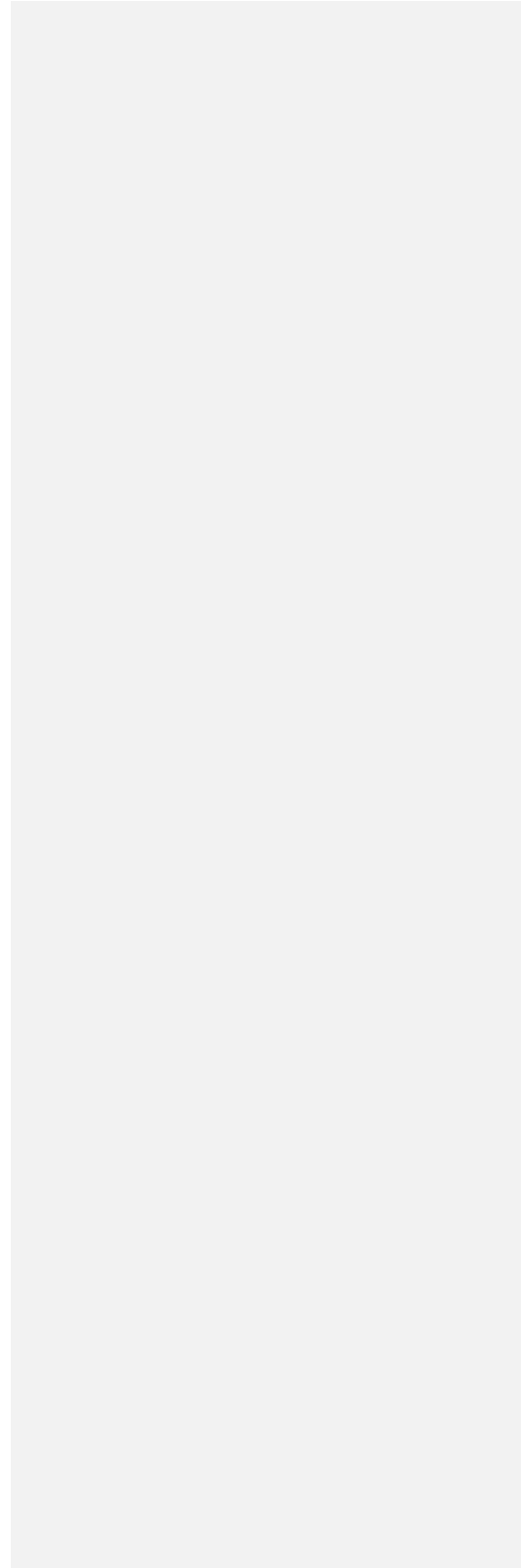


Approved Proposed Somerville Charter Text

July 14, 2022

Approved Unanimously by the Somerville Charter Review Committee



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

9

ARTICLE 1

10

INCORPORATION; SHORT TITLE; DEFINITIONS

11

SECTION 1-1: INCORPORATION

12 The residents of the City of Somerville within the territorial limits established by law, shall continue to be

13 a municipal corporation, a body corporate and politic, under the name "City of Somerville."

14

SECTION 1-2: SHORT TITLE

15 This instrument shall be known and may be cited as the City of Somerville Charter ("charter").

16

SECTION 1-3: SEPARATION OF POWERS

17 The administration of the fiscal, prudential and municipal affairs of the city shall be vested in an

18 executive branch led by a mayor and a legislative branch consisting of a city council. The legislative

19 branch shall never exercise any executive power and the executive branch shall never exercise any

20 legislative power.

21

SECTION 1-4: POWERS OF THE CITY

22 Subject only to express limitations on the exercise of any power or function by a municipal government in

23 the constitution or General Laws, it is the intention and the purpose of the municipal voters of the city,

24 through the adoption of this charter, to secure for themselves and their government all of the powers it is

25 possible to secure as fully and as completely as though each power were specifically and individually

26 enumerated in this charter.

27

SECTION 1-5: CONSTRUCTION

28 The powers of the city under this charter are to be construed liberally in favor of the city and the specific

29 mention of any particular power is not intended to limit the general powers of the city as stated in section

30 1-4. To the extent that any provision of this charter shall conflict with any special act or law adopted by

31 the city to the contrary, the provisions of this charter shall prevail.

32 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

37 SECTION 1-7: DEFINITIONS

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

40 “Business day”, any day that is not a Saturday, Sunday, or legal holiday. For the purposes of this
41 definition, legal holiday shall mean Massachusetts legal holidays as published by the secretary of the
42 commonwealth.

Commented [BS1]: Council request

43 “Charter”, this charter and any adopted amendments to it.

44 “The city”, the City of Somerville.

45 “City agency”, any multiple member body, department, division or office of the city.

46 “City officer” or “department head”, a person having charge of a city office or department.

47 “City website”, an online site established and maintained by the city as its repository of municipal
48 information.

49 “Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate
50 action or response.

51 ~~“Full city council”, the entire authorized membership of the city council, notwithstanding any vacancy~~
52 ~~which might exist.~~

53 ~~“Full multiple member body”, the entire authorized membership of a multiple member body,~~
54 ~~notwithstanding any vacancy that exists.~~

Commented [BS2]: Analyst recommendation

55 “General Laws”, the Massachusetts General Laws, ~~a codification and revision of statutes enacted on~~
56 ~~December 22, 1920, and including all amendments subsequently adopted.~~

Commented [BS3]: Analyst recommendation

57 ~~“Majority vote”, when used in connection with a meeting of a multiple member body, shall mean a~~
58 majority of ~~those the~~ present and voting members of a body, unless ~~another provision is made by~~
59 ~~ordinance~~ otherwise provided for by law or by the body’s own rules. Provided, however, that General
60 Laws related to any vote to meet in executive session shall always require a majority of the full ~~multiple~~
61 ~~member~~ body.

Commented [BS4]: Analyst recommendation

62 “Measure”, any ordinance, order, other vote or proceeding adopted, or proposed to be adopted, by the city
63 council or the school committee.

64 “Multiple member body”, any council, commission, committee, subcommittee or other body consisting of
65 2 or more persons, whether elected, appointed or otherwise constituted, but not including the city council
66 or its committees, the school committee or its subcommittees or an advisory committee or task force
67 established by the mayor or city council.

68 “Municipal voter”, anyone who is eligible to vote in a municipal election pursuant to this charter.

69 “Organization or reorganization plan”, a plan submitted by the mayor to the city council which proposes:
70 (i) a change in the organization or the administrative structure of the city administration or organization;
71 or (ii) a change in the way in which municipal services are delivered.

72 “Post”, make available publicly on the city website, at city hall, in a local newspaper and as otherwise
73 may be required by law. For the purposes of this definition, a local newspaper shall be a newspaper of
74 general circulation within the city, with either weekly or daily circulation. The city council president may,
75 from time to time, select a local newspaper for posting according to a procedure that shall be set forth in
76 the rules of the city council.

77 ~~“Quorum”, a majority of all voting members of a multiple member body unless some other number is~~
78 ~~required by law~~ or by ordinance.

Commented [BS5]: Analyst recommendation

79 “Statewide voter”, anyone who is eligible to vote pursuant to state and federal law.

80 “Year”, a calendar year, unless otherwise specified.

