

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the mayor approves amendments to the bill before enactment by the General court. The mayor is hereby authorized to approve amendments which shall be within the scope of the public objectives of this petition.

1 AN ACT ESTABLISHING A CHARTER FOR THE CITY OF SOMERVILLE

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

4 SECTION 1. The following shall be the charter for the city of Somerville:

5 PREAMBLE

6 We, the people of Somerville, with our diversity in culture and thought, in order to reaffirm the
7 liberties of the people with respect to the conduct of our local government, adopt this charter to
8 continue and enhance the city’s strong traditions of the pursuit of justice; empowerment of
9 residents; ethical, transparent and responsive leadership; wise use of public resources;
10 representation for all; and an engaged populace. We expect that our government will be
11 approachable, accountable, equitable, inclusive, and respectful towards all people, and it will
12 strive to provide all residents an equal opportunity to participate fully in the economic, cultural
13 and intellectual life of the city.

14 ARTICLE 1

15 INCORPORATION; SHORT TITLE; DEFINITIONS

16 SECTION 1-1: INCORPORATION

17 The residents of the City of Somerville within the territorial limits established by law, shall
18 continue to be a municipal corporation, a body corporate and politic, under the name "City of
19 Somerville.”

20 SECTION 1-2: SHORT TITLE

21 This instrument shall be known and may be cited as the City of Somerville Charter (“charter”).

22 SECTION 1-3: SEPARATION OF POWERS

23 The administration of the fiscal, prudential and municipal affairs of the city shall be vested in an
24 executive branch led by a mayor and a legislative branch consisting of a city council. The
25 legislative branch shall never exercise any executive power and the executive branch shall never
26 exercise any legislative power.

27 SECTION 1-4: POWERS OF THE CITY

28 Subject only to express limitations on the exercise of any power or function by a municipal
29 government in the constitution or General Laws, it is the intention and the purpose of the voters
30 of the city, through the adoption of this charter, to secure for themselves and their government all
31 of the powers it is possible to secure as fully and as completely as though each power were
32 specifically and individually enumerated in this charter.

33 SECTION 1-5: CONSTRUCTION

34 The powers of the city under this charter are to be construed liberally in favor of the city and the
35 specific mention of any particular power is not intended to limit the general powers of the city as
36 stated in section 1-4. To the extent that any provision of this charter shall conflict with any
37 special act or law adopted by the city to the contrary, the provisions of this charter shall prevail.

38 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

39 Subject only to express limitations in the constitution or General Laws, the city may exercise any
40 of its powers or perform any of its functions and may participate in the financing thereof, jointly
41 or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or
42 political subdivisions, or with the United States government or any of its agencies.

43 SECTION 1-7: DEFINITIONS

44 Unless the context clearly requires otherwise, the following terms shall have the following
45 meanings as used in this charter:

46 (1) "Business day", any day that is not a Saturday, Sunday, or legal holiday. For the
47 purposes of this definition, legal holiday shall mean Massachusetts legal holidays as
48 published by the secretary of the commonwealth.

- 49 (2) “Charter”, this charter and any adopted amendments to it.
- 50 (3) “City”, the City of Somerville.
- 51 (4) “City agency”, any multiple member body, department, division or office of the city.
- 52 (5) “City officer” or “department head”, a person having charge of a city office or
53 department.
- 54 (6) “City website”, an online site established and maintained by the city as its repository
55 of municipal information.
- 56 (7) “Emergency”, a sudden, generally unexpected occurrence or set of circumstances
57 demanding immediate action or response.
- 58 (8) “General Laws”, the Massachusetts General Laws.
- 59 (9) “Majority vote”, a majority of the present and voting members of a body, unless
60 otherwise provided for by law or by the body’s own rules. Provided, however, that
61 General Laws related to any vote to meet in executive session shall always require a
62 majority of the full multiple member body.
- 63 (10) “Measure”, any ordinance, order, other vote or proceeding adopted, or proposed to
64 be adopted, by the city council or the school committee.
- 65 (11) “Multiple member body”, any council, commission, committee, subcommittee or
66 other body consisting of 2 or more persons, whether elected, appointed or otherwise
67 constituted, but not including the city council or its committees, the school committee or
68 its subcommittees or an advisory committee or task force established by the mayor or city
69 council.
- 70 (i) “Quasi-judicial body”, any multiple member body which resolves specific
71 disputes, or makes determinations about the rights, obligations or privileges of
72 identifiable parties.
- 73 (ii) “Regulatory body”, any multiple member body responsible for establishing or
74 enforcing rules or regulations.
- 75 (12) “Municipal voter”, anyone who is eligible to vote in a municipal election pursuant to
76 this charter.

77 (13) “Organization or reorganization plan”, a plan submitted by the mayor to the city
78 council which proposes:

79 (i) a change in the organization or the administrative structure of the city
80 administration or organization; or

81 (ii) a change in the way in which municipal services are delivered.

82 (14) “Post”, make available publicly on the city website, at city hall, in a local newspaper
83 or as otherwise may be required by law. For the purposes of this definition, a local
84 newspaper shall be a newspaper of general circulation within the city, with either weekly
85 or daily circulation. The city council president may, from time to time, select a local
86 newspaper for posting according to a procedure that shall be set forth in the rules of the
87 city council.

88 (15) “Quorum”, a majority of all voting members of a multiple member body unless
89 some other number is established by law or by ordinance.

90 (16) “Statewide voter”, anyone who is eligible to vote pursuant to state and federal law.

91 (17) “Year”, a calendar year, unless otherwise specified.

92 ARTICLE 2

93 LEGISLATIVE BRANCH

94 SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

95 (a) Composition - There shall be a city council consisting of 11 members which shall exercise
96 the legislative powers of the city. Four of these members, to be known as councilors at-large,
97 shall be nominated and elected by the municipal voters at large. Seven of these members, to be
98 known as ward councilors, shall be nominated from and elected by the municipal voters in each
99 ward, with 1 ward councilor to be elected from each of the 7 wards into which the city is divided
100 under section 7-7.

101 (b) Term of Office - The term of office for councilors shall be 2 years each, beginning on the
102 first business day in January following the municipal election.

103 (c) Eligibility - Any statewide voter residing in the city shall be eligible to hold the office of

104 councilor at-large. Any statewide voter residing in the ward from which election is sought shall
105 be eligible to hold the office of ward councilor. If the city council determines that a ward
106 councilor or a councilor at-large has removed from the city during the councilor's term, that
107 office shall immediately be deemed vacant and filled in the manner provided in section 2-12. A
108 ward councilor who removes from the ward in which the councilor was elected and who remains
109 a municipal voter of the city may continue to serve the balance of the term to which elected.

110 SECTION 2-2: PROHIBITIONS

111 (a) Holding Other City Position – Except as otherwise provided by this charter, a member of the
112 city council shall hold no other compensated city position. A former member of the city council
113 shall not hold any compensated appointed city position for 1 year after termination of their
114 service on the city council, unless the city council approves a waiver of this provision by
115 affirmative vote of 8 members of the city council. This section shall not prevent a city employee
116 who vacated a position to serve as a member of the city council from returning to the same
117 position upon the expiration of the term for which that person was elected.

118 (b) Interference with Administration - The city council or any member of the city council shall
119 not give orders or directions to any employee of the city appointed by the mayor, either publicly
120 or privately.

121 SECTION 2-3: COMPENSATION

122 The members of the city council shall receive compensation for their services as set by
123 ordinance. An ordinance increasing or reducing the compensation of the members of the city
124 council shall not be effective unless:

- 125 (1) it is adopted by affirmative vote of 8 members of the city council;
- 126 (2) it is adopted prior to the last 6 months of the city council's term; and
- 127 (3) it provides that the compensation increase or reduction is to take effect upon the
128 organization of the city government following the next regular municipal election.

129 SECTION 2-4: GENERAL POWERS

130 Except as otherwise provided by the General Laws or by this charter, all powers of the city shall

131 be vested in the city council which shall provide for the performance of all duties and obligations
132 imposed upon the city by law.

133 SECTION 2-5: EXERCISE OF POWERS; QUORUM; RULES

134 (a) Exercise of Powers - Except as otherwise provided by General Laws or by this charter, the
135 legislative powers of the city council may be exercised in a manner determined by the city
136 council.

