

State Law Pertaining to Ordinances

Lorrie Thomas 10/19/2024

Overview

After reviewing State Law Title VII Chapter 43 Sections 20 – 23, I do not believe that the mayor and/or council can just wave a wand and say that the raise will be deferred and/or that the money for the raises will just go into the general budget. There is a defined process by which ordinances must be amended.

I have chosen to cite State Law here because it will prevail if the city and state statutes differ. Only section 23 varies between the State Laws and the City Charter and that difference is not pertinent nor significant in my argument.

Based on my understanding from reading the City Charter and the State Law, they must modify the original ordinances 2024-055 (mayor's raise) and 2024-056 (council's raise) by another ordinance or ordinances to state that either the effective date of the raises on the ordinances is now changed to XX/XX/XXXX or that the amount of their raises will be collected and deposited into the general budget.

And, if the latter, then this is something that we should harp on because it literally would have no benefit financially to taxpayers. Additionally, assuming that it would just flow through and be a surplus it would make the mayor and council look good or worse, they could use it to fund one more unneeded beautification project, like another pocket park or needless statue.

The section below provides State Law Title VII Chapter 43 Sections 20 – 23 and my interpretation of them. Please keep in mind, I am not a lawyer, but the info seems pretty straightforward to me.

Section 20	Passage of ordinances
Section 21	Amendments and repeals of ordinances
Section 22	Ordinances, etc.; passage at one session
Section 23	Ordinances; publication

Based on my review of Section 21, I believe that you can only modify or amend an ordinance with another ordinance. Section 21 is the crux of my argument.

- If you disagree with my interpretation, you need not continue reading

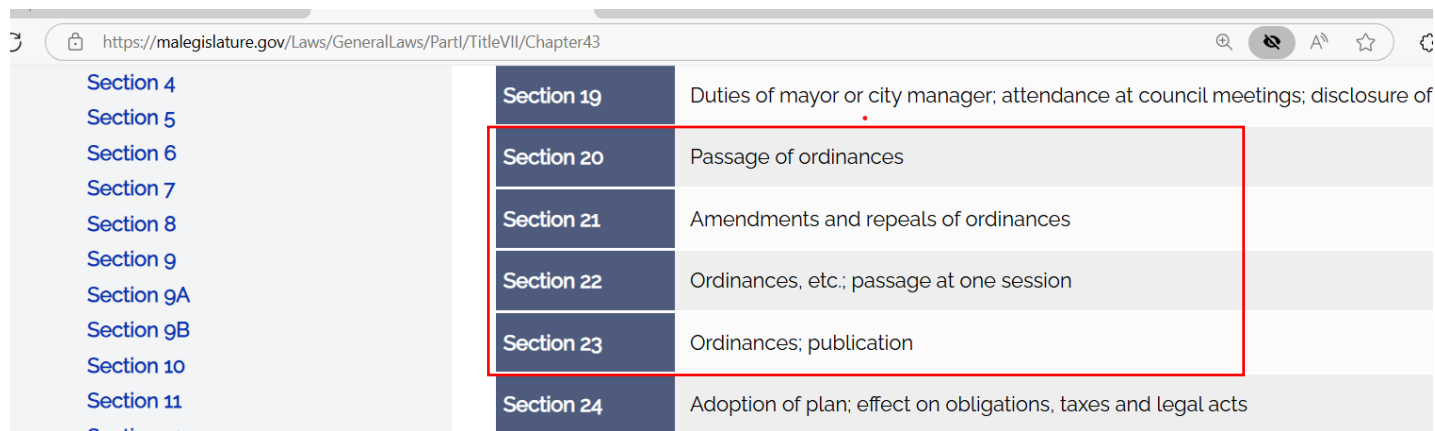
- If you agree, continue reading.

