5-89; Ord. No. T-30, 6-5-89; Ord. No. T-104, 9-17-90; Ord. No. T-107, 10-15-90; Ord. No. T-224, 5-4-92; Ord. No. T-225, 6-1-92; Ord. No. V-20, 6-19-95; Ord. No. V-134, 10-6-97; Ord. No. W-27, 2-20-01; Ord. No. X-164, 08-08-05; Ord. No. X-210, 12-19-05; Ord. No. Y-30, 8-13-07; Ord. No. Z-10, 11-19-07; Ord. No. A-1, 07-09-12; Ord. No. A-21, 05-20-13; Ord. No. A-87, 11-25-16)

Editor's note – Ord. No.Y-30 became effective on 7/1/07. Ord. No. A-87 became effective on 01/01/16.

Sec. 4-22. Departmental organization; staff.

The clerk of the council shall be the head of the department with the benefits relating thereto and shall have a staff of three (3) committee clerks and two (2) secretaries. There shall also be made available from time to time to the clerk of the council's staff an additional clerk-typist assigned to the city clerk's office as the work load of the city clerk's office and the clerk of the council office shall require. The clerk of the council's staff salaried by the department shall be solely responsible to the clerk of the council. (Rev. Ords. 1973, § 2-103; Ord. No. T-104, 9-17-90)

Sec. 4-23. Facilities.

The clerk of the council and their staff shall have such adequate office facilities in the city hall as may be recommended by the clerk of the council and approved by the city council. (Rev. Ords. 1973, § 2-104)

Sec. 4-24. Equipment.

The office of the clerk of the council and the clerk's staff shall have such equipment available as is necessary to adequately serve the needs of the department. (Rev. Ords. 1973, § 2-105)

Sec. 4-25. Responsibility of clerk of the council.

The clerk of the council shall be solely responsible to the city council, from whom the clerk shall receive direction and authority. (Rev. Ords. 1973, § 2-106)

Sec. 4-26. Relationship between clerk of the council and city clerk.

(a) The clerk of the council shall have the title and status of assistant city clerk with the responsibilities and powers vested by law in such office. In the absence of the city clerk for reason of sickness, vacation, or absence from the city, the clerk of the council shall also become the acting city clerk with all the rights, duties, and responsibilities authorized by law in the city clerk.

(b) In the absence of the clerk of the council by reason of sickness, vacation, or absence from the city, the city clerk shall become the acting clerk of the council with all the rights, duties, and responsibilities authorized by law in the clerk of the council. Whenever possible and as requested by the clerk of the council, the city clerk shall assist the clerk of the council at regular city council meetings or at special city council meetings called for the sole purpose of acting upon the city's budget. For assisting the clerk of the council, the city clerk shall receive an annual salary from the budget of the clerk of the council in such sum as may be annually approved by the city council. (Rev. Ords. 1973, § 2-107)

Sec. 4-27. Duties.

The clerk of the council shall:

- (a) Where permitted by law, be the licensing authority for the issuance and removal of licenses by the city council.
- (b) Have the authority to take and record oaths.
- (c) Where permitted by law, keep and maintain all city council appropriations, ordinances, resolutions, records and votes.
- (d) Attend the meetings of the city council and of its general and special committees established under the rules of the board.
- (e) Perform all such duties and responsibilities as set forth in the rules and orders of the city council from time to time and in effect.
- (f) Perform such additional duties and responsibilities as may be determined by the city council.
- (g) Perform such duties and responsibilities not otherwise enumerated above but required by law. (Rev. Ords. 1973, § 2-108)

Sec. 4-28. Clerk's responsibilities to council committees and individual councilors.

The clerk of the council shall:

- (a) Prepare reports and correspondence as may be instructed to do by committee or acting committee chairmen pertaining to committee matters.
- (b) Prepare reports and correspondence pertaining to city council matters as required by the council president, vice-president or president emeritus.
- (c) Perform such research or assignments as are required by a general or special committee of the city council through its chairman or acting chairman, or such research or assignments pertaining to city council activities as requested by the board president, vice-president or president emeritus.
- (d) Not handle any individual councilor's correspondence, whatever the nature.

(e) Not conduct research or assignment for any individual councilor, whatever the nature. (Rev. Ords. 1973, § 2-109)

Sec. 4-29. Manner of giving notice of hearings.

Where it is provided by law or by ordinance that notice of a hearing before the city council pursuant to petition shall be given by publication, such notice shall be published in a newspaper of general circulation within the city. In all cases, unless otherwise provided by law or by ordinance, notice of hearings shall be given in the manner provided in this section. (Rev. Ords. 1973, § 2-110)

Sec. 4-30. Printing of certain matters; purchases.

The clerk of the council shall cause to be printed all matters ordered to be printed by the city council, or by the ordinances of the city, and when so requested, all matters required to be printed by the mayor, and shall purchase all books and stationery necessary for the city council. (Rev. Ords. 1973, § 2-111)

Sec. 4-31. Positions filled by same person.

In the event that the same person fills the positions of both city clerk and clerk of the council, sections 4-31 through 4-35 shall apply. (Ord. No. R-52, 1-28-80)

Sec. 4-32. Title; powers and duties.

When the same person fills the positions of both city clerk and clerk of the council, the individual shall be known as the city clerk, and shall have all the duties and obligations of both the city clerk and clerk of the council as prescribed by law. (Ord. No. R-52, 1-28-80)

Sec. 4-33. Election and term.

When the same person fills the positions of both city clerk and clerk of the council, the individual shall be elected in the same manner as and for the same term of the city clerk and clerk of the council respectively when those positions are filled by two persons. (Ord. No. R-52, 1-28-80)

Sec. 4-34. Divisions of the department of city clerk; assistant city clerk; assistant clerk of the council.

There shall be created two divisions within the department of the city clerk, known respectively as the division of the city clerk and the division of the clerk of the council. (Ord. No. R-52, 1-28-80; Ord. No. T-104, 9-17-90)

Sec. 4-35. Acting city clerk; acting clerk of the council.

In the absence of the city clerk for reason of sickness, vacation, or absence from the city:

- (1) a staff member so designated by the city clerk shall become the acting city clerk for said division with all the rights, duties, and responsibilities authorized by law in the city clerk, and
- (2) a committee clerk so designated by the clerk of the council shall become the acting clerk of the council for said division with all the rights, duties, and responsibilities authorized by law in the clerk of the council. (Ord. No. R-52, 1-28-80; Ord. No. T-104, 9-17-90)

Secs. 4-36—4-49. Reserved.

**ARTICLE III.
BETTERMENT PROCEDURES**

Sec. 4-50. Calculation of betterments.

(a) Whenever the city council receives a petition seeking approval of an improvement project for which betterments may be assessed, said board shall request the city engineer to prepare a calculation of the estimated betterment assessments.

(b) Upon receipt of such a request, the city engineer shall calculate the estimated betterment assessments in accordance with the formulas set out in applicable statutes and ordinances, and deliver to the city council a schedule setting out said estimates. (Ord. No. T-108, 10-15-90)

Sec. 4-51. Abatement of betterment assessments: procedure.

(a) Whenever the city council receives a timely application for abatement of betterment assessments from any person who has been assessed betterments for an improvement project, said council shall request the opinion of the board of assessors as to the amount of benefit to the estate of the applicant.

(b) Upon receipt of such a request, the board of assessors shall examine the estate and advise the city council of said assessors' opinion as to the amount of benefit to said estate as a result of the improvement project. (Ord. No. T-108, 10-15-90)