137 (b) Quorum - Once a quorum is present, a majority vote shall be required to adopt any ordinance,
138 except as otherwise provided by General Laws or by this charter.

139 (c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city
140 council, which shall be subject to adoption, amendment or repeal by vote of the city council.

141 (d) Meetings - Regular meetings of the city council shall be held at a time and place fixed by
142 ordinance.

143 (e) Special meetings of the city council shall be held at the call of the president or at the call of
144 any 6 or more members, for any purpose. Except in an emergency as declared by the city council
145 president, notice of the meeting shall be delivered to the city clerk at least 3 business days in
146 advance of the time set and shall specify the date, time, location and purpose for which the
147 meeting is to be held. The city clerk shall post an agenda for such meeting at least 2 business
148 days in advance of the time set.

149 (f) All sessions of the city council and every city council committee or subcommittee shall, at all
150 times, be open to the public, unless otherwise specified by law.

151 (g) A full, accurate, up-to-date account of the proceedings of the city council shall be maintained
152 by the city clerk, which shall include a record of each vote taken and be made available with
153 reasonable promptness following each meeting. Executive session minutes shall be made
154 available as soon as publication of the minutes would not defeat the purpose of the executive
155 session, unless otherwise provided by law.

156 SECTION 2-6: ELECTION, TERM, AND POWERS OF CITY COUNCIL PRESIDENT AND
157 VICE-PRESIDENT

158 (a) Election and Term - As soon as practicable after the councilors-elect have been qualified
159 following each regular municipal election, as provided in section 7-4, the city council shall elect
160 from among its members a president and vice-president who shall serve for 1-year terms. The
161 member of the council with the most years of service shall preside at the election. If 2 or more
162 members have the same term of service the councilor with the last name that is first in
163 alphabetical order from among such councilors shall preside. The conduct of all elections of the
164 city council president and vice-president shall otherwise be prescribed within the rules of the city
165 council.

166 (b) Powers and Duties - The president shall have the following powers and duties:

- 167 (1) determine the agenda for city council meetings;
- 168 (2) preside at all meetings of the city council, regulate its proceedings, and decide all
169 questions of order, provided, however, that the vice-president shall preside in the absence
170 of the president;
- 171 (3) appoint all members of committees of the city council, whether special or standing;
- 172 (4) have the same powers to vote upon measures coming before the city council as any
173 other member of the city council; and
- 174 (5) perform any other duties consistent with the office that are established by this charter,
175 ordinance or other vote of the city council.

176 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

177 (a) City Clerk - The city council shall appoint a city clerk to serve at the pleasure of the city
178 council and until a qualified successor is chosen. The city clerk shall have the powers and duties
179 relating to the keeping of records and vital statistics, the issuance of licenses as are provided to
180 city clerks by the General Laws and such additional powers and duties as may be provided by
181 law or by other vote of the city council.

182 (b) Advisory Legal Counsel - Subject to appropriation, the city council may secure legal

183 services, when needed, to seek a secondary legal opinion. The city council shall make a
184 reasonable request for legal services, and that request shall not be unreasonably denied by the
185 mayor. The city solicitor and any advisory legal counsel shall consult to the extent practicable
186 prior to the release of any secondary opinion. The legal services provided to the council shall not
187 include representation of the council or any councilor in any litigation, or the issuance of formal
188 legal opinions on behalf of the city. The city solicitor shall remain the only authorized officer of
189 the city in all legal matters involving the city's government.

190 (c) Other Staff - Subject to appropriation, the city council may employ staff as it deems
191 necessary.

192 (d) Removals and Suspensions of City Council Staff - City council appointments may be
193 removed at the sole discretion of the city council subject to limitations and requirements imposed
194 by federal and state laws, rules or regulations.

195 SECTION 2-8: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

196 (a) Department Heads - The mayor shall refer to the city council for confirmation and
197 simultaneously file with the city clerk the name of each person the mayor appoints as a
198 department head. These appointments shall be considered confirmed 30 days from the date of the
199 first regularly scheduled city council meeting after the date on which notice of the appointment
200 was filed with the city clerk, unless the city council within said 30 days shall reject the
201 appointment by the affirmative vote of 8 members. However, if no city council meeting is held
202 within the subsequent 30 days of the first meeting, the city council shall instead have 30 days
203 from the second regularly scheduled meeting after the appointment to reject the appointment.
204 The city council shall not unreasonably reject an appointment and shall accompany a rejection
205 with a written statement describing the reason, which shall be delivered to the mayor and placed
206 on file with the city clerk within 30 days of the city council's vote rejecting an appointment. The
207 question on rejection of any appointment made by the mayor shall not be subject to the
208 procedure of charter objection provided in section 2-9(b) of this charter.

209 (b) Multiple Member Bodies - The mayor shall refer to the city council and simultaneously file
210 with the city clerk the name of each person the mayor desires to appoint as a member of a
211 multiple member body. The city council shall have 60 days after the date on which notice of the

212 proposed appointment was filed with the city clerk to vote to approve or reject the appointment,
213 with approval not to be unreasonably withheld. If the city council does not take action on the
214 appointment within 60 days the appointment shall be deemed approved. Multiple member body
215 members may be removed at the discretion of their appointing authority.

216 (1) All appointments to quasi-judicial bodies and regulatory bodies shall be for terms
217 established by administrative order or the General Laws. Any member of a quasi-judicial
218 body or regulatory body appointed to a successive term shall be subject to confirmation
219 by the city council under section 2-8(b) upon the expiration of each term.

220 (2) In the event of a vacancy on a multiple member body where the seat has remained
221 vacant in excess of 1 year and the mayor has not referred to the city council any proposed
222 appointees to fill the vacancy, the city council president may present to the mayor the
223 names of up to 3 persons as recommendations for appointment. The procedure for
224 selecting names of persons for presentation to the mayor shall be established within the
225 rules of the city council.

226 (3) The mayor shall twice annually, in February and August, post a complete list of the
227 vacancies on all multiple member bodies, as well as the procedures for individuals to
228 apply to become a member of such bodies. This posting shall be in addition to, and not a
229 substitute for, regular posting for the purpose of filling vacancies as they arise.

230 (c) Police and Fire Employees - The mayor shall refer to the city council and simultaneously file
231 with the city clerk the name of each person the mayor desires to appoint or promote as a member
232 or officer of the police department or the fire department. The city council shall not unreasonably
233 withhold confirmation of appointments, shall adhere to any merit principles identified in
234 applicable law, including, but not limited to applicable civil service law, and shall accompany a
235 rejection with a written statement describing the reason, which shall be delivered to and placed
236 on file with the city clerk within 30 days of that rejection. The question on confirmation of any
237 appointment submitted by the mayor shall not be subject to the procedure of charter objection
238 provided in section 2-9(b) of this charter.

239 SECTION 2-9: ORDINANCES AND OTHER MEASURES

240 (a) Measures - Every adopted measure shall become effective at the expiration of 10 days after

241 adoption or upon the signature of the mayor, whichever occurs first, unless the ordinance or this
242 charter provides otherwise. An ordinance shall not be amended or repealed except by another
243 ordinance adopted in accordance with this charter.

244 (b) Charter Objection - On the first occasion that the question on adoption of a measure is put to
245 the city council, a single member may object to the taking of the vote and postpone the vote until
246 the next meeting of the city council, whether regular or special. If 2 or more members object, the
247 vote shall be postponed until the next regular meeting. This procedure shall not be used more
248 than once for any specific matter regardless of whether it has been amended. A charter objection
249 shall have privilege over all motions provided, however, that it shall be raised prior to or at the
250 call for a vote by the presiding officer and all debate shall cease.

251 SECTION 2-10: ACCESS TO INFORMATION

252 (a) In General - The city council may make investigations into the affairs of the city and into the
253 conduct and performance of any city agency. Absent compelling circumstances or an emergency
254 which shall be declared on record and noted in the city council minutes, the city council shall
255 give a minimum of 14 days' notice to any person it may require to appear before it under this
256 section. In the case of compelling circumstances or emergency, 7 days' notice shall be allowed.
257 The notice shall include specific questions on which the city council seeks information and any
258 person called to appear before the city council under this section shall not be required to respond
259 to any question not relevant or related to those questions presented in advance and in writing.
260 The mayor shall receive a copy of any notice issued under this section at the same time as the
261 person who is requested to appear before the council. A majority vote of the city council shall be
262 required to issue notice under this section.