If I have interpreted these sections of the charter correctly, then they need to modify the effective dates of the two ordinances for the raises, 2024-055 mayor's raise and 2024-056 council's raise:

Info on Ordinances and Amendments to Them

[Chapter 43 \(malegislature.gov\)](https://malegislature.gov/Chapter43)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43>



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Section 19	Duties of mayor or city manager; attendance at council meetings; disclosure of
Section 20	Passage of ordinances
Section 21	Amendments and repeals of ordinances
Section 22	Ordinances, etc.; passage at one session
Section 23	Ordinances; publication
Section 24	Adoption of plan; effect on obligations, taxes and legal acts

Section 20

[General Law - Part I, Title VII, Chapter 43, Section 20 \(malegislature.gov\)](https://malegislature.gov/GeneralLaw-PartI,TitleVII,Chapter43,Section20)

I interpret this to mean that no ordinance can be introduced and passed on the same meeting. This is only relevant to prove that they cannot introduce an ordinance to change the raise ordinances and ram it through without us noticing.

Additionally, measures can only be deemed emergency measures when it relates to matters of health or safety. References to Chapter 164 sections 70 and 71 relate to gas and electric utility work. Chapter 166 relates to telephone utility work. So, they do not apply to this situation.

This seems to conflict with [Section 22](#) to me, which indicates that an ordinance can go through all stages in one meeting if nobody disagrees.

The screenshot shows the official website of the 193rd General Court of the Commonwealth of Massachusetts. The header includes the date October 12, 2024, and a temperature of 68°F. The navigation menu lists various legislative functions. The breadcrumb trail indicates the current location: General Laws » Part I » Title VII » Chapter 43. The main heading is 'SECTION 20'. A sidebar on the left provides a hierarchical view of the laws, with 'Part I' expanded to show 'Title I' through 'Title VI'. The main content area is titled 'Section 20: Passage of ordinances' and contains three paragraphs of text. The first paragraph states that no ordinance shall be passed finally on the date of introduction, except in cases of special emergency. The second paragraph clarifies that an ordinance is not an emergency measure unless specifically declared as such in the preamble. The third paragraph specifies that grants, renewals, or extensions of franchises or special privileges must be made by ordinance, with exceptions for certain chapters.

Section 21

I interpret this to mean that you cannot just amend an ordinance to change the effective date of the raises by waving a wand or by saying it out loud even if you are the mayor or a member of the city council. There would have to be an ordinance to modify the ordinances 2024-055 and 2-24-056, the mayor’s and city council raises, respectively.

[General Law - Part I, Title VII, Chapter 43, Section 21 \(malegislature.gov\)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section21)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section21>

The screenshot shows a web browser window displaying the Massachusetts Legislature website. The address bar shows the URL: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section21>. The page header features the text "THE 193RD GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS" on the left and a user profile icon, the date "October 12, 2024", a sun icon, and the temperature "68°F" on the right. Below the header is a navigation menu with links for "Bills & Laws", "Budget", "Legislators", "Hearings & Events", "Committees & Commissions", and "State House". The breadcrumb trail reads "General Laws » Part I » Title VII » Chapter 43 »". A search bar is present with the placeholder text "Search the Legislature...". The main heading is "SECTION 21". On the left side, there is a "GENERAL LAWS" sidebar with a search form for "Chapter" and "Section" and a "GO >" button. Below the search form is a tree view for "Part I" containing links for "Title I", "Title II", "Title III", "Title IV", "Title V", and "Title VI". The main content area is titled "Section 21: Amendments and repeals of ordinances" and includes "Print Page", "Prev", and "Next" buttons. The text of the section reads: "Section 21. No ordinance shall be amended or repealed except by an ordinance adopted in accordance with this chapter."

Section 22

[General Law - Part I, Title VII, Chapter 43, Section 22 \(malegislature.gov\)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section22)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section22>

The screenshot shows a web browser displaying the Massachusetts Legislature website. The address bar shows the URL: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section22>. The page header features the text "THE 193RD GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS" and a navigation menu with items: "Bills & Laws", "Budget", "Legislators", "Hearings & Events", "Committees & Commissions", and "State House". The date "October 12, 2024" and temperature "68°F" are also visible. The breadcrumb trail reads: "General Laws » Part I » Title VII » Chapter 43 »". The main heading is "SECTION 22". Below this, there is a "GENERAL LAWS" section with input fields for "Chapter" and "Section", and a "GO >" button. The text for "Section 22: Ordinances, etc.; passage at one session" is displayed, along with "Print Page", "< Prev", and "Next >" buttons. The text of Section 22 states: "Section 22. Any ordinance, order or resolution may be passed through all its stages of legislation at one session, provided that no member of the council objects thereto; but if any member of the council objects, the measure shall be postponed for that meeting."