81

ARTICLE 2

82

LEGISLATIVE BRANCH

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

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(a) Composition - There shall be a city council consisting of 11 members which shall exercise the

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legislative powers of the city. Four of these members, to be known as councilors at-large, shall be

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nominated and elected by the municipal voters at large. Seven of these members, to be known as ward

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councilors, shall be nominated from and elected by the municipal voters in each ward, with 1 ward

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councilor to be elected from each of the 7 wards into which the city is divided under section 7-7.

89

(b) Term of Office - The term of office for councilors shall be 2 years each, beginning on the first

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business day in January following the municipal election.

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(c) Eligibility - Any statewide voter **in the city** shall be eligible to hold the office of councilor at-large.

Commented [BS6]: Council request

92

Any statewide voter in the ward from which election is sought shall be eligible to hold the office of ward

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councilor. If the city council determines that a ward councilor or a councilor at-large has removed from

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the city during the councilor's term, that office shall immediately be deemed vacant and filled in the

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manner provided in section 2-12. A ward councilor who removes from the ward in which the councilor

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was elected and who remains a municipal voter of the city may continue to serve the balance of the term

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to which elected.

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SECTION 2-2: PROHIBITIONS

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(a) Holding Other City Position – Except as otherwise provided by this charter, a member of the city

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council shall hold no other compensated city position. A former member of the city council shall not hold

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any compensated appointed city position for 1 year after termination of their service on the city council,

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unless approved by affirmative vote of 8 members of the city council. This section shall not prevent a city

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employee who vacated a position to serve as a member of the city council from returning to the same

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position upon the expiration of the term for which that person was elected.

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

107 SECTION 2-3: COMPENSATION

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

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

115 SECTION 2-4: GENERAL POWERS

116 Except as otherwise provided by the General Laws or by this charter, all powers of the city shall be vested
117 in the city council which shall provide for the performance of all duties and obligations imposed upon the
118 city by law.

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

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

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

124 (c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council,

125 which shall ~~include, but not be limited to, the following rules:~~ be subject to adoption, amendment or
126 ~~repeal by vote of the city council.~~

127 ~~(4d) Meetings - regular~~ Regular meetings of the city council shall be held at a time and place fixed by
128 ordinance. ~~and all regular meetings of the city council shall provide for a period of public comment. The~~
129 ~~city council may make rules that regulate the period of public comment;~~
130 ~~(2) special~~ Special meetings of the city council shall be held at the call of the president or at the call of any
131 ~~3-6~~ or more members, for any purpose. Except in an emergency as declared by the city council president,
132 notice of the meeting shall be delivered to each member at least 2 business days in advance of the time set
133 and shall specify the date, time, location and purpose for which the meeting is to be held. A copy of each
134 notice shall immediately be posted.

135 ~~(13) all~~ All sessions of the city council and every city council committee or subcommittee shall, at all
136 times, be open to the public, unless otherwise specified by law, ~~and~~

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

142 SECTION 2-6: ELECTION, TERM, AND POWERS OF CITY COUNCIL PRESIDENT AND VICE-
143 PRESIDENT

144 (a) Election and Term - As soon as practicable after the councilors-elect have been qualified following
145 each regular city election, as provided in section 7-4, the city council shall elect from among its members
146 a president and vice-president who shall serve for 1-year terms. The member of the council with the most
147 years of service shall preside at the election. If 2 or more members have the same term of service the
148 councilor with the last name that is first in alphabetical order from among the councilors shall preside.

149 The conduct of all elections of the city council president and vice-president shall otherwise be prescribed
150 within the rules of the city council.

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

Commented [BS7]: Analyst recommendation

- 152 (1) ~~prepare-determine~~ the agenda for city council meetings;
- 153 (2) preside at all meetings of the city council, regulate its proceedings, and decide all questions of order,
- 154 provided, however, that the vice-president shall preside in the absence of the president;
- 155 (3) appoint all members of committees of the city council, whether special or standing;
- 156 (4) have the same powers to vote upon measures coming before the city council as any other member of
- 157 the city council; and
- 158 (5) perform any other duties consistent with the office that are established by this charter, ordinance or
- 159 other vote of the city council.

Commented [BS8]: Analyst recommendation

160 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

161 ~~(a) City Clerk – The city council shall appoint a city clerk to serve at the pleasure of the city council and~~

162 ~~until a successor is chosen and qualified. The city clerk shall have the powers and duties relating to the~~

163 ~~keeping of records and vital statistics, the issuance of licenses as are provided to city clerks by the~~

164 ~~General Laws and such additional powers and duties as may be provided by law or by other vote of the~~

165 ~~city council.]~~

Commented [BS9]: Analyst recommendation

166 ~~(ab) Advisory Legal Counsel - Subject to appropriation, the city council may secure legal services, when~~

167 ~~needed, to seek a secondary legal opinion. The city council shall make a reasonable request for legal~~

168 ~~services, and that request shall not be unreasonably denied by the mayor. The city solicitor and any~~

169 ~~advisory legal counsel shall consult to the extent practicable prior to the release of any secondary opinion.~~

170 ~~The legal services provided to the council shall not include representation of the council or any councilor~~

171 ~~in any litigation, or the issuance of formal legal opinions on behalf of the city. The city solicitor shall~~

172 ~~remain the only authorized officer of the city in all legal matters involving the city’s government.~~

173 ~~(bc) Other Staff - Subject to appropriation, the city council may employ staff as it deems necessary.~~

174 ~~(ed) Removals and Suspensions of City Council Staff – City council appointments may be removed at the~~

175 ~~sole discretion of the city council subject to limitations and requirements imposed by federal and state~~

176 ~~laws, rules or regulations.~~

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

178 (a) Department Heads - The mayor shall refer to the city council for confirmation and simultaneously file
179 with the city clerk the name of each person the mayor has appointed as a department head. These
180 appointments shall become confirmed 30 days from the date of the first regularly scheduled city council
181 meeting after the date on which notice of the appointment was filed with the city clerk, unless the city
182 council within said 30 days shall reject the appointment by the affirmative vote of 8 members. However,
183 if no city council meeting is held within the subsequent 30 days of the first meeting, the city council shall
184 instead have 30 days from the second regularly scheduled meeting after the appointment to reject the
185 appointment. The city council shall not unreasonably reject an appointment and shall accompany a
186 rejection with a written statement describing the reason, which shall be delivered to and placed on file
187 with the city clerk within 30 days of filing. The question on rejection of any appointment made by the
188 mayor shall not be subject to the procedure of charter objection provided in section 2-9(b) of this charter.

189 (b) Multiple Member Bodies - The mayor shall refer to the city council and simultaneously file with the
190 city clerk the name of each person the mayor desires to appoint as a member of a multiple member body.
191 The city council shall have ~~45-60~~ days after the date on which notice of the proposed appointment was
192 filed with the city clerk to vote to approve or reject the appointment, with approval not to be unreasonably
193 withheld. If the city council does not ~~take action on the appointment within 60 days approve or reject the~~
194 ~~appointment within 45 days, it may file a 15 day extension with the city clerk. If the time period elapses~~
195 ~~and no extension has been filed,~~ the appointment shall be deemed approved. Multiple member body
196 members may be removed at the discretion of their appointing authority subject to limitations and
197 requirements imposed by federal and state laws, rules or regulations.

198 (1) In the event of a vacancy on a multiple member body where the seat has remained vacant in excess of
199 1 year and the mayor has not referred to the city council any proposed appointees to fill the vacancy, the
200 city council president may present to the mayor the names of no more than 3 individuals as
201 recommendations for appointment. The procedure for selecting names for presentation to the mayor shall
202 be established within the rules of the city council.