263 (b) Department Head - The city council may require, by majority vote, specific information from
264 a department head or their designee on any matter related to the municipal services, functions
265 and powers or duties which are within the scope of responsibility of such department head and
266 related to the official duties and responsibilities of the city council. The department head or their
267 designee shall not be required to answer questions relating to any other matter outside the scope
268 of the matter noticed or provide information the release of which is prohibited by law.

269 (c) Mayor - The city council may request, by majority vote, specific information from the mayor

270 on any municipal matter related to the official duties and responsibilities of the city council. The
271 mayor or their designee shall appear before the city council and respond to the questions. The
272 mayor or their designee shall not be required to answer questions relating to any other matter
273 outside the scope of the matter noticed or be required to provide information the release of which
274 is prohibited by law. The mayor may bring to this meeting any assistant, department head or
275 other city officer or employee that the mayor may consider necessary to assist in responding to
276 the questions posed by the city council.

277 SECTION 2-11: GROUP PETITIONS

278 The city council shall hold a public hearing and act with respect to every petition which is
279 addressed to it and which is signed by at least 50 municipal voters as certified by the board of
280 election commissioners. The hearing shall be held by the city council or by a committee or
281 subcommittee thereof, and the city council shall act on the petition within 3 months of filing with
282 the city clerk. Hearings on 2 or more petitions filed under this section may be held at the same
283 time and place. At least 14 days before the hearing, the city clerk shall notify the 10 petitioners
284 whose names first appear on each petition, publish a general summary of the subject matter of
285 the petition, and post notice of the date and time of the public hearing. A hearing shall not be
286 held upon any subject more than once in a 12-month period, as determined by the city council
287 president.

288 SECTION 2-12: FILLING OF VACANCIES

289 (a) Councilor At-Large - When a vacancy exists for an at-large city council seat and more than
290 180 days remain in the term, the city clerk shall notify the city council and the chairperson of the
291 board of election commissioners of the vacancy within 7 days. Within 7 days after notification,
292 the chairperson of the board of election commissioners or a designee shall certify, in writing, to
293 the city clerk that the defeated candidate for the office of councilor at-large with the next highest
294 number of votes at the prior municipal election, if willing and able to serve, shall fill the
295 remainder of the existing term. The city clerk shall administer the oath of office to the person
296 within 15 days after certification and the person shall take the seat. If the person who is eligible
297 declines the office, is not eligible and willing to serve, or fails to take the oath of office within
298 the time period set forth in this section, then the person with the next highest number of votes for

299 councilor at large at the prior municipal election who is eligible and willing to serve shall take
300 the seat under the same circumstances as above. If no such candidate for the office can serve, the
301 city council shall call a special election to fill the seat for the remainder of the term. If the
302 vacancy occurs with 180 days or fewer in the existing term, the vacancy shall be filled as above;
303 provided, however, if no candidate is available to take the seat, the seat shall remain vacant until
304 the next regular municipal election, and the person elected shall take office upon certification of
305 the vote, and serve for the remainder of the existing term as well as the term to which elected.
306 The city clerk shall administer the oath of office to them at the next meeting of the city council.

307 (b) Ward Councilor - If a vacancy occurs in the office of ward councilor and more than 180 days
308 remain on the existing term, the city council shall immediately order a special election to fill the
309 vacancy for the remainder of the unexpired term. If a vacancy occurs 180 or fewer days before
310 the end of the term, the seat shall remain vacant until the next regular municipal election for the
311 office and the person elected shall fill the vacancy for the remainder of the unexpired term and
312 the term to which elected. The city clerk shall administer the oath of office to the person at the
313 next meeting of the city council.

314 ARTICLE 3

315 EXECUTIVE BRANCH

316 SECTION 3-1: MAYOR: ROLE; TERM OF OFFICE; ELIGIBILITY

317 (a) Role - The chief executive officer of the city shall be a mayor, elected by the municipal
318 voters of the city at large. The role of mayor shall be a full-time position.

319 (b) Term of Office - The term of office for mayor shall be 2 years, beginning on the first business
320 day in January following the municipal election.

321 (c) Eligibility - Any statewide voter residing in Somerville shall be eligible to hold the office of
322 mayor.

323 SECTION 3-2: PROHIBITIONS

324 The mayor shall not hold another compensated city position or other elected public office. A
325 former mayor shall not hold a compensated appointed city office or city employment for 1 year

326 after termination of their service as the mayor. Any former mayor shall not receive compensation
327 for contracted work authorized during their tenure as the mayor. This subsection shall not
328 prevent a city officer or other city employee who has vacated a position to serve as the mayor
329 from returning to the same office or other position of city employment held when the position
330 was vacated. This prohibition shall not apply to persons covered by a leave of absence under
331 section 37 of chapter 31 of the General Laws.

332 SECTION 3-3: COMPENSATION

333 The mayor shall receive compensation for their services as set by the city council by ordinance.
334 An ordinance increasing or reducing the compensation of the mayor shall not be effective unless:

- 335 (1) it is adopted by affirmative vote of 8 members of the city council;
- 336 (2) it is adopted prior to the last 6 months of the mayor's term; and
- 337 (3) it provides that the compensation increase or reduction is to take effect upon the
338 organization of the city government following the next regular municipal election.

339 SECTION 3-4: EXECUTIVE POWERS

340 (a) Executive Powers - The executive powers of the city shall be vested solely in the mayor and
341 may be exercised by the mayor either personally or through the city agencies under the general
342 supervision and control of the office of the mayor. The mayor shall cause this charter, laws,
343 ordinances and other orders of the city government to be enforced and shall cause a record of all
344 official acts of the executive branch of the city government to be kept. The mayor shall
345 supervise, direct, and be responsible for the efficient administration of all city activities and
346 functions placed under the control of the mayor by law or by this charter. The mayor or their
347 designee shall have the sole power to sign, seal, execute and deliver in behalf of the city, deeds
348 and leases of land sold or leased by the city, and other deeds, agreements, contracts, leases,
349 indentures and assurances on behalf of the city.

350 (b) Supervision of City Agencies - The mayor shall exercise general supervision and direction
351 over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall
352 furnish to the mayor any information or materials the mayor may request and as the needs of the
353 office of mayor and the interest of the city may require. The mayor shall be responsible for the

354 efficient and effective coordination of the activities of all city agencies and may call together for
355 consultation, conference and
356 discussion, at reasonable times, all persons serving the city.

357 (c) Multiple Member Bodies - The mayor shall be, by virtue of the office, a member of every
358 appointed multiple member body of the city. The mayor may attend any meeting of an appointed
359 multiple member body of the city, including executive sessions, to participate in the discussions
360 of that body, provided, however, that the mayor shall not have the right to vote on any matter
361 before a multiple member body which they serve on solely by virtue of their office.

362 SECTION 3-5: APPOINTMENTS BY THE MAYOR

363 (a) Department Heads - The mayor shall appoint, subject to confirmation by the city council
364 under section 2-8(a), all department heads for whom no other method of appointment or
365 selection is provided by this charter. Department heads serve at the discretion of the mayor
366 subject to the limitations and requirements imposed by federal and state laws, rules or
367 regulations.

368 (b) City Attorney - The city attorney shall be appointed by the mayor, subject to confirmation by
369 the city council under section 2-8(a). The city attorney shall be appointed to a 2-year term.
370 Whenever the mayor appoints or reappoints a city attorney the mayor shall submit the name of a
371 person to serve as city attorney for confirmation under section 2-8(a). If the mayor fails to submit
372 the name of a person serving as the city attorney for confirmation of reappointment within 30
373 days of the expiration of the term, the city clerk shall place an item on the agenda for such
374 reappointment at the next regular city council meeting.

375 (c) Multiple Member Bodies - The mayor shall appoint, subject to confirmation by the city
376 council under section 2-8(b), all members of multiple member bodies for whom no other method
377 of appointment or selection is provided by administrative order or General Laws. All members
378 shall serve terms as defined by administrative order or General Laws. Upon the expiration of the
379 term of any member of a multiple member body, a successor shall be appointed in a like manner.
380 The mayor shall fill any vacancy for the remainder of the unexpired term of any member of a
381 multiple member body.

