

BOSTON CITY CHARTER



Prepared and distributed by the Boston City Council
July 2007

THE CHARTER OF THE CITY OF BOSTON

The Boston City Charter is not contained within a single document. It is "a series of State statutes and not a single code." City Council of Boston v. Mayor of Boston, 383 Mass. 716, 719 (1981). It has also been referred to as "a patchwork of special acts whose application requires consideration of their evolution [and scrutiny of the legislative history]." City Council of Boston v. Mayor of Boston, 24 Mass.App.Ct. 663, 664 (1987). The modern charter is a collection of laws consisting of the surviving portions of the charter approved by the Massachusetts Great and General Court (the legislature) in 1909 (Acts of 1909, Chapter 486) as significantly amended with broad strokes in 1948 (Acts of 1948, Chapter 452) and 1951 (Acts of 1951, Chapter 376).

The modern charter has been further amended with finer strokes throughout the past century, and several of the most significant pieces of legislation include the following: Chapter 849 of the Acts of 1969 changed the fiscal year of Boston and all other municipalities to begin on July first; Chapter 190 of the Acts of 1982 ("Tregor Bill") made major changes to the financial operations of the city and to the budgetary powers of the Mayor and City Council (furthermore, major amendments to this Act of 1982 appear as Chapter 701 of the Acts of 1986); Chapter 605 of the Acts of 1982 increased the number of City Councillors from nine to thirteen and provided that four of the Councillors shall be elected at-large while nine of the Councillors shall be elected from equally populous districts; Chapter 108 of the Acts of 1991 replaced the elected School Committee with a Mayor-appointed board of seven members serving four-year terms; and Chapter 233 of the Acts of 1993 addressed vacancies in the office of District City Councillor. The charter is also comprised of or affected by general laws affecting all municipalities, local options supplied by the General Court/Governor and approved by the municipal officers, and all home rule legislation/home rule petitions passed by the Mayor, the City Council, the General Court, and the Governor.

Practitioners and scholars should take care when using nomenclature associated with Boston's charter. Although the charter is commonly referred to as a "Plan A" form of government, the City of Boston does not operate under the provisions of Plan A contained in General Laws Chapter 43. Although they share the "strong mayor" designation, the City of Boston's form of government pre-dates and differs from the several plans in the General Laws, and this minor confusion has been an unfortunate by-product of the publication of plans of government in M.G.L..

The following pages do not contain every special law impacting the governance of the City of Boston. Instead, they contain a selection of the most-often sought currently operative portions of the charter. Generally, these selections relate to public spending, organization of city departments, general powers of the Mayor and City Council, and procedures relating to elections. Furthermore, these pages endeavor to be true to the substance of the underlying laws, but they should not be considered to be a primary source of law. Instead, they should be corroborated with the original citations and the language of the underlying Acts.

Several appendices support the contents of the selections, and a Table of Authorities listing more than the ingredients of these pages may prove useful to readers. Two other works containing (and indexing) many of the various laws which are part of Boston's historical charter may be valuable to scholars: "Special Laws Relating to the City of Boston Enacted Prior to January 1, 1938" and "City of Boston Code (1975)." Both of these books are out of print but are available in libraries.

*--D. Paul Koch, Jr., Legislative Director
July 2007*