



CITY OF SOMERVILLE, MASSACHUSETTS  
KATJANA BALLANTYNE  
MAYOR

**Memorandum**

To: Honorable City Council  
From: Office of Mayor Ballantyne  
Re: Charter Review  
Date: September 10, 2024

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Dear Councilors,

Thank you for transmitting a proposed charter for the city of Somerville. I greatly appreciate the quality and depth of the civic engagement that produced this impressive document. The work done by the appointed Charter Review Committee was truly impressive. Further, the debates at the City Council were both robust, thoughtful, and productive. In the end, I think we can all agree that we want to enact the best possible governing document for our City; one that will update the 1899 charter that the City is currently operating under. This progress is long past due.

I offer the following substantive recommendations in the hope that we can come to agreement on some key elements of this proposed charter. I am eager to finalize this document, send it to the General Court and the Governor for their endorsement, and ultimately to the voters for their decision in the voting booth.

Below, I have directed staff to provide comments from my administration by Section number from the document that was submitted to me by the City Council.

Again, thank you for your diligence, your thoughtfulness, and your collaboration both with my administration and the community.

Sincerely,

Mayor Katjana Ballantyne





1 **Charter Review Comments from the Ballantyne Administration**

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4 **I. City Clerk Term**

5 Section 2-7(a): The City Council is reminded that Chapter 355 of the Acts of 1989 grants a 3-year  
6 term to the office of city clerk. That Act will either have to be retained, amended or repealed  
7 within the new charter.

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10 **II. City Council Staff**

11 Section 2-7(d): Add after the word “*regulations*”, the words “*and city personnel policies and*  
12 *procedures*”. This ensures that all city employees are treated equally and appropriately  
13 regardless what position they hold within the City.

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15 **III. Department Head Confirmation**

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17 Section 2-8(a): The following text is suggested in order to clarify timeframes:

18 *(a) Department Heads - The mayor shall refer to the city council for confirmation and*  
19 *simultaneously file with the city clerk the name of each person the mayor appoints as a*  
20 *department head. These appointments shall be considered confirmed 30 days from the*  
21 *date of the first regularly scheduled city council meeting after the date on which notice*  
22 *of the appointment was filed with the city clerk, unless the city council within said 30*  
23 *days shall reject the appointment by the affirmative vote of 8 members. However, if no*  
24 *city council meeting is held within the subsequent 30 days following the mayor’s filing,*  
25 *the city council shall have an additional 30 days from the date of mayor’s filing to reject*  
26 *the appointment. The city council shall not unreasonably reject an appointment and shall*  
27 *accompany a rejection with a written statement describing the reason, which shall be*  
28 *delivered to the mayor and placed on file with the city clerk within 30 days of the*  
29 *council’s vote rejecting an appointment. The question on rejection of any appointment*  
30 *made by the mayor shall not be subject to the procedure of charter objection provided in*  
31 *section 2-9(b) of this charter.*

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34 **IV. Multi Member Bodies**

35 Section 2-8(b): Employment law considerations are not applicable here. These are appointed  
36 volunteers. Strike the last sentence in its entirety.

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38 **V. Constables**

39 Section 2-8(c): The administration supports the acceptance of the state statute that governs  
40 the appointment of constables.

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42 **VI. Access to Information**



1 Section 2-10: The administration recommends adding protections for privileged information  
2 and information unrelated to the official duties and responsibilities of the city council.

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4 **VII. Filling of Vacancies**

5 Section 2-12: The administration recommends that the process of filling vacancies for at-large  
6 and ward councilors be consistent.

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9 **VIII. Mayoral Term**

10 Section 3-1(b): Strike in its entirety and replace with:

11 Section 3-1(b): Term of Office – The term of office for mayor shall be four years,  
12 beginning on the first business day in January following the municipal election.

13

14 The terms of office for elected officials have been subject to considerable debate—whether  
15 local, state, or federal. These discussions often become controversial, polarizing, and tend to  
16 focus not on the demands of the specific elected office and the needs of the constituency for  
17 steady service and progress but rather morph into a referendum on past or current office  
18 holders. Potential office seekers granted control of this decision will also often focus on their  
19 own potential access to eventual office more than the need for steady service by constituents.  
20 That focus is misplaced.