203 (2) The mayor shall twice annually, in February and August, post a complete list of the vacancies within
204 all multiple member bodies, as well as the procedures for individuals to apply to become a member of
205 those bodies. **This posting shall be in addition to, and not a substitute for, regular posting for the purpose**
206 **of filling vacancies as they arise.**

Commented [BS10]: Analyst recommendation

207 (c) Constables - The mayor shall refer to the city council and simultaneously file with the city clerk the
208 name of each person the mayor desires to appoint as a constable within the city. The city council shall not
209 unreasonably withhold confirmation of appointments and shall accompany a rejection with a written
210 statement describing the reason, which shall be delivered to and placed on file with the city clerk within

211 30 days of ~~file~~~~ing that rejection.~~ **Constables shall serve for a term of 3 years, and submission for**
212 **reappointment shall be made at least 60 days prior to the expiration of a constable's term.** The question on

Commented [BS11]: Analyst recommendation

Commented [BS12]: Council request

213 confirmation of any appointment submitted by the mayor shall not be subject to the procedure of charter
214 objection provided in section 2-9 (b) of this charter.

215 (d) Civil Service Employees - The mayor shall refer to the city council and simultaneously file with the
216 city clerk the name of each person the mayor desires to appoint as a member or officer of the police
217 department or the fire department. The city council shall not unreasonably withhold confirmation of
218 appointments, shall adhere to any merit principles identified in applicable law, including, but not limited
219 to applicable civil service law, and shall accompany a rejection with a written statement describing the
220 reason, which shall be delivered to and placed on file with the city clerk within 30 days of that rejection.
221 The question on confirmation of any appointment submitted by the mayor shall not be subject to the
222 procedure of charter objection provided in section 2-9(b) of this charter.

223 SECTION 2-9: ORDINANCES AND OTHER MEASURES

224 (a) Measures - Every adopted measure shall become effective at the expiration of 10 days after adoption
225 or upon the signature of the mayor, whichever occurs first, unless the ordinance or this charter provides
226 otherwise. An ordinance shall not be amended or repealed except by another ordinance adopted in
227 accordance with this charter.

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

Commented [BS13]: Analyst recommendation

235 SECTION 2-10: ACCESS TO INFORMATION

236 (a) In General - The city council may make investigations into the affairs of the city and into the conduct
237 and performance of any city agency. Absent compelling circumstances or an emergency which shall be
238 declared on record and noted in the city council minutes, the city council shall give a minimum of 14
239 days' notice to a person it may require to appear before it under this section. In circumstances involving
240 compelling circumstances or emergency, 7 days' notice shall be allowed. The notice shall include specific
241 questions on which the city council seeks information and any person called to appear before the city
242 council under this section shall not be required to respond to any question not relevant or related to those
243 questions presented in advance and in writing. The mayor shall receive a copy of any notice issued under
244 this section at the same time as the person who is requested to appear before the council. Majority vote of
245 the city council shall be required to issue notice under this section.

246 (b) Department Head - The city council may require, by majority vote, specific information from a
247 department head or their designee on any matter related to the municipal services, functions and powers
248 or duties which are within the scope of responsibility of that person. The department head or their
249 designee shall not be required to answer questions relating to any other matter outside the scope of the
250 matter noticed.

251 (c) Mayor - The city council may request, by majority vote, specific information from the mayor on any
252 municipal matter. The mayor or their designee shall appear before the city council and respond to the
253 questions. The mayor or their designee shall not be required to answer questions relating to any other
254 matter. The mayor may bring to this meeting any assistant, department head or other city officer or
255 employee that the mayor may consider necessary to assist in responding to the questions posed by the city
256 council.

257 SECTION 2-11: GROUP PETITIONS

258 The city council shall hold a public hearing and act with respect to every petition which is addressed to it
259 and which is signed by at least 100 municipal voters as certified by the board of election commissioners.

260 The hearing shall be held by the city council or by a committee or subcommittee thereof, and the city
261 council shall act on the petition within 3 months of filing with the city clerk. Hearings on 2 or more
262 petitions filed under this section may be held at the same time and place. At least 14 days before the
263 hearing, the city clerk shall notify the 10 petitioners whose names first appear on each petition, publish a
264 general summary of the subject matter of the petition, and post notice of the date and time of the public
265 hearing. A hearing shall not be held upon any subject more than once in a 12-month period, as determined
266 by the city council president.

267 SECTION 2-12: FILLING OF VACANCIES

268 (a) Councilor At-Large – Whenever a vacancy occurs in the office of councilor at-large the process for
269 filling of the vacancy shall be determined by the number of days remaining until the next municipal
270 election. In all occurrences of a vacancy, the city clerk shall notify the city council and the chairperson of
271 the board of election commissioners of the vacancy within 7 days. Within 7 days after notification, the
272 chairperson of the board of election commissioners or a designee shall certify, in writing, to the city clerk
273 that the defeated candidate for the office of councilor at-large with the next highest number of votes at the
274 municipal election at which councilors at-large were elected for the term in which the vacancy occurs
275 shall serve as councilor at-large. If the person is eligible and willing to serve, the city clerk shall
276 administer the oath of office to the person within 15 days after certification and the person shall serve. If
277 the person who is eligible declines the office, is not eligible and willing to serve, or fails to take the oath
278 of office within the time period set forth in this section, then the person with the next highest number of
279 votes at the election who is eligible and willing to serve shall serve.

280 If a vacancy occurs:

281 (1) More than 180 days until the next municipal election, the next highest candidate serves the remainder
282 of the unexpired term. If there is no defeated candidate eligible and willing to serve who has taken the
283 oath of office, there shall be a special election.

284 (2) Less than or equal to 180 days prior to any regular municipal election in the office of councilor at-
285 large, the next highest candidate serves until the next municipal election. If there is no eligible and willing
286 candidate from the most recent municipal election, then the seat remains vacant until the next regular
287 municipal election. The person elected shall fill the vacancy for the remainder of the unexpired term and
288 the term to which elected. The city clerk shall administer the oath of office to them at the next meeting of
289 the city council.

290 (b) Ward Councilor - If a vacancy occurs in the office of ward councilor more than 180 days prior to any
291 regular municipal election, the city council shall immediately order a special election to fill the vacancy
292 for the remainder of the unexpired term. If a vacancy occurs 180 days or less prior to any regular
293 municipal election, the seat shall remain vacant until the next regular municipal election for the office and
294 the person elected shall fill the vacancy for the remainder of the unexpired term and the term to which
295 elected. The city clerk shall administer the oath of office to the person at the next meeting of the city
296 council.

297

ARTICLE 3

298

EXECUTIVE BRANCH

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

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

302 (b) Term of Office – The term of office for mayor shall be ~~four~~-two years, beginning on the first business
303 day in January following the municipal election.

Commented [BS14]: Council request

304 (c) Eligibility – Any statewide voter in Somerville shall be eligible to hold the office of mayor.

305 SECTION 3-2: PROHIBITIONS

306 The mayor shall not hold another compensated city position or other elected public office. A former
307 mayor shall not hold a compensated appointed city office or city employment for 1 year after termination
308 of their service as the mayor. Any former mayor shall not receive compensation for contracted work
309 authorized during their tenure as the mayor, provided, however, that they may be compensated for limited
310 hours advising the incoming mayor. This subsection shall not prevent a city officer or other city employee
311 who has vacated a position to serve as the mayor from returning to the same office or other position of
312 city employment held when the position was vacated. This prohibition shall not apply to persons covered
313 by a leave of absence under section 37 of chapter 31 of the General Laws.

