

KEY: SECTION 1 – charter provisions eliminated in their entirety
SECTION 2 – charter provisions partially eliminated
SECTION 3 – charter sections to be modified
SECTION 4 - new material
SECTION 5 – special acts to be repealed (as applicable)
SECTION 6 -- effective date

AN ACT RELATIVE TO THE CHARTER OF THE CITY OF SOMERVILLE

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

SECTION 1: Chapter 240 of the Acts of 1899, is hereby amended by striking the following sections in their entirety:

Title 1, Section 3 relating to eligible voters
Title 1, Section 9 relating to ward caucuses
Title 2, Section 14 relating to the city messenger
Title 2, Section 19 relating to public safety
Title 4, Section 23 relating to the suspension and removal of city officers
Title 6, Section 35 relating to the city physician
Title 6, Section 37 relating to the Board of Public Welfare
Title 6, Section 40A.1 relating to transferred employees
Title 6, Section 40A.2 relating to the bargaining rights of transferred employees
(has since expired)
Title 6, Section 49, relating to ethical requirements
Title 6, Section 55, relating to charter's effective date

Division 2, Article 1, Section 2 (Licensing Commission) relating to effective date
Division 2, Article IV, Section 1 (Election Commissioners)
Division 2, Article IV, Section 7 relating to elections
Division 2, Article V, Sections 1 -11 (inclusive), Section 13 relating to listing board
Division 2, Article VI, Section 17 (Elections) relating to effective date
Division 2, Article VII, Sections 11 and 12 (Traffic Commission) – relating to
revocation and effective date

SECTION 2: Chapter 240 of the Acts of 1899, is hereby amended by striking the following provisions:

Title 2, Section 11: strike in the second sentence the phrase, "but a less number may meet and adjourn from time to time."

Title 3, Section 17, subsection (3): strike the last sentence.

Title 3, Section 18: strike the last sentence (relating to Somerville Hospital).

Title 5, Section 30: strike phrase in the second sentence, " but a less number may meet and adjourn from time to time."

Title 6, Section 32: strike phrase in the first sentence "except license fees and other monies the collection of which is provided by law."

Title 6, Section 38: strike the third sentence.

Title 6, Section 53: strike the second sentence.

Division 2, Article VII, Section 8(a): strike final two sentences.

SECTION 3: Chapter 240 of the Acts of 1899, is hereby amended as follows:

Title 3, Section 16: replace in the 4th sentence text "order[.]" with text "order,"

Title 3, Section 17, subsection (1): remove phrase in first sentence "and of the mayor and"; in subsection (3) replace the word "town" with the word "public"; replace word "therefor" with word "therefore"

Title 4, Section 21: Add "311 director"; replace "superintendent of the division of highways" with "superintendent of highways, electric lights and lines; strike all of the following phrases: "one or more measurers of wood and bark," "two or more field drivers" and "two or more fence viewers." Replace "city solicitor" with "city attorney."

Title 4, Section 27: delete the section in its entirety and insert in its place the following:

In case of the inability of the mayor from absence or any other cause to perform the duties of his office, the president of the board of aldermen shall, until such inability is removed, but in no case for a period of time longer than ten days, exercise the powers and perform the duties of mayor, under the style of acting mayor, except that he shall not, unless authorized thereto in a special instance by the board of aldermen, and then only in case of exigency requiring an immediate appointment or removal, make any permanent appointment or removal. In case

of the inability of the mayor from absence or any other cause to perform the duties of his office for a period of time exceeding ten days, but prior to a vacancy occurring as provided in Section 7 of the City Charter, the acting mayor shall be voted by the board of aldermen by a majority vote of all its members. An acting mayor chosen by majority vote of the board of aldermen shall have power to approve or disapprove any ordinance, order, resolution or vote of the board of aldermen. In case of such inability on the part of the president of the board of aldermen to serve as acting mayor for the initial period of ten days, his powers and duties hereunder shall devolve upon the vice-president of the board, and in case of such inability on the part of both the president and vice-president such powers and duties shall devolve upon the president pro tempore of said board.

Title 5, Section 28: Replace the phrase in the first sentence "The management and control of public schools" with phrase "Policy direction of the public schools".
Replace phrase "ex officials" with phrase "serving ex officio."

Title 6, Section 34: Replace phrase "city solicitor" with phrase "city attorney"

Title 6, Section 36(b): replace text "accounting[.]" with text "accounting,"

Title 6, Section 36(f): replace text establish[,] with text "establish,"

Title 6, Section 36(g) add phrase "and posted" following the words "dwelling place" in the second sentence.

Title 6, Section 36 (j): strike 2nd paragraph, relating to transitional provision

Title 6, Section 43: replace phrase [of the Charter]; with phrase "of the Charter", insert phrase "and state law" between the words "Charter" and "make".

Title 6, Section 44: replace phrase "several administrative boards and officers named in this title having charge of departments shall, subject to the approval of the mayor" with the phrase, "Mayor shall appoint..."

Title 7, Section 46C: replace word "unemcumbered" with word "unencumbered."

Replace word "therefor" with word "therefore"

Title 7, Section 52: Strike present text and replace as follows: "Nothing herein shall affect the enforcement of the state's civil service laws"

Division 2, Article I, Section 1: Replace present text as follows: "There shall be a board of appeals with all powers and duties accorded to it by the State Zoning Enabling Act and authority."

Division 2, Article II, Section 1: Replace text "Section twenty-seven of Chapter forty of the General Laws, as affected by Chapter 49 of the Acts of nineteen hundred and twenty-eight" with text "the State Zoning Enabling Act and other authority."