382 (d) Police and Fire Employees - The mayor may appoint and promote, subject to confirmation by

383 the city council, members and officers of the police department and fire department subject to
384 requirements of the state's Civil Service law.

385 (e) City Employees - The method of appointment for all other city employees shall be as
386 prescribed by administrative order.

387 SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

388 The mayor shall appoint a chief administrative officer to coordinate and direct the operations and
389 functions of municipal government. The chief administrative officer shall be appointed by the
390 mayor, subject to confirmation by the city council under section 2-8(a). The appointee shall be
391 chosen on the basis of appropriate administrative and executive qualifications and shall have a
392 combination of experience, training, or education to perform the duties of the office. Whenever
393 the mayor appoints a chief administrative officer, the mayor shall submit the name of a person to
394 serve as a chief administrative officer for confirmation under section 2-8(a).

395 SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

396 Whenever a temporary or permanent vacancy occurs in a city office that is appointed under
397 section 3-5(a) & (b), the mayor may designate a person to perform the duties of the office on a
398 temporary basis for up to 180 days until the position can be filled as provided by law or by this
399 charter. Persons serving as temporary officers under this section shall have only those powers
400 that are indispensable and essential to the performance of the duties of the office during the
401 period of temporary appointment and no others.

402 (a) Filing of a Temporary Appointment - When the mayor designates a person under this section,
403 the mayor shall file a certificate with the city clerk in substantially the following form:

404 "I designate [name of person] to perform the duties of the office of [office in which vacancy
405 exists] on a temporary basis until the office can be filled by [the regular procedure for filling the
406 vacancy or when the incumbent shall return]. I certify that this person is qualified to perform the
407 duties which will be required and that I make this designation solely in the interests of the City of
408 Somerville."

409 (b) Extension of Temporary Appointments - If an extension of a temporary appointment is
410 necessary, the mayor may seek extensions in 90-day increments, which shall be authorized by a

411 majority vote of the city council. If an extension is not approved, the position shall be deemed
412 vacant.

413 SECTION 3-8: TEMPORARY APPOINTMENTS TO MULTIPLE MEMBER BODIES

414 Whenever a temporary or permanent vacancy occurs on a multiple member body that is
415 appointed under section 3-5(c), the mayor may designate a person to perform the duties of the
416 office on a temporary basis for up to 150 days until the position can be filled as provided by law
417 or by this charter. Whenever such vacancy occurs on a quasi-judicial body or regulatory body,
418 the mayor shall submit a communication to the city council with the name of such designee. If an
419 extension of a temporary appointment is necessary, the mayor may seek extensions in 60-day
420 increments, which shall be authorized by a majority vote of the city council. If an extension is
421 not approved, the position shall be deemed vacant, except on multiple member bodies where the
422 vacancy would prevent a quorum. In that instance, a temporary appointment shall be permitted to
423 remain until a successor is qualified.

424 SECTION 3-9: APPROVAL OF MAYOR, VETO

425 Every ordinance or other measure as required by law adopted or passed by the city council,
426 except any matters relating to the internal affairs of the city council, shall be presented to the
427 mayor for approval. If the mayor approves the measure, the mayor shall sign it. If the mayor
428 disapproves the measure, the mayor shall return it to the city council with the specific reason for
429 disapproval attached in writing. The city council shall enter the objections of the mayor on its
430 records and reconsider the measure at its subsequent regular meeting. If the city council,
431 regardless of the disapproval by the mayor, shall again pass the identical measure by affirmative
432 vote of 8 members of the city council, it shall then be deemed in force. If the mayor has neither
433 signed a measure nor returned it to the city council within 10 days following the date it was
434 presented to the mayor, the measure shall be deemed approved and in force.

435 SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

436 (a) Communications to the City Council - The mayor shall, by written communication:

437 (1) recommend to the city council for its consideration measures as the needs of the city
438 require; and

439 (2) keep the city council fully informed of the financial and administrative condition of
440 the city and shall specifically indicate any fiscal, financial, or administrative issues facing
441 the city.

442 (b) Special Meetings of the City Council - The mayor may call a special meeting of the city
443 council for any purpose. Unless the mayor designates an emergency, notice of the meeting shall
444 be delivered to the city clerk at least 3 business days in advance of the time set and shall specify
445 the date, time, location and the purpose for which the meeting is to be held. The city clerk shall
446 post an agenda for such meeting at least 2 business days in advance of the time set.

447 SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

448 (a) Acting Mayor - Whenever the mayor is unable to perform the duties of the office, the
449 president of the city council shall be the acting mayor. In the event that the city council president
450 is unable to serve as acting mayor under this section, the city council shall elect a councilor to
451 serve as acting mayor by majority vote from among its membership. The city council, by the
452 affirmative vote of 8 members, shall determine whether the mayor is unable to perform the duties
453 of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken
454 in public session by a roll call vote.

455 (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the mayor that
456 are indispensable and essential to conduct the business of the city and on which action may not
457 be delayed. The acting mayor shall have no authority to make a permanent appointment or
458 removal from city service unless the absence of the mayor shall extend beyond 60 days, nor shall
459 the acting mayor approve or disapprove of any measure adopted by the city council unless the
460 time within which the mayor must act would expire before the return of the mayor. The city
461 council president or another councilor serving as acting mayor shall not vote as a member of the
462 city council.

463 SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

464 The mayor may authorize and subsequently remove authorization from a subordinate officer or
465 employee of the city to exercise or perform a function or duty of the office of the mayor,
466 provided, however, that all acts performed under any delegation of authority during the period of
467 authorization shall be and remain the acts of the mayor. Nothing in this section shall be

468 construed to authorize the mayor to delegate the powers and duties of the mayor as a school
469 committee member, the power of appointment to city office or employment, or the authority to
470 sign or return measures approved by the city council unless the provisions of section 3-11 apply.

471 SECTION 3-13: FILLING OF PERMANENT VACANCY

472 Whenever a permanent vacancy occurs in the office of mayor, the process for filling of the
473 vacancy shall be as follows:

474 (a) If a vacancy occurs within the 6 months preceding a regular municipal election the office
475 shall be filled by vote at that election. Otherwise, the city council shall call a special election to
476 be held within 90 days following the date of the vacancy. The person elected as mayor shall take
477 office immediately upon certification of the vote and serve for the balance of the remaining term.

478 (b) The city council president shall serve as acting mayor until the vacancy is filled. If the city
479 council president is unwilling or unable to serve, the city council shall elect a councilor to serve
480 as the acting mayor by majority vote from among its membership. If the councilor serving as the
481 acting mayor chooses to run for mayor, they shall not be entitled to have the words “candidate
482 for reelection” printed with their name on the election ballot. Any person serving as acting mayor
483 shall receive the compensation then in effect for the position of mayor and shall not vote as a
484 member of the city council. The resulting vacancy on the city council shall be filled in the
485 manner provided in section 2-12.

486 ARTICLE 4

487 SCHOOL COMMITTEE

488 SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

489 (a) Composition - There shall be a school committee consisting of 9 members. Seven members
490 shall be nominated and elected by the municipal voters of the city, 1 member elected from each
491 ward. The mayor and the president of the city council shall serve, by virtue of their office, with
492 the same powers and duties as other school committee members, provided, however, that neither
493 shall serve as chair.

494 (b) Term of Office - The term for the school committee shall be 2 years, beginning on the first
495 business day in January following the municipal election.

496 (c) Eligibility - Any statewide voter residing in the ward from which election is sought shall be
497 eligible to hold the office of school committee member. If a school committee member removes
498 from the city during the committee member's term, that office shall immediately be deemed
499 vacant and filled in the manner provided in section 4-6. If a school committee member removes
500 to another ward in the city, the member may continue to serve for the balance of the term to
501 which elected.

502 SECTION 4-2: PROHIBITIONS

503 A member of the school committee elected by ward shall not hold any other compensated city
504 position. A former member of the school committee elected by ward shall not hold any
505 compensated appointed city office or city employment for 1 year after termination of their
506 service on the school committee. This section shall not prevent a city officer or other city
507 employee who has vacated a position in order to serve as a member of the school committee
508 elected by ward from returning to the same office or other position of city employment held at
509 the time the position was vacated.