314 SECTION 3-3: COMPENSATION

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

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

321 SECTION 3-4: EXECUTIVE POWERS

322 (a) Executive Powers - The executive powers of the city shall be vested solely in the mayor and may be
323 exercised by the mayor either personally or through the city agencies under the general supervision and
324 control of the office of the mayor. The mayor shall cause this charter, laws, ordinances and other orders of
325 the city government to be enforced and shall cause a record of all official acts of the executive branch of
326 the city government to be kept. The mayor shall supervise, direct, and be responsible for the efficient
327 administration of all city activities and functions placed under the control of the mayor by law or by this
328 charter.

329 (b) Supervision of City Agencies - The mayor shall exercise general supervision and direction over all
330 city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the
331 mayor any information or materials the mayor may request and as the needs of the office of mayor and
332 the interest of the city may require. The mayor shall be responsible for the efficient and effective
333 coordination of the activities of all city agencies and may call together for consultation, conference and
334 discussion, at reasonable times, all persons serving the city.

335 (c) Multiple Member Bodies - The mayor shall be, by virtue of the office, an ex officio member of every
336 appointed multiple member body of the city. The mayor may, as an ex officio member, attend any
337 meeting of an appointed multiple member body of the city, including executive sessions, to participate in
338 the discussions of that body, provided, however, that they shall not have the right to vote.

339 SECTION 3-5: APPOINTMENTS BY THE MAYOR

340 (a) Department Heads - The mayor shall appoint, subject to review by the city council under section 2-
341 8(a), all department heads for whom no other method of appointment or selection is provided by this
342 charter. Department heads serve at the discretion of the mayor subject to the limitations and requirements
343 imposed by federal and state laws, rules, or regulations.

344 (b) Multiple Member Bodies - The mayor shall appoint, subject to confirmation by the city council under
345 section 2-8(b), all members of multiple member bodies for whom no other method of appointment or

346 selection is provided by administrative order or General Laws. All members shall serve terms as defined
347 by administrative order or General Laws.

348 (c) Civil Service Employees - The mayor may appoint, subject to confirmation, members and officers of
349 the police department and fire department.

350 (d) City Employees - The method of appointment for all other city employees shall be prescribed by
351 administrative order.

352 SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

353 The mayor shall appoint a chief administrative officer to coordinate and direct the operations and
354 functions of municipal government. The chief administrative officer shall be appointed by the mayor,
355 subject to review by the city council under section 2-8(a). The appointee shall be chosen on the basis of

356 ~~strong~~ appropriate administrative and executive qualifications and shall have a combination of
357 experience, training, or education to perform the duties of the office. Within 30 days of the beginning of a
358 new mayoral term, the mayor shall submit the chief administrative officer for reconfirmation in the same
359 manner as a new appointment under section 2-8(a).

Commented [BS15]: Analyst recommendation

Commented [BS16]: Council request

360 SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

361 Whenever a temporary or permanent vacancy occurs in a city office that is appointed under section 3-
362 5(a), the mayor may designate a person to perform the duties of the office on a temporary basis for up to
363 150 days until the position can be filled as provided by law or by this charter. Persons serving as
364 temporary officers under this section shall have only those powers that are indispensable and essential to
365 the performance of the duties of the office during the period of temporary appointment and no others.

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

368 "I designate [name of person] to perform the duties of the office of [office in which
369 vacancy exists] on a temporary basis until the office can be filled by [the regular
370 procedure for filling the vacancy or when the incumbent shall return]. I certify that this

371 person is qualified to perform the duties which will be required and that I make this
372 designation solely in the interests of the City of Somerville.”

373 (b) Extension of Temporary Appointments - If an extension of a temporary appointment is necessary, the
374 mayor may seek extensions in 60-day increments, which shall be authorized by a majority vote of the city
375 council. If an extension is not approved, the position shall be deemed vacant.

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

377 Whenever a temporary or permanent vacancy occurs on a multiple member body that is appointed under
378 section 3-5(b), the mayor may designate a person to perform the duties of the office on a temporary basis
379 for up to 150 days until the position can be filled as provided by law or by this charter. If an extension of
380 a temporary appointment is necessary, the mayor may seek extensions in 60-day increments, which shall
381 be authorized by a majority vote of the city council. If an extension is not approved, the position shall be
382 deemed vacant, except on multiple member bodies where the vacancy would prevent a quorum. In that
383 instance, a temporary appointment shall be permitted to remain until a successor is qualified, provided,
384 however, that the authority of the temporary appointment shall be limited to matters where failure to act
385 by the multiple member body may have adverse consequences to the City.

386 SECTION 3-9: APPROVAL OF MAYOR, VETO

387 Every ~~order, ordinance, resolution, or vote~~ ordinance or other measure as provided for by law adopted or
388 passed by the city council, except any matters relating to the internal affairs of the city council, shall be
389 presented to the mayor for approval ~~within 3 days of adoption or passage~~. If the mayor approves the
390 measure, the mayor shall sign it. If the mayor disapproves the measure, the mayor shall return it to the
391 city council with the specific reason for disapproval attached in writing. The city council shall enter the
392 objections of the mayor on its records and reconsider the measure ~~after 14 days but before 30 days from~~
393 ~~the date of its return at the subsequent regular meeting~~. If the city council, regardless of the disapproval by
394 the mayor, shall again pass the identical measure by affirmative vote of 8 members of the city council, it
395 shall then be deemed in force. If the mayor has neither signed a measure nor returned it to the city council

Commented [BS17]: Analyst recommendation

396 within 10 days following the date it was presented to the mayor, the measure shall be deemed approved
397 and in force.

398 SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

399 (a) Communications to the City Council - The mayor shall, by written communication: (1) recommend to
400 the city council for its consideration measures as the needs of the city require; and (2) keep the city
401 council fully informed of the financial and administrative condition of the city and shall specifically
402 indicate any fiscal, financial, or administrative issues facing the city.

403 (b) Special Meetings of the City Council - The mayor may call a special meeting of the city council for
404 any purpose. Unless the mayor designates an emergency, notice of the meeting shall be delivered at least
405 2 business days in advance of the time set and shall specify the date, time and location of the meeting and
406 the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately.

407 SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

408 (a) Acting Mayor – Whenever the mayor is unable to perform the duties of the office, the president of the
409 city council shall be the acting mayor. In the event that the city council president is unable to serve as
410 acting mayor under this section, the city council shall elect a councilor to serve as acting mayor from
411 among its membership. The city council, by the affirmative vote of 8 members, shall determine whether
412 the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the
413 contrary, the vote shall be taken in public session by a roll call vote.

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

421 SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

422 The mayor may authorize and subsequently remove authorization from a subordinate officer or employee
423 of the city to exercise or perform a power, function, or duty of the office of the mayor, provided, however,
424 that all acts performed under any delegation of authority during the period of authorization shall be and
425 remain the acts of the mayor. Nothing in this section shall be construed to authorize the mayor to delegate
426 the powers and duties of a school committee member, the power of appointment to city office or
427 employment, or to sign or return measures approved by the city council unless the provisions of section 3-
428 11 apply.

