

ARTICLE II. EXECUTIVE BRANCH.

Sec. 2.1. Mayor—Qualifications: Term of office: Compensation.

(a) Qualifications. The chief executive officer of the city shall be a mayor, elected by and from the voters. Any voter shall be eligible to hold the office of mayor. The office of mayor shall be deemed to be full time. During his term, no mayor shall hold any other elective public office.

(b) Term of Office. The term of office of the mayor shall be two years beginning on the first Monday of January following his election or on the following day whenever said first Monday shall also be New Year's Day and until his successor is qualified.

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(c) Compensation. The city council shall by ordinance establish an annual salary for the mayor. No ordinance increasing the salary of the mayor shall be effective unless it shall have been adopted in the first eighteen months of the term for which councilors are elected, and it provides that such salary is to be effective at the commencement of the next term of office of the mayor.

Sec. 2.2. Executive powers: Enforcement of ordinances.

The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several city agencies under his general supervision and control. The mayor shall cause the charter, the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept.

The mayor shall exercise a general supervision and direction over all city agencies, unless otherwise provided by law. Each city agency shall furnish to him, forthwith upon his request, any information, materials or otherwise as he may request, and as the needs of his office and the interest of the city may require.

Sec. 2.3. Appointments by the mayor.

(a) Appointments Subject to Council Confirmation. The mayor shall appoint all city officers, department heads and members of multiple member bodies for whom no other method of appointment or selection is provided by the charter or a general law, excepting only persons serving under the school committee, persons appointed by state officers and person serving under the city council. All such appointments made by the mayor shall be subject to confirmation by the city council as provided in section 3.8 of this charter.

(b) Appointments Not Subject to Council Confirmation. The mayor shall appoint, and may remove without making any public statement as to the reason for any such removal, the members of his own professional, administrative and clerical staff. For the purposes of this section, the city solicitor and assistant city solicitor shall be deemed to be a member of the mayor's professional staff.

Sec. 2.4. Removal of officials.

The mayor may, in writing, suspend any city officer, department head, or member of a multiple member body appointed by the mayor; and in such case, he shall at once report his action and his reasons therefor to the city council. The suspension of any such person shall, fifteen days following the date such report is made, be a removal, unless within the said fifteen days the person whose

removal is sought has filed a request for a hearing on such removal before the city council. Such hearing shall be held in accordance with the procedure established in section 3.8 (b) of this charter. The provisions of this section shall be subject to the civil service law and any collective bargaining agreements as may be applicable.

Sec. 2.5. Temporary appointments to city offices.

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate the head of another city agency or a city officer or city employee, or some other person to perform the duties of the city office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter, or by the ordinance. The mayor shall file with the city clerk, a certificate in substantially the following form, whenever he makes a designation under this section:

"I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return); I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interest of the City of Leominster.

(signed)
Mayor"

No such temporary officer shall be appointed for a period longer than sixty days. However, he may be reappointed for succeeding sixty-day terms without limit unless rejected by a two-thirds vote of all members of the city council. Any such temporary officer shall be sworn and give bond for the faithful performance of his duties in accordance with the provisions of law applying to the officer whose place he fills, and if he fails so to do within ten days after his appointment, the mayor shall rescind the appointment and appoint another.

Sec. 2.6. Communications; Special meetings.

(a) Communications to the City Council and School Committee. Within ten weeks following the start of each fiscal year the mayor shall submit to the city council, and make available for public distribution, a complete report on the financial and administrative activities of the city for the preceding fiscal year. He shall from time to time throughout the year, by written communications, keep the

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city council and the school committee fully informed of the financial condition and administrative problems of the city and shall recommend to them such measures for their consideration as, in his judgment, the needs of the city require. The mayor at any time may attend and address the city council or school committee in person or through the head of a department, or member of a board, upon such subject as he may desire.

(b) Special Meetings of the City Council and the School Committee. The mayor may at any time call a special meeting of the city council or the school committee, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the city council or the school committee. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

Sec. 2.7. Approval of the Mayor—

Exceptions.

Every measure relative to the affairs of the city adopted by the city council, except:

- (a) Measures relating to the internal affairs of the city council,
- (b) Memorial or other resolutions,
- (c) Emergency measures passed in accordance with Section 3.9 (b) of this charter, and
- (d) The budget for the operation of the city government,

shall be presented to the mayor for his approval. If the mayor does approve of it, he shall signify his approval by signing it; if he does not approve of it, he shall signify his disapproval by returning it, with his objections in writing, to the city council. The city council shall enter the objections of the mayor upon its records and shall, forthwith, reconsider its vote upon the measure. If, on such reconsideration, two-thirds of the full council agree to again pass the measure, it shall be considered approved. If any measure is not returned by the mayor within ten days following the day it is presented to him, it shall be considered approved. If the city council has not voted to again pass the measure within twenty days following the date it is returned to it, the measure shall be deemed to be rejected. All votes taken by the city council following the return of a measure by the mayor shall be taken by a call of the roll. A filing with the clerk of the council shall be deemed to be a return by the mayor to the city council.

Sec. 2.8. Absence of the mayor.

(a) Notification of Intended Absence. Whenever the mayor intends to absent himself from the city for more than one business day he shall notify the city clerk and the police department of his intended absence, the expected length thereof and, in case of any emergency which may arise, the place at which he might be reached.

(b) Acting Mayor, Emergency Situation. Whenever an emergency requiring the presence of the mayor shall occur and the mayor is not available and cannot be reached as provided in (a) above, the president of the city council shall be deemed to be the acting mayor with only those powers necessary to deal with the then existing emergency.

(c) Acting Mayor, Temporary Absence. Whenever by reason of illness, absence from the city or other cause the mayor shall be unable to perform the duties of his office for a period of three successive business days, or more, the president of the city council shall be deemed to be the acting mayor. In the event of the absence or other disability of the president of the city council, the vice-president shall so serve.

(d) Powers of Acting Mayor. The acting mayor shall have all of the powers of the mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the mayor shall have continued for more than sixty days, nor shall he approve or disapprove of any measure passed by the city council unless the time within which the mayor must act should expire before the return of the mayor. During any period in which the city council president, or vice-president, is serving as acting mayor, he shall not vote as a member of the city council.

Sec. 2.9. Vacancy in office of mayor.

(a) Special Election. If a vacancy in the office of mayor occurs in the first sixteen months of the term for which the mayor is elected, the city council shall forthwith order a special election to be held within sixty days following the date the vacancy is created, to fill such vacancy for the balance of the then unexpired term.

(b) Council Election. If a vacancy in the office of mayor occurs in the last eight months of the term for which a mayor is elected the president of the city council shall become the mayor. Upon the qualification of the council president as mayor under this section a vacancy shall exist in his seat on the city council which shall be filled in the manner provided in section 3.11 of this charter.

(c) Powers, Term of Office.

(1) Special Election. A mayor elected at a special election as provided in subsection (a) above, shall have all of the powers, duties and responsibilities of a mayor and shall serve for the balance of the unexpired term at the time of his election.

(2) Council President. Whenever the council president shall become the mayor, as provided in subsection (b) above, he shall have all of the powers, duties and responsibilities of a mayor but his term shall expire on the first Monday following the date of the regular city election. The person chosen at the regular city election to be the mayor-elect shall on said Monday, be sworn and shall forthwith assume the powers, duties and responsibilities of the office of mayor for the balance of the unexpired term in addition to the term for which he was elected.