510 SECTION 4-3: COMPENSATION

511 Members of the school committee shall receive compensation for their services as set by
512 ordinance by the city council. An ordinance authorizing the compensation of the members of the
513 school committee shall not be effective unless:

- 514 (1) it is adopted by affirmative vote of 8 members of the city council;
- 515 (2) it is adopted prior to the last 6 months of the school committee's term; and
- 516 (3) it provides that the compensation is to take effect upon the organization of the city
517 government following the next regular municipal election.

518 SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

519 The school committee shall determine the procedures for the election of school committee
520 officers and adopt policies and procedures relating to conducting the business of the school
521 committee.

522 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

523 The school committee shall have all powers which are conferred on school committees by the
524 General Laws and the additional powers and duties provided by this charter, including but not
525 limited to:

526 (1) selecting and removing a superintendent of the schools who shall be charged with the
527 administration of the school system, and appointment of all other personnel as provided
528 by the General Laws;

529 (2) adopting policies for the management of the public school system. as deemed
530 necessary or desirable;

531 (3) adopting and overseeing the administration of an annual operating budget for the
532 school department, subject to appropriation;

533 (4) providing ordinary maintenance of all school buildings and grounds, unless a central
534 municipal maintenance department, which may include maintenance of school buildings
535 and grounds, is established; and

536 (5) at least 1 member of the school committee, or a designee of the school committee,
537 shall serve on the agency, board, or committee for the planning or construction of a new,
538 remodeled, or renovated school building.

539 SECTION 4-6: FILLING OF VACANCIES

540 If a vacancy on the school committee occurs with 1 year or more remaining in the term, the city
541 council shall order a special election to fill the vacancy. If a vacancy on the school committee
542 occurs with less than 1 year before the end of the term but more than 120 days before any regular
543 municipal election, the school committee shall appoint a replacement to serve for the remainder
544 of the term from the qualified statewide voters of the ward. The school committee shall post
545 notice of the vacancy and solicitation of nominations and appoint the replacement in accordance
546 with school committee policy. If a vacancy occurs within 120 days of a regular municipal
547 election, the vacancy shall be filled by the regular election and the newly elected school
548 committee member's term shall begin following the certification of election results. The person
549 elected shall be sworn to the office to fill the vacancy for the balance of the unexpired term as

550 well as the term to which elected. The city clerk shall administer the oath of office to them at or
551 before the next meeting of the school committee.

552 ARTICLE 5

553 ADMINISTRATIVE ORGANIZATION

554 SECTION 5-1: ORGANIZATION OF CITY AGENCIES

555 The organization of the city into agencies to provide services and administer the government
556 may be accomplished only through an administrative order submitted to the city council by the
557 mayor. An administrative order may not originate with the city council. The mayor may, subject
558 only to express prohibitions of General Laws or this charter, propose administrative orders to
559 establish a new agency, reorganize, consolidate or abolish any agency, in whole or in part, as is
560 deemed necessary to conduct the business of the city in an orderly, efficient or convenient
561 manner. The mayor may also propose administrative orders to establish terms of office and
562 prescribe the functions and administrative procedures to be followed by all agencies.

563 These proposed administrative orders shall be accompanied by a message from the mayor which
564 explains the expected benefits and advises the city council if an administrative order shall require
565 amendments, insertions, revisions, repeal, or otherwise of existing ordinances. Whenever the
566 mayor proposes an administrative order, the city council shall hold 1 or more public hearings on
567 the proposal and post notice.

568 An organization or reorganization plan shall become effective at the expiration of 60 days from
569 filing, unless the city council has disapproved the plan by majority vote prior to that date;
570 provided, however, that if no regular city council meeting is held within the subsequent 60 days
571 of the first regular meeting after the filing of an organization or reorganization plan, the city
572 council shall instead have 60 days from the second regular meeting. The city council may vote
573 only to approve or to disapprove the plan and may not vote to amend or to alter it.

574 SECTION 5-2: QUALIFICATIONS FOR APPOINTMENTS AND PROMOTIONS

575 All appointments and promotions of city officers and other city employees shall be made on the
576 basis of fitness demonstrated by examination, past performance, or by other evidence of
577 competence and suitability. Each person appointed to fill an office or position shall be a person

578 who has the experience, training, or education to perform the duties of the office or position.

579 ARTICLE 6

580 FINANCIAL PROCEDURES

581 SECTION 6-1: FISCAL YEAR

582 The fiscal year of the city shall begin on July 1 and end on June 30, unless another period is
583 required by the General Laws.

584 SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

585 The city council shall hold a community budget hearing on or before February 15 of each year to
586 solicit public input regarding budget priorities. The city council shall post notice of the
587 community budget hearing 14 days in advance of the hearing. The mayor shall, at the first
588 regular meeting of the city council of each year, solicit budget priorities from all city councilors.

589 SECTION 6-3: ANNUAL BUDGET MEETING

590 On or before March 1 of each year, the mayor shall call a joint meeting of the city council and
591 school committee, including the superintendent of schools, to review the financial condition of
592 the city, revenue and expenditure forecasts for at least 3 years and other relevant information
593 prepared by the mayor in order to develop a coordinated budget.

594 SECTION 6-4: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

595 On or about May 30, the mayor shall submit to the city council a proposed operating budget for
596 all city agencies for the next fiscal year. The proposed operating budget shall include the school
597 budget, as adopted by the school committee, which shall be submitted to the mayor on or about
598 May 15. The proposed operating budget shall be accompanied by a budget message and
599 supporting documents. The budget message shall explain the operating budget in fiscal terms and
600 in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the
601 city for the next fiscal year, describe important features of the proposed operating budget and
602 include any major variations from the current operating budget, fiscal policies, revenues and
603 expenditures together with reasons for these changes. The proposed operating budget shall
604 provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor

605 deems desirable, provided, however, that the budget proposals relative to elected officials shall
606 identify the cost of compensation and the cost of benefits for such officials. The mayor and the
607 superintendent of schools shall coordinate the dates and times of the school committee's budget
608 process under the General Laws.

609 SECTION 6-5: ACTION ON THE OPERATING BUDGET

610 (a) Public Hearing - The city council shall post a notice of the proposed operating budget as
611 submitted by the mayor. The notice shall state: (1) the times and places where copies of the
612 entire proposed operating budget are available for inspection by the public; and (2) the date, time
613 and place when a public hearing on the proposed operating budget shall be held by the city
614 council, at least 7 days after posting of the notice. The city council shall not act on the budget
615 until after the public hearing has occurred.

616 (b) Adoption of the Budget - The city council shall take action on the proposed operating budget,
617 which may have amendments, before the end of the fiscal year. In amending the proposed
618 operating budget, the city council may delete or decrease amounts except expenditures required
619 by law, provided, however, that the city council shall not increase any specific item or the total
620 of the proposed operating budget except on the recommendation of the mayor or unless
621 otherwise authorized by the General Laws. If the city council fails to act on an item in the
622 proposed operating budget prior to the beginning of the fiscal year, that amount shall, without
623 any action by the city council, become a part of the appropriations for the year and be available
624 for the purposes specified.

625 (c) Availability of the Operating Budget - In addition to any other posting requirements,
626 immediately after the submission of the proposed budget to the city council, the mayor or their
627 designee shall post the entire budget document on the city website, where it shall remain posted
628 during the city council review process contained in this article. After the enactment of the budget
629 the mayor or their designee shall post the final budget on the city website where it shall remain
630 throughout the fiscal year for which it is in effect. The final budget shall reflect any amendments
631 made by the city council and approved by the mayor and shall indicate that it is the final budget.

632 SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

633 (a) Submission - The mayor shall submit a capital improvement program to the city council on or

634 about November 1 of each year. The mayor shall annually revise the information regarding the
635 capital improvements still pending or in the process of being acquired, improved, or constructed.

636 The capital improvement program shall include:

637 (1) a general summary of its contents;

638 (2) a list of all capital improvements proposed to be undertaken during the next 5 years,
639 with supporting information as to the need for each capital improvement;

640 (3) cost estimates, methods of financing, and recommended time schedules for each
641 improvement; and

642 (4) the estimated annual cost of operating and maintaining each facility and piece
643 of major equipment involved.

644 (b) Public Hearing - The city council shall post a notice stating:

645 (1) the times and places where entire copies of the capital improvements program are
646 available for the public; and

647 (2) the date, time, and place of a public hearing on the plan to be held by the city council
648 between 14 and 21 days after posting of the notice.