429 SECTION 3-13: FILLING OF PERMANENT VACANCY

430 Whenever a permanent vacancy occurs in the office of mayor by death, removal, resignation, or any other
431 reason, the process for filling of the vacancy shall be determined by the month of the mayoral term in
432 which the vacancy occurs. Following an election to fill a mayoral vacancy, the winning candidate shall
433 start immediately and serve the remaining unexpired term.

434 (a) If a vacancy occurs within the 46 months preceding a regular city election the position shall be filled
435 by vote at that election. Otherwise, the city council shall call a special election to be held within 90 days
436 following the date of the vacancy.

437 (b) The city council president shall serve as the acting mayor in all cases until the vacancy is filled. In the
438 event that the city council president is unable to serve as the acting mayor under this section, the city
439 council shall elect a councilor to serve as the acting mayor from among its membership. If the councilor
440 serving as the acting mayor under this section chooses to run for mayor, they shall not be entitled to have
441 the words “candidate for reelection” printed with that person’s name on the subsequent election ballot.
442 Any person serving as the mayor under this section shall receive the compensation then in effect for the
443 position of mayor and shall not vote as a member of the city council.

Commented [BS18]: Analyst recommendation

444

ARTICLE 4

445

SCHOOL COMMITTEE

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

447 (a) Composition – There shall be a school committee consisting of 9 members. Seven members shall be
448 nominated and elected by the municipal voters of the city, 1 member elected from each ward. The mayor
449 and the president of the city council shall serve, ex officio, with the same powers and duties as other
450 school committee members, provided, however, that neither shall serve as chair.

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

453 (c) Eligibility – Any statewide voter in the ward from which election is sought shall be eligible to hold the
454 office of school committee member. If a school committee member removes from the city during the
455 committee member’s term, that office shall immediately be deemed vacant and filled in the manner
456 provided in section 4-6. If a school committee member removes to another ward in the city, the member
457 may continue to serve for the balance of the term to which elected.

458 SECTION 4-2: PROHIBITIONS

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

465 SECTION 4-3: COMPENSATION

466 Members of the school committee shall receive compensation for their services as set by ordinance by the
467 city council. An ordinance increasing or reducing the compensation of the members of the school
468 committee shall not be effective unless:

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

473 SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

474 School committee officers and procedures shall be determined by the school committee.

475 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

- 478 (1) selecting and removing a superintendent of the schools who shall be charged with the administration
479 of the school system, and all other personnel as provided by the General Laws;
480 (2) making all policies for the management of the public school system and for conducting the business of
481 the school committee as deemed necessary or desirable;
482 (3) adopting and overseeing the administration of an annual operating budget for the school department,
483 subject to appropriation;
484 (4) providing ordinary maintenance of all school buildings and grounds, unless a central municipal
485 maintenance department, which may include maintenance of school buildings and grounds, is established;
486 and
487 (5) at least 1 member of the school committee, or a designee of the school committee, shall serve on the
488 agency, board, or committee for the planning or construction of a new, remodeled, or renovated school
489 building.

490 SECTION 4-6: FILLING OF VACANCIES

491 If a vacancy on the school committee occurs with 1 year or more remaining in the term, the city council
492 shall order a special election to fill the vacancy. If a vacancy on the school committee occurs with less
493 than 1 year before the end of the term but more than 120 days before any regular municipal election, the
494 school committee shall appoint a replacement to serve for the remainder of the term from the qualified
495 statewide voters of the ward. The school committee shall post notice of the vacancy and solicitation of
496 nominations and appoint the replacement in accordance with school committee policy. If a vacancy
497 occurs within 120 days of a regular municipal election, the vacancy shall be filled by the regular election
498 and the newly elected school committee member's term shall begin following the certification of election
499 results. The person elected shall be sworn to office to fill the vacancy for the balance of the unexpired
500 term as well as the term to which elected. The city clerk shall administer the oath of office to them on or
501 before the next meeting of the school committee.

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ARTICLE 5

503

ADMINISTRATIVE ORGANIZATION

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SECTION 5-1: ORGANIZATION OF CITY AGENCIES

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The organization of the city into agencies to provide services and administer the government may be

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accomplished only through an administrative order submitted to the city council by the mayor. An

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administrative order may not originate with the city council. The mayor may, subject only to express

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prohibitions of General Laws or this charter, propose administrative orders to establish a new agency,

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reorganize, consolidate or abolish any agency, in whole or in part, as is deemed necessary to conduct the

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business of the city in an orderly, efficient or convenient manner. The mayor may also propose

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administrative orders to establish terms of office and prescribe the functions and administrative

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procedures to be followed by all agencies.

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These proposed administrative orders shall be accompanied by a message from the mayor which explains

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the expected benefits and advises the city council if an administrative order shall require amendments,

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insertions, revisions, repeal, or otherwise of existing ordinances. Whenever the mayor proposes an

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administrative order, the city council shall hold 1 or more public hearings on the proposal and post notice.

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An organization or reorganization plan shall become effective at the expiration of 60 days from filing,

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unless the city council ~~has voted to disapprove~~ the plan ~~by majority vote~~ prior to that date. ~~Provided,~~

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~~however, that if no regular city council meeting is held within the subsequent 60 days of the first regular~~

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~~meeting after the filing of an organization or reorganization plan, the city council shall instead have 60~~

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~~days from the second regular meeting.~~ The city council may vote only to approve or to disapprove the

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plan and may not vote to amend or to alter it.

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SECTION 5-2: QUALIFICATIONS FOR APPOINTMENTS AND PROMOTIONS

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All appointments and promotions of city officers and other city employees shall be made on the basis of

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fitness demonstrated by examination, past performance, or by other evidence of competence and

Commented [BS19]: Analyst recommendation

Commented [BS20]: Council request

526 suitability. Each person appointed to fill an office or position shall be a person who has the experience,
527 training, or education to perform the duties of the office or position.

CHARTER REVIEW COMMITTEE DRAFT

528 SECTION 5-3: COMPENSATION OF CITY EMPLOYEES

529 The mayor and city council shall provide for a review to be made of all municipal employee
530 compensation at 5-year intervals to examine whether compensation reflects principles of equity and to the
531 greatest extent possible is sufficient for municipal employees to live in the city. This review shall be made
532 by a special committee to be established by ordinance, and the initial review shall be implemented as
533 provided in section 9-7(b). The special committee shall receive a budget sufficient to hire qualified
534 consultants and any other resources necessary to undertake a thorough review. The special committee
535 shall file its report with the city clerk on a date specified by ordinance. This report shall include an
536 analysis of the current pay and compensation structure with recommendations for adjustments to that
537 structure, taking into consideration the city's current and expected financial situation and the impact of
538 the recommendations on the budget. The review of compensation shall be under the supervision of the
539 chief administrative officer.

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ARTICLE 6

541

FINANCIAL PROCEDURES

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SECTION 6-1: FISCAL YEAR

543

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

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the General Laws.

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SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

546

The city council shall hold a community budget hearing on or before February 15 of each year in order to

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solicit public input regarding budget priorities. The city council shall post notice of the community budget

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hearing 14 days in advance of the hearing. ~~After the community budget hearing but at least 10 days before~~

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~~the annual budget meeting.~~ The mayor shall, ~~at the first regular meeting of the city council of each year,~~

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solicit budget priorities from all city councilors.