21

22 Being the chief elected official of local government is extremely complex. New administrations  
23 must adapt to inherited budgets, assess and address existing initiatives in-progress, resolve the  
24 deleterious impacts of the inevitable high turnover during transition, rebuild institutional  
25 knowledge, absorb enormous amounts of new information including regulations and laws,  
26 establish the authority and collaboration that supports productive working environments,  
27 rebuild the executive that keeps a city running, and so much more. That, coupled with having to  
28 wage a political campaign every 2 years not only adds to this challenge but takes the executive  
29 away from core work of serving the community. No employer hopes to hire new staff and then  
30 have them leave every two years. Limiting the Mayoral term in a mid-sized city with big city-  
31 level initiatives and challenges is to seek that disruption and loss of productivity at a much  
32 higher scale. Transitions of government are healthy no doubt but they must be at reasonable  
33 intervals to balance progress and disruption with the opportunity for change. The Charter  
34 Review Committee recommended a four-year term for this reason. This administration agrees.  
35 This modernization of the charter is needed to address the needs of a 21st century city and not  
36 the Somerville of 1899. Our City, our community, and our Council all have great ambitions for  
37 Somerville and how we can create progress, quality core services, and sound fiscal  
38 management for our constituents. Ensuring new administrations can better advance the work  
39 under more reasonable terms of office is vital to avoid the impacts of such short terms of office  
40 for executive management.

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1 The following is from a University of Vermont’s Legislative Research Shop White Paper: *Changes*  
2 *in Gubernatorial Term Lengths:*

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4 “Political Scientist Larry Sabato, a highly respected expert on state politics, argued that  
5 historically two-year terms were “considered more democratic, because [they] subjected the  
6 governor to the judgment of the people at more frequent intervals.” Conversely, two-year  
7 terms leave the governor in the situation where, in the first term, he must spend the first year  
8 getting acquainted with his position and the second year in campaigning for reelection.” In a  
9 February 26, 2004 email, University of North Carolina at Chapel Hill Political Scientist Thad  
10 Boyle, a nationally recognized scholar of governors and state legislatures concurred by saying  
11 that “The one message that I repeatedly heard about four-year terms is that in the first year  
12 you learn how to be governor, in the second and third year you can do what you had hoped to  
13 do, then in the fourth year you are running for reelection. With two-year terms, you do not get  
14 those productive second and third years.”

15  
16 Replace the word “governor” with the word “mayor” and the impacts are entirely the same.  
17 There are 44 mayor-council forms of government in Massachusetts. Of these mayor-council  
18 governments, 57% have mayors that serve 4-year terms (a total of 25). Beverly and Chicopee  
19 voters just approved a 4-year term for the office of mayor in their cities at the last municipal  
20 election. Eight out of eleven cities closest in population to Somerville have 4-year terms for  
21 mayor. The Charter Review Committee’s survey unveiled that 62% of Somerville residents  
22 support a 4-year term for the office of mayor of Somerville. After soliciting community feedback  
23 and interviews with critical members of City staff and elected officials, the Charter Review  
24 Committee strongly recommended 4-year Mayoral term. Nonpartisan nonprofit organizations  
25 such as the National Civic League’s model charter also strongly advocate for 4-year Mayoral  
26 term. The vast majority of cities in Massachusetts with a 2-year term for the office of mayor are  
27 operating under charters that were enacted before 1970. The trend is clearly leaning toward 4-  
28 year terms for mayors in Massachusetts.

### 30 **Benefits of a 4-year term**

#### 32 **Ability to govern vs. campaign**

33 Campaigning every two years distracts from governance and thus the needs of constituents  
34 directly because of the fact that getting much of anything done in one’s first term, particularly  
35 for a 2-year-term mayor, is limited by such a narrow window of time, the focus inevitably shifts  
36 to fundraising, campaigning, and future plans -- not out of self-interest but because real  
37 progress demands the time provided by a second term.

#### 39 **Learning curve**



1 Four-year terms gives a new mayor more time to get up to speed on issues and their job  
2 responsibilities. It also gives more time to build relationships and trust with the council, staff,  
3 and community.