This seems to conflict with section 20 to me. [Section 20](#) says that an ordinance can't be introduced and passed the same day.

Section 23

This is something we are already aware of. There is a requirement that ordinances be published in advance, but this seems to indicate that it can be passed after going through a committee and then to council in the same meeting.

[General Law - Part I, Title VII, Chapter 43, Section 23 \(malegislature.gov\)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section23)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section23>

This is where the variance with the Charter begin. The text underlined in red in the Charter indicate the variance.

Section 23: Ordinances; publication

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Section 23. Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance, at least ten days before its final passage, provided, that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances, shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet, and if so published in full at least ten days before its final passage, said publication shall be deemed sufficient without the newspaper publication as herein required.

Section 23 of the Quincy Charter varies from the State Legislature's section 23. See differences below. Synopsis, Quincy Charter requires that passed ordinances be published again in their final form. This means that ordinances must be published in the paper at least 10 days prior to passage.



member of the council objects, the measure shall be postponed for that meeting.

SECTION 23. Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance, at least ten days before its final passage. After such 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 be so published at the earliest practicable moment; provided, that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances, shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet, and if so published in full at least ten days before its final passage, and thereafter, as amended and completed, again published in such bulletin or pamphlet, said publications shall be deemed sufficient without the newspaper publication as herein required.

This might just be me being nit picky, but I swear that in the press release saying that they defer the raise, they said that Ian spoke to the council. Based on Section 18, all city council meetings should be public. I don't think that they should have decided this in private, but I might be too picky on this. To me, this is back door dealing because they did it out of the public eye.

https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43/Section18

General Laws » Part I » Title VII » Chapter 43 »

SECTION 18

SEARCH the Legislature...

GENERAL LAWS

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Section 18: City council; powers and duties

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Section 18. Except as otherwise provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Every member of the council may 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. Except as otherwise authorized by section twenty-three A of chapter thirty-nine, all sessions of the council shall be open to the public and to the press, and every matter coming before the council for action shall be put to a 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 council shall, by a majority vote, elect a city clerk to hold office for three years and until his successor is qualified. He shall have such powers and perform such duties as the council may prescribe, in addition to such duties as may be prescribed by law. He shall keep the records of the meetings of the council.

The person holding the office of city clerk at the time when any of the plans set forth in this chapter has been adopted by such city shall continue to hold office for the term for which he was elected and until his successor is qualified.

4. The council in any city adopting Plan D or E shall, by a majority vote, elect a city auditor to hold office for three years and until his successor is qualified. He shall keep and have charge of the accounts of the city and from time to time audit the books and accounts of all departments, commissions, boards and offices of the city, and shall have such other powers and perform such other duties as the council may prescribe, in addition to such duties as may be prescribed by law.

Point #2 above enlarged for easier reading.

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. Except as otherwise authorized by section twenty-three A of chapter thirty-nine all sessions of the council shall be open to the public and to the press, and every matter coming before the council for action shall be put to a 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.

Chapter 39 sections 23A -23C were repealed in 2009. See screen shot on page below. I interpret this to mean that **all** city council meetings must be held in public. This would preclude the council from being able to claim that they had a “special meeting”,

[Chapter 39 \(malegislature.gov\)](http://malegislature.gov)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter39>

General Laws > Part I > Title VII > Chapter 39 >
SECTION 23A TO 23C

GENERAL LAWS
Chapter Section **GO >**

Section 23A to 23C: Repealed, 2009, 28, Sec. 20

Sections 23A to 23C were repealed in 2009.