Commented [BS21]: Council request

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SECTION 6-3: ANNUAL BUDGET MEETING

552

On or before ~~April~~ ~~November~~ 1 of each year, the mayor shall call a joint meeting of the city council and

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school committee, including the superintendent of schools, to review the financial condition of the city,

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revenue and expenditure forecasts for at least 3 years and other relevant information prepared by the

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mayor in order to develop a coordinated budget.

Commented [BS22]: Council request

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

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~~On or about June 1~~ ~~May 15~~, the mayor shall submit to the city council a proposed operating budget for all

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city agencies for the next fiscal year. The proposed operating budget shall include the school budget, as

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adopted by the school committee, which shall be submitted to the mayor on or about May ~~15~~ 1. The

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proposed operating budget shall be accompanied by a budget message and supporting documents. The

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budget message shall explain the operating budget in fiscal terms and in terms of work programs for all

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city agencies. It shall outline the proposed fiscal policies of the city for the next fiscal year, describe

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important features of the proposed operating budget and include any major variations from the current

Commented [BS23]: Council request

564 operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The
565 proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be
566 in the form the mayor deems desirable, provided, however, that the budget proposals relative to elected
567 officials shall identify the cost of compensation and the cost of benefits for those officials. The mayor and
568 the superintendent of schools shall coordinate the dates and times of the school committee's budget
569 process under the General Laws.

570 SECTION 6-5: ACTION ON THE OPERATING BUDGET

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

576 (b) Adoption of the Budget - The city council shall adopt the proposed operating budget, which may have
577 amendments, before the end of the fiscal year. In amending the proposed operating budget, the city
578 council may delete or decrease amounts except expenditures required by law, provided, however, that the
579 city council shall not increase any specific item or the total of the proposed operating budget except on
580 the recommendation of the mayor or unless otherwise authorized by the General Laws. If the city council
581 fails to act on an item in the proposed operating budget prior to the beginning of the fiscal year, that
582 amount shall, without any action by the city council, become a part of the appropriations for the year and
583 be available for the purposes specified.

584 (c) Availability of the Operating Budget – In addition to any other posting requirements, immediately
585 after the submission of the proposed budget to the city council, the mayor or their designee shall post the
586 entire budget document on the city website, where it shall remain posted during the city council review
587 process contained in this article. After the enactment of the budget the mayor or their designee shall post
588 the final budget on the city website where it shall remain throughout the fiscal year for which it is in

589 effect. The final budget shall reflect any amendments made by the city council and approved by the
590 mayor and shall indicate that it is the final budget.

591 SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

592 (a) Submission - The mayor shall submit a capital improvement program to the city council on or about
593 October 15 of each year. The mayor shall annually revise the information regarding the capital
594 improvements still pending or in the process of being acquired, improved, or constructed.

595 The capital improvement program shall include:

- 596 (1) a general summary of its contents;
- 597 (2) a list of all capital improvements proposed to be undertaken during the next 5 years, with supporting
598 information as to the need for each capital improvement;
- 599 (3) cost estimates, methods of financing, and recommended time schedules for each improvement; and
- 600 (4) the estimated annual cost of operating and maintaining each facility and piece of major equipment
601 involved.

602 (b) Public Hearing - The city council shall post a notice stating: (1) the times and places where entire
603 copies of the capital improvements program are available for the public; and, (2) the date, time, and place
604 of a public hearing on the plan to be held by the city council at least 14 days after posting of the notice.

605 (c) Adoption – Following the public hearing, but not later than December 1, the city council shall by
606 resolution **adopt or reject** the capital improvements program. The adopted program may be amended,
607 provided that each amendment shall be voted on separately, and that an increase in the capital
608 improvements program as submitted shall clearly identify the method of financing to accomplish the
609 proposed increase.

Commented [BS24]: Council request

610 SECTION 6-7: INDEPENDENT AUDIT

611 The city council shall annually provide for an outside audit of the books and accounts of the city to be
612 conducted by a certified public accountant or a firm of certified public accountants, which has no personal
613 interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The mayor shall annually
614 provide to the city council a sum of money sufficient to satisfy the estimated cost of conducting the audit
615 as presented to the mayor, in writing, by the city council. The award of a contract to audit shall be made
616 by the city council on or before September 15 of each year. The report of the audit shall be filed with the
617 city council not later than March 1 in the year following its award. At least every 5 years, the city council
618 shall conduct a competitive procurement process to retain these auditing services.

619 SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

627 ARTICLE 7

628 ELECTIONS

629 SECTION 7-1: ELIGIBILITY TO VOTE IN MUNICIPAL ELECTIONS

630 In addition to individuals eligible to vote pursuant to the General Laws the following individuals may,
631 upon application, have their names entered on a list of municipal voters established by the board of
632 election commissioners for the city and may thereafter vote in any election for municipal offices and
633 municipal ballot questions in accordance with this charter:

634 (1) Any non-citizen residing in the city, who is ineligible to vote due to citizenship status under federal or
635 state law, rule, or regulation, but who is otherwise eligible to vote; and

636 (2) Any 16- and 17-year old residing in the city, who is ineligible to vote due to age under federal or state
637 law, rule, or regulation, but who is otherwise eligible to vote.

638 These municipal voters shall remain eligible to vote in any election for municipal offices and municipal
639 ballot questions in the city for so long as they remain domiciled therein.

640 SECTION 7-2: PRELIMINARY ELECTIONS

641 A preliminary election to nominate candidates for mayor, councilors at-large, ward councilors, and school
642 committee members shall be held on the third Tuesday in September in each odd-numbered year in which
643 the candidates are to be elected. The city clerk may, with the approval of the city council, reschedule the
644 preliminary election to the fourth Tuesday in September to avoid a conflict with any civil or religious
645 holiday. Whenever a special election to fill a vacancy is to be held, a preliminary election shall be
646 conducted, if necessary, 28 days before the date established for the special election. A preliminary
647 election to fill a vacancy in the office of ward councilor or school committee member shall be held only
648 in the ward where there is a vacancy.

649 SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

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

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

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

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

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

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

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

668 (d) Determination of Candidates - (1) Offices of Mayor, Ward Councilor, and School Committee - the
669 two candidates who receive the highest number of votes for nomination to each office at the preliminary
670 election shall, except as provided by paragraph 7-3(d)(3), be the candidates for that office. The
671 candidates' names shall be printed on the official ballot to be used at the regular or special city election at
672 which the office is to be voted upon and an acceptance of a nomination shall not be necessary to its
673 validity.

674 (2) Offices of City Councilor At-Large - the 8 people who receive the highest number of votes for
675 nomination to the office shall, except as provided by section 7-3(e), be the candidates for the office. The
676 candidates' names shall be printed on the official ballot to be used at the regular or special city election at
677 which the office is to be voted upon and an acceptance of a nomination shall not be necessary to its
678 validity.

679 (3) Tied Preliminary - If there is a tie among candidates for the last available ballot position for any given
680 elected office, then all candidates receiving the same number of votes for the office shall be printed on the
681 general election ballot, notwithstanding any other provisions in this charter specifying the number of
682 candidates to be printed on the election ballot.

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

691 SECTION 7-4: REGULAR CITY ELECTION

692 The regular city election shall be held on the Tuesday following the first Monday in November in each
693 odd-numbered year.