4  
5 **Moving at the speed of government**

6 New initiatives often take time to see through, and government can move slowly at times due  
7 to regulations, procurement law, community process, funding cycles, and other unavoidable  
8 constraints including the staff loss that tends to accompany transitions. Having time to see  
9 initiatives through is helpful for everyone and the process.

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11 **Continuity and delivering results**

12 Four-year terms help to provide stability and continuity for the community and helps provide  
13 consistency for long-range planning. Four-year terms can empower voters by making their  
14 votes consequential because those whom they elect would actually be expected to accomplish  
15 what they set out to do.

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17 Lastly, if a 4-year term is proposed to the voters, we suggest that the provision take effect for  
18 the term of office of mayor that commences in 2028 to remove it further from current office  
19 holders.

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21 IX. **Section 3-2:** An outgoing mayor holds the office for approximately 2 months before  
22 vacating the office. That is plenty of time to provide for transitional assistance as  
23 needed by the incoming administration. The administration recommends that the  
24 provision providing compensation to the outgoing mayor be eliminated.

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26 **X. Executive Powers**

27 Section 3-4(a): The administration recommends retaining the provision from the current  
28 charter regarding the mayor's power to sign and execute contracts on behalf of the city.

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30 **XI. City Attorney**

31 Section 3-5(b): The administration is opposed to any reappointment process. Strike in its  
32 entirety and replace with:

33 *Section 3-5(b): City Attorney – The city attorney shall be appointed by the mayor, subject*  
34 *to confirmation by the city council under section 2-8(a). Whenever the mayor appoints a*  
35 *city attorney the mayor shall submit the name of a person to serve as city attorney for*  
36 *confirmation under section 2-8(a).*

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38 XII. **Section 3-5(d):** For clarity, strike in its entirety and replace as follows:

39 *Section 3-5(d): Police and Fire Employees – The mayor may appoint, subject to council*  
40 *confirmation, members and officers of the police department and the fire department*  
41 *subject to the requirements of the state's Civil Service law.*



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**XIII. Appointment of Chief Administrative Officer**

Section 3-6: The administration is opposed to any reappointment process. Strike the in its entirety and replace with:

*Section 3-6: The mayor shall appoint a chief administrative officer to coordinate and direct the operations and functions of municipal government. The chief administrative officer shall be appointed by the mayor, subject to confirmation by the city council under section 2-8(a). The appointee shall be chosen on the basis of appropriate administrative and executive qualifications and shall have a combination of experience, training, or education to perform the duties of the office. Whenever the mayor appoints a chief administrative officer the mayor shall submit the name of a person to serve as a chief administrative officer for confirmation under section 2-8(a).*

**XIV. Temporary Appointments to Multi Member Bodies**

Section 3-8: The administration has concerns about the mechanism for determining what “adverse consequences” might be. This provision also restrains the appointee to act as a contributing member of the body. Strike the last sentence in its entirety.

**XV. Special Meetings**

Section 3-10(b): Add after the word “delivered” in the first sentence the words “by hand or by electronic mail.”

**XVI. Mayoral Vacancy**

Section 3-13: Strike in its entirety and replace with:

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

- (a) If a vacancy occurs within the initial 36 months of the term, the city council shall call a special election to be held within 90 days following the date of the vacancy, provided, however, that if the vacancy occurs in a regular municipal election year, the city council may request that the city clerk determine if the election calendar would allow for the filling of the vacancy at the next regular municipal election following such vacancy. Upon receiving the clerk’s determination, the city council may delay the filling of the vacancy until such election notwithstanding that the date of the election may exceed 90 days from the date of the vacancy. The president of the city council shall serve as acting mayor until the vacancy is filled. If the city council president is unwilling or unable to serve, the city council shall elect a councilor to serve as the acting mayor from among its membership. The resulting vacancy on the council shall be filled in the manner provided in section 2-12. Any person serving as the mayor under this section shall receive the compensation then in effect for the position of mayor and shall not vote as a member of the city council. The person elected as mayor shall take office immediately upon certification of the vote and serve for the balance of the remaining term.*