649 (c) Adoption - Following the public hearing, but not later than December 1, the city council shall
650 by resolution adopt or reject the capital improvements program. The mayor may amend the
651 adopted program, provided that each amendment shall be voted on separately, and that an
652 increase in the capital improvements program as submitted shall clearly identify the method of
653 financing to accomplish the proposed increase.

654 SECTION 6-7: INDEPENDENT AUDIT

655 The mayor shall annually provide for an outside audit of the books and accounts of the city in the
656 form of an Annual Comprehensive Financial Report to be conducted by a certified public
657 accountant or a firm of certified public accountants, which has no personal interest, direct or
658 indirect, in the fiscal affairs of the city or any of its officers. The scope of the audit shall specify
659 that each year of the audit engagement, a different department, division or program shall be
660 subject to an expanded scope audit or internal control review. The city council may, by majority

661 vote, determine the department, division or program to be subject to an expanded scope audit or
662 internal control review. The award of a contract to audit shall be made by the mayor on or before
663 September 15 of each year. The report of the audit and all accompanying documents, including a
664 management letter so-called shall be filed in final form with the city council no later than March
665 1 in the year following its award. The certified public accountant or firm of certified public
666 accountants shall make a presentation to the city council as soon as practicable after said March
667 1 but no later than May 31 of each year. At least every 3 years, the mayor shall conduct a
668 procurement process using sound business practices to retain these services.

669 SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

670 Except as otherwise provided by law, an official of the city shall not knowingly or intentionally
671 expend in a fiscal year sums in excess of the appropriations, awards, grants or gifts duly made in
672 accordance with law or involve the city in any contract for the future payment of money in
673 excess of these appropriations, awards, grants or gifts. It is the intention of this section that
674 section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who violates
675 this section shall be personally liable to the city for any amounts so expended to the extent that
676 the city does not recover these amounts from the person to whom the sums were paid.

677 ARTICLE 7

678 ELECTIONS

679 SECTION 7-1: PRELIMINARY ELECTIONS

680 A preliminary election to nominate candidates for mayor, councilors at-large, ward councilors,
681 and school committee members shall be held on the third Tuesday in September in each odd-
682 numbered year in which the candidates are to be elected. The city clerk may, with the approval
683 of the city council, reschedule the preliminary election to the fourth Tuesday in September to
684 avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy
685 is to be held, a preliminary election shall be conducted, if necessary, not less than 28 days before
686 the date established for the special election. A preliminary election to fill a vacancy in the office
687 of ward councilor or school committee member shall be held only in the ward where there is a
688 vacancy.

689 SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

690 (a) Signature Requirements - The number of signatures of municipal voters required to place the
691 name of a candidate on the official ballot to be used at a preliminary election shall be as follows:

692 (1) Mayor - at least 250 certified signatures;

693 (2) At-Large City Councilor - at least 100 certified signatures;

694 (3) Ward City Councilor - at least 50 certified signatures, all of which shall be certified as
695 being from the ward from which election is sought; and

696 (4) School Committee Member - at least 50 certified signatures, all of which shall be
697 certified as being from the ward from which election is sought.

698 (b) Forms - Signatures of municipal voters shall be made on a form prescribed by the board of
699 election commissioners and shall be made available not earlier than April 2 in each municipal
700 election year. The forms shall be submitted to the board of election commissioners for
701 certification of the names on or before the fourteenth day preceding the date fixed for submission
702 to the city clerk. The forms shall be submitted to the city clerk on or before 5:00 p.m. on the
703 forty-fifth day prior to the declared date of the preliminary election. An individual may appear on
704 the ballot for only 1 office at any preliminary, regular or special municipal election.

705 (c) Ballot Position - The order in which names of candidates for each office appear on the ballot
706 shall be determined by a drawing conducted by the city clerk at least 40 days before the
707 preliminary election. The drawing shall be open to the public.

708 (d) Determination of Candidates:

709 (1) Offices of Mayor, Ward Councilor, and School Committee - the 2 candidates who
710 receive the highest number of votes for nomination to each office at the preliminary
711 election shall, except as provided by paragraph 7-3(d)(3), be the candidates for that
712 office. The candidates' names shall be printed on the official ballot to be used at the
713 regular or special municipal election at which the office is to be voted upon and an
714 acceptance of a nomination shall not be necessary to its validity.

715 (2) Offices of City Councilor At-Large - the 8 people who receive the highest number of

716 votes for nomination to the office shall, except as provided by section 7-3(e), be the
717 candidates for the office. The candidates' names shall be printed on the official ballot to
718 be used at the regular or special municipal election at which the office is to be voted upon
719 and an acceptance of a nomination shall not be necessary to its validity.

720 (3) Preliminary Results; Tied Vote - If there is a tie among candidates for the last
721 available ballot position for any given elected office, then all candidates receiving the
722 same number of votes for the office shall be printed on the regular municipal election
723 ballot, notwithstanding any other provisions in this charter specifying the number of
724 candidates to be printed on the election ballot.

725 (e) Condition Making Preliminary Unnecessary - If the time for filing statements of candidates to
726 be on the ballot for any preliminary election has expired, and the number of statements filed with
727 the city clerk for an office is not more than 2 for the office of mayor, any ward councilor or
728 school committee member, and 8 for the office of city councilor at-large, the candidates whose
729 statements have been filed shall be deemed nominated to that office. Those candidates shall be
730 voted on for the office at the regular or special municipal election. The city clerk shall not print
731 those names on the ballot to be used at the preliminary election and another nomination to the
732 office shall not be made, and a preliminary election shall not be held for the office or offices.

733 SECTION 7-3: REGULAR MUNICIPAL ELECTION

734 The regular municipal election shall be held on the Tuesday following the first Monday in
735 November in each odd-numbered year.

736 SECTION 7-4: BALLOT POSITION, REGULAR MUNICIPAL ELECTION

737 The order in which names of candidates for each office appear on the ballot shall be determined
738 by a drawing conducted by the city clerk not later than 7 days after the certification of the
739 preliminary election results. If there is no preliminary election in advance of the regular
740 municipal election or a special election, the drawing shall be conducted on the Tuesday 6 weeks
741 prior to the election. The drawing shall be open to the public.

742 SECTION 7-5: NON-PARTISAN ELECTIONS

743 All elections for city offices shall be non-partisan and election ballots shall be printed without

744 any party mark, emblem or other political designation.

745 SECTION 7-6: WARDS

746 The territory of the city shall be divided into 7 wards by the city clerk to consist of as nearly an
747 equal number of inhabitants as it is possible to achieve, based on compact and contiguous
748 territory, bounded as far as possible by the center line of known streets or ways or by other well-
749 defined limits. Each ward shall be composed of voting precincts established under the General
750 Laws. The city council shall review these wards to ensure uniformity in the number of
751 inhabitants at least once every 10 years.

752 SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

753 Except as otherwise expressly provided in this charter and authorized by law, all municipal
754 elections shall be governed by the General Laws relating to the right to vote, the registration of
755 voters, the nomination of candidates, voting places, the conduct of preliminary, regular and
756 special municipal election, the submission of charters, charter amendments and other
757 propositions to the voters, the counting of votes, the recounting of votes, and the determination
758 of results.

759 ARTICLE 8

760 GENERAL PROVISIONS

761 SECTION 8-1: CHARTER CHANGES

762 This charter may be replaced, revised or amended in accordance with the state constitution or the
763 General Laws.

764 SECTION 8-2: SPECIFIC PROVISION TO PREVAIL

765 To the extent that a specific provision of this charter conflicts with any provision expressed in
766 general terms, the specific provision of this charter shall prevail.

767 SECTION 8-3: RULES AND REGULATIONS

768 A copy of all rules and regulations adopted by a city agency shall be posted to the city website.
769 Unless an emergency exists, as determined by the mayor, a rule or regulation adopted by a city
770 agency shall not become effective until at least 5 days following the date it is posted. This

771 section shall not apply to internal operating protocols and policies enacted by city departments.