694 SECTION 7-5: BALLOT POSITION, REGULAR CITY ELECTION

695 The order in which names of candidates for each office appear on the ballot shall be determined by a
696 drawing conducted by the city clerk not later than 7 days after the certification of the preliminary election
697 results. If there is no preliminary election in advance of the regular city election or a special election, the

698 drawing shall be conducted on the Tuesday 6 weeks prior to the election. The drawing shall be open to the
699 public.

700 SECTION 7-6: NON-PARTISAN ELECTIONS

701 All elections for city offices shall be non-partisan and election ballots shall be printed without any party
702 mark, emblem or other political designation.

703 SECTION 7-7: WARDS

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

709 SECTION 7-8: APPLICATION OF STATE GENERAL LAWS

710 Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be
711 governed by the General Laws relating to the right to vote, the registration of voters, the nomination of
712 candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of
713 charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of
714 votes, and the determination of results.

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ARTICLE 8
GENERAL PROVISIONS

SECTION 8-1: CHARTER CHANGES

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

SECTION 8-2: SPECIFIC PROVISION TO PREVAIL

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

SECTION 8-3: RULES AND REGULATIONS

A copy of all rules and regulations adopted by a city agency shall be posted to the city website. Unless an emergency exists, as determined by the mayor, a rule or regulation adopted by a city agency shall not become effective until at least 5 days following the date it is posted. This section shall not apply to internal operating protocols and policies enacted by city departments.

SECTION 8-4: PERIODIC REVIEW OF CHARTER

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

Commented [BS25]: Analyst recommendation

SECTION 8-5: PERIODIC REVIEW OF ORDINANCES

The mayor and city council shall provide for a review to be made of some or all of the city ordinances at least once every 10 years ~~determine the need for amendments, if any to prepare recommendations for proposed revision or recodification~~. The manner of the review shall be established by ordinance. The review of city ordinances shall be under the supervision of the city solicitor and incorporate ~~opportunities~~

739 for community input. The recommendations shall be filed with the city clerk on a date specified by
740 ordinance.

Commented [BS26]: Analyst recommendation

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

742 The mayor and the city council shall provide for a review to be made of all multiple member bodies at
743 least once every 10 years. This review shall be made by a special committee ~~to whose membership and~~
744 ~~term shall~~ be determined by ordinance, and the initial review shall be implemented as provided in section
745 9-7(d). All members of the committee shall be municipal voters of the city. The special committee shall
746 file its report with the city clerk on a date specified by ordinance. The committee's report should include
747 an assessment of the function and relevance of all multiple member bodies, and ~~may include~~
748 recommendations to combine, ~~remove-dissolve or add-newcreate~~ multiple member bodies to address
749 redundancies or new concerns of the city. Recommendations shall not conflict with multiple member
750 bodies required by the General Laws.

Commented [BS27]: Analyst recommendation

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

752 Open meeting law and procedures in the General Laws shall apply to the proceedings of multiple member
753 bodies, including the following:

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

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

761 (3) Meeting Documents and Submissions - Each appointed multiple member body shall determine its own
762 rules and order of business. Each multiple member body shall provide for the keeping of agendas, minutes

763 and related submissions of its proceedings. All documents shall be a public record and certified copies
764 shall be placed on file in the office of the city clerk within a reasonable period from the date of approval.
765 (4) Voting - If requested by a member, a vote of an appointed multiple member body shall be taken by a
766 roll call vote and the vote of each member shall be recorded in the minutes, provided, however, that if the
767 vote is unanimous only that fact need be recorded.

768 ~~(5) Quorum—A majority of the members of an appointed multiple member body shall constitute a~~
769 ~~quorum.~~ Unless some other provision is made by the multiple member body's own rules while a quorum
770 is present, except on procedural matters, ~~a majority of the full membership of the body shall be required~~
771 ~~to vote on any action on a~~ matter representing an exercise of the powers of the multiple member body
772 ~~shall require a majority vote.~~ General Laws related to a vote to meet in executive session shall always
773 require a majority of members of the body.

Commented [BS28]: Analyst recommendation

774 SECTION 8-8: REFERENCES TO GENERAL LAWS

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

779 SECTION 8-9: COMPUTATION OF TIME

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

783 SECTION 8-10: OATHS OR AFFIRMATIONS

784 (a) Officials Elected in Regular Elections - On the first business day in January of each even-numbered
785 year, the city council members-elect, the school committee members-elect, and, in years immediately
786 following a mayoral election, the mayor-elect, shall meet and take an oath or affirmation to faithfully
787 discharge the duties of their office. The oath or affirmation shall be administered by the city clerk, the

788 assistant city clerk, a judge of a court of record or by a justice of the peace. Each official taking the oath
789 or affirmation shall also sign a written version, which shall be kept in a bound book maintained by the
790 city clerk. If the mayor-elect or any member-elect of the city council or school committee is absent on the
791 day the oath is administered, the oath or affirmation may be administered at any time after to that person.

792 ~~Modifications to this section may be made by ordinance.~~

Commented [BS29]: Analyst recommendation

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

797 ~~(c) Certificate—Every person who is elected or appointed to an office or as a member of a multiple~~
798 ~~member body shall receive a certificate of that election or appointment from the city clerk.~~

Commented [BS30]: Analyst recommendation

799 SECTION 8-11: LIMITATION ON OFFICE HOLDING

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

803 SECTION 8-12: FELONY CONVICTION

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

806 SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

807 It shall be the duty of the mayor to see that this charter is faithfully followed and complied with by all city
808 agencies and employees. Whenever it appears to the mayor that a city agency or employee is not
809 following this charter, the mayor shall, in writing, cause notice to be given to that agency or employee
810 directing compliance with this charter. Whenever it appears to the city council that the mayor is not
811 following this charter, the city council shall, by resolution, direct the attention of the mayor to those areas

812 in which it believes there is a failure to comply with this charter. The procedures made available in
813 chapter 231A of the General Laws may be used to determine the rights, duties, or other legal relations
814 arising under this charter, including any question of construction or validity which may be involved in
815 that determination.

CHARTER REVIEW COMMITTEE DRAFT

816

ARTICLE 9

817

TRANSITION PROVISIONS

818

SECTION 9-1: CONTINUATION OF EXISTING LAWS

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All General Laws, special laws, city ordinances, city council votes, rules and regulations of or pertaining

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to the city that are in force when this charter takes effect, and not specifically or by implication repealed

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by this charter, shall continue in full force and effect until amended or repealed, or rescinded by due

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course of law, or until they expire by their own limitation. In any case in which the provisions of this

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charter are found to be inconsistent with the provisions of any general or special law that would otherwise

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be applicable, the provisions of this charter shall prevail.

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SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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All city agencies and city officials shall continue to perform their duties until reappointed, until

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successors to their respective positions are appointed or until their duties have been transferred and

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assumed by another city agency.

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SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

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All records and property of any city agency, or part thereof, the powers and duties of which are assigned

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in whole or in part to another city agency, shall be transferred forthwith to that agency.

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SECTION 9-4: CONTINUATION OF PERSONNEL

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All city office holders and employees shall retain the office, position or employment they hold, and shall

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continue to perform the duties of the office, position or employment until their employment or position is

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otherwise terminated or other provisions are made. A person in full-time service of the city shall not

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forfeit accrued time in service of the city as a result of adoption of this charter.

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

838

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed

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by, with, or on the behalf of the city before the adoption of this charter, shall continue to be obligations of

840 the city; and all taxes, assessments, fines, penalties and forfeitures, incurred or imposed, due or owing to
841 the city, shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except
842 as herein otherwise provided, shall continue without abatement and remain unaffected by this charter; and
843 any legal act done by or in favor of the city shall not be rendered invalid by reason of the adoption of this
844 charter.