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2 (b) *If a vacancy occurs in the final 12 months of the term, the office of mayor shall be filled*  
3 *as provided in (a) above; provided, however that if the councilor serving as the acting*  
4 *mayor under this section chooses to be a candidate for mayor, they shall not be entitled*  
5 *to have the words “candidate for reelection” printed with that councilor’s name on the*  
6 *regular municipal election ballot. The resulting vacancy on the council shall be filled in*  
7 *the manner provided in section 2-12. The person elected as mayor at the regular*  
8 *municipal election shall take office immediately upon certification of the vote and shall*  
9 *serve for the balance of the remaining term as well as the term to which elected.*

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12 **XVII. Filling of School Committee Vacancies**

13 Section 4-6: Massachusetts General Laws Chapter 43, Section 36 provides a process for filling a  
14 vacancy on a school committee. The administration's proposal mirrors that statutory process  
15 and adds a provision that the defeated candidate to be appointed. This proposed process will  
16 fill the vacancy expeditiously; and will allow for the city council to participate as representatives  
17 of the voters, both city-wide and by ward, making the selection a city-wide exercise; and avoid  
18 the cost of holding a special election. Please note that similar processes are used in at least 20  
19 cities in Massachusetts. Strike in its entirety and replace with:

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21 *“If a vacancy occurs in the membership of the school committee whether by failure to elect or*  
22 *otherwise, the president of the city council shall, not more than 30 days after the date on which*  
23 *that vacancy is declared to exist, call a joint meeting of the city council and the school*  
24 *committee to act to fill the vacancy. At the joint meeting, a majority of those present and voting*  
25 *shall fill the vacancy for the remainder of the unexpired term by choosing the defeated*  
26 *candidate for the seat at the last regular city election; If there was no other candidate for the*  
27 *office, the city council and the school committee shall at their discretion choose an individual,*  
28 *from among the voters entitled to vote for that office for the remainder of the unexpired term. A*  
29 *person so chosen shall take the oath of office and commence to serve forthwith. No vacancy*  
30 *shall be filled in the manner provided in this section if a regular city election is to be held not*  
31 *more than 180 days after the date the vacancy is declared to exist. In an election being held to*  
32 *elect a candidate to a seat that is vacant at the time of the election, the candidate deemed the*  
33 *winner of the election to that seat shall be sworn in to serve the remainder of the term*  
34 *previously vacated at the first regularly scheduled school committee meeting after the date the*  
35 *election results are officially certified.”*

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38 **XVIII. Compensation of City Employees & Equitable Compensation Distribution Committee**

39 Section 5-3: The Collins Center was quite clear in expressing its concerns on this provision to  
40 both the Charter Review Committee and the City Council. The administration shares those  
41 concerns. Somerville already has an established municipal compensation advisory board to  
42 study the compensation of non-union employees. Furthermore, significant number of city



1 employees are members of collective bargaining units that bargain wages and other terms and  
2 conditions of employment with city employees pursuant to a state-wide statutory structure. It  
3 is ill-advised and inefficient to establish another multiple-member body to re-examine and  
4 opine on employee compensation issues. By no means should the City muddy labor relations  
5 waters by establishing what could be perceived as some sort of shadow collective bargaining  
6 agent or potentially coercive mechanism for a process that should be driven by data, the  
7 market, best human resources practices, and fully divorced from politics.

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10 **XIX. Independent Audit**

11 Section 6-7: The procurement process for goods and services should remain under the purview  
12 of the executive. Staff are trained in sound and legal business practices that are both complex  
13 and irrefutable. The administration does, however, support a more robust involvement of the  
14 City Council in the review of the audit findings and recommendations as well as the discussion  
15 of any management letter recommendations. The language below accomplishes that and gives  
16 the city council more involvement in this important function of city government. Strike in its  
17 entirety and replace with:

18 *Section 6-7: The mayor shall annually provide for an outside audit of the books and*  
19 *accounts of the city in the form of an Annual Comprehensive Financial Report to be*  
20 *conducted by a certified public accountant or a firm of certified public accountants,*  
21 *which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of*  
22 *its officers. The award of a contract to audit shall be made by the mayor on or before*  
23 *September 15 of each year. The report of the audit and all accompanying documents,*  
24 *including a management letter so-called shall be filed in final form with the city council*  
25 *no later than March 1 in the year following its award. The certified public accountant or*  
26 *firm of certified public accountants shall make a presentation to the city council as soon*  
27 *as practicable after said March 1 but no later than May 31 of each year. At least every 3*  
28 *years, the mayor shall conduct a procurement process using sound business practices to*  
29 *retain these services.*