772 SECTION 8-4: PERIODIC REVIEW OF CHARTER

773 The mayor and city council shall provide for a review to be made of the city charter at least once
774 every 10 years to determine the need, if any, for changes and prepare recommendations
775 addressing any proposed changes. The manner of the review shall be established by ordinance
776 and incorporate opportunities for community input. The report of the committee and
777 accompanying recommendations, if any, shall be filed with the city clerk on a date specified by
778 ordinance.

779 SECTION 8-5: PERIODIC REVIEW OF ORDINANCES

780 The mayor and city council shall provide for a review to be made of some or all of the city
781 ordinances at least once every 10 years to determine the need for amendments, if any. Such
782 review shall be scheduled to follow the charter review as provided in section 8-4 of the charter
783 by at least 1 year. The manner of the review shall be established by ordinance. The review of city
784 ordinances shall be under the supervision of the city attorney and incorporate opportunities for
785 community input. The recommendations shall be filed with the city clerk on a date specified by
786 ordinance.

787 SECTION 8-6: PERIODIC REVIEW OF MULTIPLE MEMBER BODIES

788 The mayor and the city council shall provide for a review to be made of all multiple member
789 bodies at least once every 10 years, provided, however, that such bodies as are required in cities
790 by the General Laws shall not be included in such review. This review shall be made by a special
791 committee whose membership and term shall be determined by ordinance, and the initial review
792 shall be implemented as provided in section 9-7(d). The special committee shall file its report
793 with the city clerk on a date specified by ordinance. The committee's report should include an
794 assessment of the function and relevance of multiple member bodies included in the review, and
795 may include recommendations to combine, dissolve or create multiple member bodies to address
796 redundancies or emerging concerns of the city.

797 SECTION 8-7: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

798 Open meeting law and procedures in the General Laws shall apply to the proceedings of multiple

799 member bodies, and shall include the following:

800 (1) Officers - All appointed multiple member bodies shall elect a chair, a vice-chair and
801 any other officer it deems necessary.

802 (2) Meetings - All appointed multiple member bodies of the city shall meet regularly at
803 the times and places that the multiple member body, by the body's own rules, prescribe.
804 Special meetings of any multiple member body shall be held at the call of the chair or by
805 a majority of the members of the body. Notice of the meeting shall be posted as required
806 by law. Except as may otherwise be authorized by law, all meetings of all multiple
807 member bodies shall, at all times, be open to the public.

808 (3) Meeting Documents and Submissions - Each appointed multiple member body shall
809 determine its own rules and order of business. Each multiple member body shall provide
810 for the keeping of agendas, minutes and related submissions of its proceedings. All
811 documents shall be a public record and certified copies shall be placed on file in the
812 office of the city clerk within a reasonable period from the date of approval.

813 (4) Voting - If requested by any member, a vote of an appointed multiple member body
814 shall be taken by a roll call vote and the vote of each member shall be recorded in the
815 minutes, provided, however, that if the vote is unanimous only that fact need be recorded.
816 Unless some other provision is made by the multiple member body's own rules while a
817 quorum is present, except on procedural matters, any action on a matter representing an
818 exercise of the powers of the multiple member body shall require a majority vote.
819 General Laws related to a vote to meet in executive session shall always require a
820 majority of members of the body.

821 SECTION 8-8: REFERENCES TO GENERAL LAWS

822 All references to General Laws contained in this charter refer to the Massachusetts General Laws
823 and are intended to refer to and to include any amendments or revisions to chapters or sections or
824 to the corresponding chapters and sections of any rearrangement, revision or recodification of
825 statutes enacted or adopted subsequent to the adoption of this charter.

826 SECTION 8-9: COMPUTATION OF TIME

827 In computing time under this charter, the day of the act or event after which the designated time
828 period begins to run shall not be included. The last day of the period shall be included, unless it
829 is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next
830 business day.

831 SECTION 8-10: OATHS OR AFFIRMATIONS

832 (a) Officials Elected in Regular Municipal Elections - On the first business day in January of
833 each even-numbered year, the city council members-elect, the school committee members-elect
834 and the mayor-elect, shall meet and take an oath or affirmation to faithfully discharge the duties
835 of their office. The oath or affirmation shall be administered by the city clerk, the assistant city
836 clerk, a judge of a court of record or by a justice of the peace. Each official taking the oath or
837 affirmation shall also sign a written version, which shall be kept in a bound book maintained by
838 the city clerk. If the mayor-elect or any member-elect of the city council or school committee is
839 absent on the day the oath is administered, the oath or affirmation shall be administered at any
840 time within 10 days of the first business day of January, unless circumstances beyond the control
841 of the officer-elect prevent such action, but in no instance shall the time period to be sworn to
842 office extend beyond 30 days from the first business day of January.

843 (b) Other Elected Officials and Appointed Positions - Except as otherwise provided by law,
844 every person who is elected or appointed to an office or as a member of a multiple member body
845 shall take an oath or affirmation before performing any act under this election or appointment. A
846 record of this oath or affirmation shall be kept by the city clerk.

847 SECTION 8-11: LIMITATION ON OFFICE HOLDING

848 Unless otherwise allowed by law or this charter, a person shall not simultaneously hold more
849 than 1 office or position of employment with the city. This section may be waived by the mayor
850 by filing a notice of the waiver with an explanation and justification with the city clerk.

851 SECTION 8-12: FELONY CONVICTION

852 An elected official who has been convicted of a state or federal felony while holding office shall
853 be deemed to have vacated the office.

854 SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

855 It shall be the duty of the mayor to see that this charter is faithfully followed and complied with
856 by all city agencies and employees. Whenever it appears to the mayor that a city agency or
857 employee is not following this charter, the mayor shall, in writing, cause notice to be given to
858 that agency or employee directing compliance with this charter. Whenever it appears to the city
859 council that the mayor is not following this charter, the city council shall, by resolution, direct
860 the attention of the mayor to those areas in which it believes there is a failure to comply with this
861 charter. The procedures made available in chapter 231A of the General Laws may be used to
862 determine the rights, duties, or other legal relations arising under this charter, including any
863 question of construction or validity which may be involved in that determination.

864 ARTICLE 9

865 TRANSITION PROVISIONS

866 SECTION 9-1: CONTINUATION OF EXISTING LAWS

867 (a) All General Laws, special laws, city ordinances, city council votes, rules and regulations of or
868 pertaining to the city that are in force when this charter takes effect, and not specifically or by
869 implication repealed by this charter, shall continue in full force and effect until amended or
870 repealed, or rescinded by due course of law, or until they expire by their own limitation. In any
871 case in which the provisions of this charter are found to be inconsistent with the provisions of
872 any general or special law that would otherwise be applicable, the provisions of this charter shall
873 prevail.

874 (b) Except as otherwise provided in this charter, the city shall not be subject to provisions of
875 chapter 31 of the General Laws. Uniform positions within the police department and the fire
876 department below the rank of chief of department shall continue to be subject to said chapter 31.
877 Tenured civil service employees of the city shall continue to be subject to the provisions of said
878 chapter 31 in the classification held at the time of the effective date of this charter.

879 SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

880 All city agencies and city officials shall continue to perform their duties until reappointed, until
881 successors to their respective positions are appointed or until their duties have been transferred

882 and assumed by another city agency. All officers and department heads previously appointed or
883 appointed and confirmed at the time this charter takes effect shall not be required to be re-
884 appointed or re-appointed and confirmed, unless otherwise provided by this charter.

885 SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

886 All records and property of any city agency, or part thereof, the powers and duties of which are
887 assigned in whole or in part to another city agency, shall be transferred forthwith to that agency.

888 SECTION 9-4: CONTINUATION OF PERSONNEL

889 All city office holders and employees shall retain the office, position or
890 employment they hold, and shall continue to perform the duties of the office, position or
891 employment until their employment or position is otherwise terminated or other provisions are
892 made. A person in full-time service of the city shall not forfeit accrued time in service of the city
893 as a result of adoption of this charter.

894 SECTION 9-5: EFFECT ON OBLIGATIONS, TAXES, ETC.

895 All official bonds, recognizances, obligations, contracts and other instruments entered into or
896 executed by, with, or on the behalf of the city before the adoption of this charter, shall continue
897 to be obligations of the city; and all taxes, assessments, fines, penalties and forfeitures, incurred
898 or imposed, due or owing to the city, shall be enforced and collected; and all writs, prosecutions,
899 actions and causes of action, except as herein otherwise provided, shall continue without
900 abatement and remain unaffected by this charter; and any legal act done by or in favor of the city
901 shall not be rendered invalid by reason of the adoption of this charter.