845 SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

846 (a) Certain Special Acts Recognized and Retained - The following special acts are hereby especially
847 recognized and retained: *[TO BE ADDED BY THE CITY COUNCIL]*

848 SECTION 9-7: TIME OF TAKING EFFECT

849 *[TO BE ADDED BY THE CITY COUNCIL]*

850 (a) CREATION OF PUBLIC FINANCING OF CAMPAIGNS COMMITTEE

851 Within 6 months of the adoption of this charter, the city council shall create a public financing of
852 campaigns committee to study public financing mechanisms and prepare recommendations with the goal
853 of making running for office in the city more accessible to potential candidates. The directive of this study
854 committee is to consider a full range of options as practicable, provide analysis on the potential benefits
855 and barriers of each option, and consider which are the best fit for the city. If the city council has already
856 taken action consistent with this provision, no action is necessary.

857 The committee shall consist of ~~7~~9 members: 1 shall be the chair of the board of elections commissioners
858 or their designee, 1 shall be the city council president or their designee, 1 shall be the chair of the school
859 committee or their designee, 2 shall be community members appointed by the city council, 2 shall be
860 community members appointed by the school committee, 2 shall be community members appointed by
861 the mayor. The committee shall elect a chair and establish the schedule of its meetings.
862 The committee shall issue recommendations to the city council within 12 months of creation. The city
863 council shall take action on the recommendations within 90 days of receipt.

Commented [BS31]: Council request

864 (b) CREATION OF THE INITIAL FIRST EQUITABLE COMPENSATION DISTRIBUTION

865 COMMITTEE

866 The mayor and the city council shall convene the initial equitable compensation distribution committee,
867 pursuant to section 5-3, within sufficient time that the committee's report can be delivered by the date of
868 the Annual Budget Meeting in the following calendar year. If the city council has already taken action
869 consistent with this provision, no action is necessary.

870 In addition to the subject matter required in section 5-3, the committee's initial report shall include: (1)
871 proposed solutions to address existing compensation disparities or related issues, including but not limited
872 to tying mechanisms (a set ratio to determine pay of elected officials, tying the highest possible pay of an
873 elected official to the lowest paid municipal employee); (2) a proposed implementation plan to establish
874 compensation distribution standards; (3) an analysis of the proposed cost and timeline to implement those
875 standards; (4) a comparative analysis of other approaches to this issue in similar municipalities; and (5) an
876 analysis of the impacts on the community of the city.

877 The committee shall consist of at least 8 members: 1 shall be the mayor or their designee, 1 shall be the
878 city council president or their designee, 1 shall be ~~a member~~ the chair of the school committee or their
879 designee, 1 shall be a member of the municipal compensation advisory board, 1 shall be a member of the
880 charter review committee, 1 shall be a community member appointed by the mayor, 1 shall be a
881 community member appointed by the city council, and one shall be the city auditor or their designee. In
882 addition, any other representation deemed necessary by the mayor and city council may be jointly
883 appointed. The committee shall elect a chair and establish the schedule of its meetings.

884 The committee shall be provided with an initial budget of at least \$50,000 for its expenses, including
885 hiring of consultants as required to assist with the examination and analysis.

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

Commented [BS32]: Analyst recommendation

888 (c) CREATION OF RANKED CHOICE VOTING IMPLEMENTATION COMMITTEE

889 Within 6 months of the passing of this charter, the city council shall create a ranked choice voting
890 committee to propose a measure to adopt ranked-choice voting and submit a report on ranked-choice
891 voting in the city. A voting method shall be considered ranked choice voting if the municipal voter ranks
892 candidates in order of preference. The committee's report shall include: (1) the elected offices to be
893 selected by this voting method; (2) a timeframe and strategy for implementation; (3) infrastructure and
894 equipment requirements; (4) a cost analysis; (5) a comparative analysis of other voting methods; (6) an
895 analysis of potential equity concerns; and (7) a community education plan. If the city council has already
896 taken action consistent with this provision, no action is necessary.

897 The goal of this committee is to implement ranked choice voting in order to more accurately reflect the
898 will of the voters, increase the number and diversity of candidates, lower barriers to candidate
899 participation and increase transparency of elections.

900 The committee shall consist of ~~7~~ members: 1 shall be the chair of the board of elections commissioners
901 or their designee, 1 shall be the city council president or their designee, 1 shall be the chair of the school
902 committee or their designee, 2 shall be community members appointed by the city council, 2 shall be
903 community members appointed by the school committee, 2 shall be community members appointed by
904 the mayor. The committee shall elect a Chair and establish the schedule of its meetings.

905 The committee shall propose a measure to the city council within 18 months. The city council shall take
906 action on the measure within 90 days of receipt.

907 (d) INITIAL PERIODIC REVIEW OF MULTIPLE MEMBER BODIES

908 The mayor and the city council shall convene the first periodic review of multiple member bodies
909 committee, pursuant to section 8-6, within 6 months of the passing of this charter. The committee's report
910 should include: (1) an assessment of the functions and relevancies of the city's current multiple member
911 bodies; (2) a review of activities of multiple member bodies from recent years; (3) the ability of the city to
912 fill appointments to the body; and (4) recommendations for combining, removing or adding new multiple

Commented [BS33]: Council request

913 member bodies. If the city council has already taken action consistent with this provision, no action is
914 necessary.

915 The committee shall consist of at least 8 members: 1 shall be the mayor or their designee, 1 shall be the
916 city council president or their designee, 1 shall be ~~a member~~ the chair of the school committee or their
917 designee, 1 shall be a member of the municipal compensation advisory board, 1 shall be a member of the
918 charter review committee, 1 shall be a community member appointed by the mayor, 1 shall be a
919 community member appointed by the city council, and 1 shall be the city auditor. In addition, any other
920 representation deemed necessary by the mayor and the city council may be jointly appointed.

921 The committee shall elect a chair and establish the schedule of its meetings. The committee shall be
922 provided with an initial budget of at least \$25,000 for its expenses, including hiring of consultants as
923 required to assist with the examination and analysis.

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

926 (e) PARTICIPATORY BUDGETING STUDY COMMITTEE

927 Within 6 months of the adoption of this charter, the city council shall create a participatory budgeting
928 committee to study participatory budgeting and related participatory mechanisms and prepare
929 recommendations with the goal of increasing resident participation in city government. The directive of
930 this study committee is to consider a full range of options as practicable, provide analysis on the potential
931 benefits and barriers of each option, review the results of previous participatory budgeting programs, and
932 consider which are the best fit for the city. If the city council has already taken action consistent with this
933 provision, no action is necessary.

934 The committee shall consist of 79 members: 1 shall be the director of finance or their designee, 1 shall be
935 the city council president or their designee, 1 shall be the chair of the school committee or their designee,
936 2 shall be community members appointed by the city council, 2 shall be community members appointed
937 by the school committee, and 2 shall be community members appointed by the mayor. The committee

Commented [BS34]: Analyst recommendation

Commented [BS35]: Council request

938 shall elect a chair and establish the schedule of its meetings.

939 The committee shall issue recommendations to the city council within 12 months of creation. The city

940 council shall take action on the recommendations within 90 days of receipt.

CHARTER REVIEW COMMITTEE DRAFT