30  
31 **XX. Periodic Review of Ordinances**

32 Section 8-5: Add after first sentence *“Such review shall be scheduled to follow the charter*  
33 *review as provided for in section 8-4 of the charter by at least 1 year”.*

34  
35 **XXI. Periodic Review of Multi Member Bodies**

36 Section 8-6: Strike the first sentence and replace with:

37 *The mayor and city council shall provide for a review to be made of all multiple-member*  
38 *bodies at least once every 10 years, provided however that such bodies as are required in*





1 cities by the General Laws, established by a special act of the legislature at the city's  
2 request or established by the city's acceptance of one or more of state enabling law at  
3 least 10 years prior to the adoption of the charter shall not be included in such review.  
4

5 **XXII. Disposition of Special Acts**

6 Section 9-6: Strike in its entirety and replace with:

7 (a) *Certain Special Acts repealed: The following special acts are hereby repealed: St.1899, c.*  
8 *240, establishing a charter for the city of Somerville; provided, however, that section 38*  
9 *establishing the composition and term of the board of health, section 39 establishing the*  
10 *composition and term of the board of library trustees, and section 43 requiring that the*  
11 *purchasing agent make all city purchases, shall remain in effect until such time as the*  
12 *city acts under Article 5 of the charter to enact one or more administrative orders; St.*  
13 *1982, c. 656 authorizing the mayor and council salaries to be set by ordinance; St. 1989,*  
14 *c. 355, establishing a 3 year term for the city clerk;, St. 2014, c. 90, filling a vacancy in*  
15 *the office of mayor; St. 2018, c. 355, replacing the words "board of aldermen" and*  
16 *"alderman", with the words "city council" and "councilor", replacing the words*  
17 *"alderman at-large" with the words "councilor at-large", and replacing the words*  
18 *"aldermen-elect" with the words "council-elect", and St. 2022, c. 312, making c. 240 of*  
19 *1899 gender neutral.*  
20

21 (b) *Certain Special Acts Recognized and Retained -: The following special acts are hereby*  
22 *especially recognized and retained:*

23 *The following special acts, including those which amended Chapter 240 of the Acts of*  
24 *1899, relating to the organization of the city's government, are recognized and retained*  
25 *as follows, notwithstanding any reference to said c. 240: St. 1923, c.191, St. 1939, c.190,*  
26 *and St. 2018, c.410 relating to the Licensing Commission; St. 1928, c. 41 and c. 81, St.*  
27 *2021, c. 63 relating to the Board of Appeals; St. 1928, c. 82, St. 2018, c. 410, and St.*  
28 *2012, c. 400 relating to the Board of Election Commissioners; St. 1934, c. 294 relating to*  
29 *the Auditor, St. 1934, c. 295 relating to the Treasurer; St. 1953, c. 653, St. 1988, c. 94, ss.*  
30 *40, 40A, B, C, and D, St. 2004, c. 317, and St. 2008, c.112 relating to the Department of*  
31 *Public Works; St. 1977, c. 644 relating to the School Committee; St. 1985, c. 23, and St.*  
32 *2012, c. 400 relating to the Board of Assessors; St. 1991, c. 390 relating to the*  
33 *Disabilities Commission; St. 2008, c. 106 establishing the Municipal Hearing Officer; St.*  
34 *2012, c. 381, and St. 2016, c. 142 relating to the Alcoholic Beverages Commission; St.*  
35 *2018, c. 364 relating to the Redevelopment Authority; St. 1978, c.297, St. 2012, c.312.*  
36 *and St. 2012, c. 400 relating to the Traffic Commission; and ss. 1-10, 26, 50, 43, 47, 48,*  
37 *49, 50, 56, 57, 58, 59 and 60 of c. 400 of the Acts of 2012 until such time as the city acts*  
38 *under Article 5 of this charter to adopt one or more administrative orders."*



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3 **XXIII. Periodic Review of Multiple Member Bodies**

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5 Section 9-7 (f): The administration recommends the modification of the composition of the  
6 initial multiple member bodies study committee. We recommend including the appointment of  
7 the city clerk. Further, charter provisions should not require the city to make any  
8 appropriations.