902 SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

903 (a) Certain Special Acts repealed - The following special acts are hereby repealed: St.1899, c.
904 240, establishing a charter for the city of Somerville; provided, however, that section 38
905 establishing the composition and term of the board of health, section 39 establishing the
906 composition and term of the board of library trustees, and section 43 requiring that the
907 purchasing agent make all city purchases, shall remain in effect until such time as the city acts
908 under Article 5 of the charter to enact 1 or more administrative orders; St. 1982, c. 656
909 authorizing the mayor and council salaries to be set by ordinance; St. 1989, c. 355, establishing

910 a 3 year term for the city clerk;, St. 2014, c. 90, filling a vacancy in the office of mayor; St.
911 2018, c. 355, replacing the words “board of aldermen” and “alderman”, with the words “city
912 council” and “councilor”, replacing the words “alderman at-large” with the words “councilor
913 at-large”, and replacing the words “aldermen-elect” with the words “council-elect”, and St. 2022,
914 c. 312, making c. 240 of 1899 gender neutral.

915 (b) **Certain Special Acts Recognized and Retained** - The following special acts, including those
916 which amended Chapter 240 of the Acts of 1899, relating to the organization of the city's
917 government, are recognized and retained as follows, notwithstanding any reference to said c.
918 240: St. 1923, c.191, St. 1939, c.190, and St. 2018, c.410 relating to the Licensing Commission;
919 St. 1928, c. 41 and c. 81, St. 2021, c. 63 relating to the Board of Appeals; St. 1928, c. 82, St.
920 2018, c. 410, and St. 2012, c. 400 relating to the Board of Election Commissioners; St. 1934, c.
921 294 relating to the Auditor, St. 1934, c. 295 relating to the Treasurer; St. 1953, c. 653, St. 1988,
922 c. 94, ss. 40, 40A, B, C, and D, St. 2004, c. 317, and St. 2008, c.112 relating to the Department
923 of Public Works; St. 1977, c. 644 relating to the School Committee; St. 1985, c. 23, and St. 2012,
924 c. 400 relating to the Board of Assessors; St. 1991, c. 390 relating to the Disabilities
925 Commission; St. 2008, c. 106 establishing the Municipal Hearing Officer; St. 2012, c. 381, and
926 St. 2016, c. 142 relating to the Alcoholic Beverages Commission; St. 2018, c. 364 relating to the
927 Redevelopment Authority; St. 1978, c.297, St. 2012, c.312. and St. 2012, c. 400 relating to the
928 Traffic Commission; and ss. 1-10, 26, 50, 43, 47, 48, 49, 50, 56, 57, 58, 59 and 60 of c. 400 of
929 the Acts of 2012 until such time as the city acts under Article 5 of this charter to adopt 1 or more
930 administrative orders.

931 SECTION 9-7: TIME OF TAKING EFFECT

932 (a) The provisions of section 3-6 of this charter relating to the appointment of the Chief
933 Administrative Officer shall take effect following the regular municipal election in 2025.

934 (b) The provisions of Article 7 relating to municipal elections shall be in effect for the
935 preliminary and regular municipal elections to be held in 2027.

936 (c) The provisions of Article 6 relating to the operating budget, the capital improvements
937 program, and the municipal audit shall take effect for the fiscal year beginning July 1, 2026 (FY
938 2027).

939 (d) Within 180 days of the adoption of this charter, the mayor shall promulgate and submit an
940 administrative order pursuant to Article 5 establishing a selection process for a city attorney. Any
941 such selection process shall include the establishment of a special screening committee to review
942 candidates for the position of city attorney. Said special screening committee shall include at
943 least 1 member of the city council, designated by the city council president. Nothing in this
944 section shall be deemed to apply to the reappointment of a city attorney.

945 (e) Creation of Public Financing of Campaigns Committee - Within 6 months of the adoption of
946 this charter, the city council shall create a public financing of campaigns committee to study
947 public financing mechanisms and prepare recommendations with the goal of making running for
948 office in the city more accessible to potential candidates. The directive of this study committee is
949 to consider a full range of options as practicable, provide analysis on the potential benefits and
950 barriers of each option, and consider which should be recommended to the city council for its
951 consideration.

952 The committee shall consist of 9 members: 1 shall be the chair of the board of elections
953 commissioners or their designee, 1 shall be the city council president or their designee, 1 shall be
954 the chair of the school committee or their designee, 2 shall be city residents appointed by the city
955 council, 2 shall be city residents appointed by the school committee, 2 shall be city residents
956 appointed by the mayor. The committee shall elect a chair and establish the schedule of its
957 meetings. The committee shall issue recommendations to the city council within 12 months of
958 the appointment of all of the members. The city council shall take action on the
959 recommendations within 90 days of receipt. If the city council has already taken action
960 consistent with this provision, no action is necessary.

961 (f) Creation of Ranked Choice Voting Implementation Committee - Within 6 months of the
962 adoption of this charter, the city council shall create a ranked choice voting committee to propose
963 a measure to adopt ranked-choice voting and submit a report on ranked-choice voting in the city.
964 A voting method shall be considered ranked choice voting if the municipal voter ranks
965 candidates in order of preference. The committee's report shall include:

966 (1) the elected offices to be selected by this voting method;

967 (2) a timeframe and strategy for implementation;

- 968 (3) infrastructure and equipment requirements;
- 969 (4) a cost analysis;
- 970 (5) a comparative analysis of other voting methods;
- 971 (6) an analysis of potential equity concerns; and
- 972 (7) a community education plan.

973 If the city council has already taken action consistent with this provision, no action is necessary.
974 The goal of this committee is to implement ranked choice voting in order to more accurately
975 reflect the will of the voters, increase the number and diversity of candidates, lower barriers to
976 candidate participation and increase transparency of elections.

977 The committee shall consist of 9 members: 1 shall be the chair of the board of elections
978 commissioners or their designee, 1 shall be the city council president or their designee, 1 shall be
979 the chair of the school committee or their designee, 2 shall be city residents appointed by the city
980 council, 2 shall be city residents appointed by the school committee, 2 shall be city residents
981 appointed by the mayor. The committee shall elect a Chair and establish the schedule of its
982 meetings. The committee shall propose a measure to the city council within 18 months of the
983 appointment of its full membership. The city council shall take action on the measure within 90
984 days of receipt.

985 (g) Initial Periodic Review of Multiple Member Bodies - The mayor and the city council shall
986 convene the first periodic review of multiple member bodies committee, pursuant to section 8-6,
987 within 6 months of the adoption of this charter. The committee's report should include:

- 988 (1) an assessment of the functions and relevancies of the city's current multiple member
989 bodies;
- 990 (2) a review of activities of multiple member bodies from recent years;
- 991 (3) the ability of the city to fill appointments to the body; and
- 992 (4) recommendations for combining, terminating, or establishing new multiple member
993 bodies.

994 If the city council has already taken action consistent with this provision, no action is necessary.

995 The committee shall consist of 5 members: 1 shall be the mayor or their designee, 1 shall be the
996 city council president or their designee, 1 shall be the city clerk, 1 shall be a city resident
997 appointed by the mayor, 1 shall be a city resident appointed by the city council.

998 The committee shall submit a report to the city council. The city council shall respond to and
999 vote on the recommendations within 90 days of receipt.

1000 (h) The city council shall consider the acceptance of section 91 of chapter 41 of the General laws
1001 within 120 days of the adoptions of this charter.

1002 SECTION 2. The city clerk shall cause the following question to be place on the official ballot to
1003 be used in the city of Somerville at the regular municipal election to be held on November 4,
1004 2025: Shall the city adopt Chapter XXX of the Acts of 2025 that provides a special act charter
1005 for the city of Somerville? The city attorney shall prepare the summary of the proposed special
1006 act charter which shall appear on the ballot along with the question provided in this section and
1007 the city attorney shall submit the question and summary to the city clerk in accordance with
1008 section 42C of chapter 54 of the General Laws.

1009 SECTION 3. Section 1 shall take effect upon acceptance by a majority of the voters of the city
1010 voting in the affirmative, but not otherwise.

1011 SECTION 4. Section 2 shall take effect upon passage.