Division 2, Article IV, Section 2: Add the following as first sentence: "There shall be a board of election commissioners."

Division 2, Article IV, Section 3: Strike first sentence in its entirety and replace as follows: "The members of the board of election commissioners shall serve until the expiration of their respective terms and until their successors are qualified."

Division 2, Article IV, Section 5: Strike and replace as follows: The board of election commissioners shall oversee the conduct of elections pursuant to state law and regulation, and provisions of this charter, as applicable, except for the power and duty of fixing the days and hours and places for holding municipal elections.

Division 2, Article IV, Section 6: Replace phrase "board may"; with word "Mayor"; replace phrase "as it" with phrase "as the mayor".

Division 2, Article V, Section 12: renumber as Section 1.

Division 2, Article VI, Section 15: replace word "Act" with word "section".

SECTION 4: Chapter 240 of the Acts of 1899 is hereby amended as follows by adding the following new section to Title 7:

***Section 46B* (note: section currently reserved) ORGANIZATION OF CITY AGENCIES**

Section 46B:

- (a) The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order filed with the board of aldermen by the mayor. No administrative order may originate with the board of aldermen. The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued, but may be assigned to any other city agency by administrative code unless state statute otherwise requires.

The following special acts relating to the organization of city departments and agencies are hereby retained, provided that such acts shall be deemed to be part of the city's ordinances and may be amended, repealed or revised in accordance with the provisions of this section of the city charter:

Chapter 98 of the Acts and Resolves of 1919, Chapter 281 of the Acts and Resolves of 1932, Chapter 62 of the Acts and Resolves of 1934, Chapter 311 of the Acts and Resolves of 1936, Chapter 211 of the Acts and Resolves of 1937, and Chapter 124 of the Acts and Resolves of 1943 relating to elections;
Chapter 191 of the Acts of 1923 relating to the licensing commission;
Chapter 81 of the Acts and Resolves of 1928 relating to the Board of Appeals;
Chapter 82 of the Acts and Resolves of 1928 and Chapter 178 of the Acts and Resolves of 1929 relating to the election commissioners;
Chapter 294 of the Acts and Resolves of 1934 relating to the city auditor;
Chapter 295 of the Acts and Resolves of 1934 relating to the city treasurer;
Chapter 656 of the Acts of 1982 relating to setting of certain salaries by ordinance;
Chapter 23 of the Acts of 1985 relating to the Board of Assessors,
Chapter 486 of the Acts of Resolves of 1985 relating to the appointment of the purchasing agent,

Chapter 369 of the Acts and Resolves of 1986 and Chapter 327 of the Acts and Resolves of 2004 relating to the jurisdiction of the Police Department and department operations;
Chapter 368 of the Acts and Resolves of 1986 and Chapter 184 of the Acts of 2006 relating to special police officers;
Chapter 183 of the Acts and Resolves of 2006 relating to the Police Chief;
Chapter 171 of the Acts and Resolves of 1988 relating to ordinance violations;
Chapter 650 of the Acts and Resolves of 1953, Chapter 94 of the Acts and Resolves of 1988 and Chapter 112 of the Acts and Resolves of 2008 relating the Department of Public Works;
Chapter 355 of the Acts and Resolves of 1989 relating to the term of the city clerk;
Chapter 316 of the Acts and Resolves of 2004, Chapter 192 of the Acts and Resolves of 2008, and Chapter 316 of the Acts of 2008 relating to inspections;
Chapter 1026 of the Acts and Resolves of 1971 relating to the management of school buildings;
Chapter 644 of the Acts and Resolves of 1977 and Chapter 317 of the Acts and Resolves of 2004 relating to school custodians;
Chapter 201 of the Acts and Resolves of 1993, relating to city contracts;
Chapter 397 of the Acts and Resolves of 1978, Chapter 351 of the Acts and Resolves of 1981, and Chapter 809 of the Acts and Resolves of 1981 relating to wire inspectors;

Chapter 38 of the Acts and Resolves of 1988, and Chapter 285 of the Acts and Resolves of 2002 relating to the traffic commission and/or parking fines; Chapter 106 of the Acts and Resolves of 2008 relating to hearing officers; and Chapter 258 of the Acts of 1980 relating to alcoholic beverage licenses

- (b) The mayor may from time to time prepare and submit to the board of aldermen administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. All ordinances addressing the organization and operation of town departments, agencies, boards, commissions, and offices may be modified, revised, repealed, or otherwise addressed in such administrative orders. Orders may provide for the combination, separation, creation, or dissolution of any departments, provided that all essential city functions are assigned to a department, board, commission or office, however constituted.

Such administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the board of aldermen if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances.

Whenever the mayor proposes an administrative order, the board of aldermen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following said publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the board of aldermen unless the board of aldermen shall, by a majority vote, within such period vote to disapprove the plan. The board of aldermen may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5: The following special acts relating to the City of Somerville are hereby repealed:

Chapter 182 of the Acts and Resolves of 1871 (charter prior to 1899 charter); Chapter 454 of the Acts of Resolves of 1903 relative to caucuses; Chapter 49 of the Acts and Resolves of 1928 relating to building ordinances; Chapter 380 of the Acts and Resolves of 1932, Chapter 183 of the Acts and Resolves of 1936, Chapter 972 of the Acts and Resolves of 1971, Chapter 217 of the Acts and Resolves of 1980, and Chapter 486 of the Acts and Resolves of 1985 relating to city contracts;

SECTION 6. This act shall take effect upon passage.