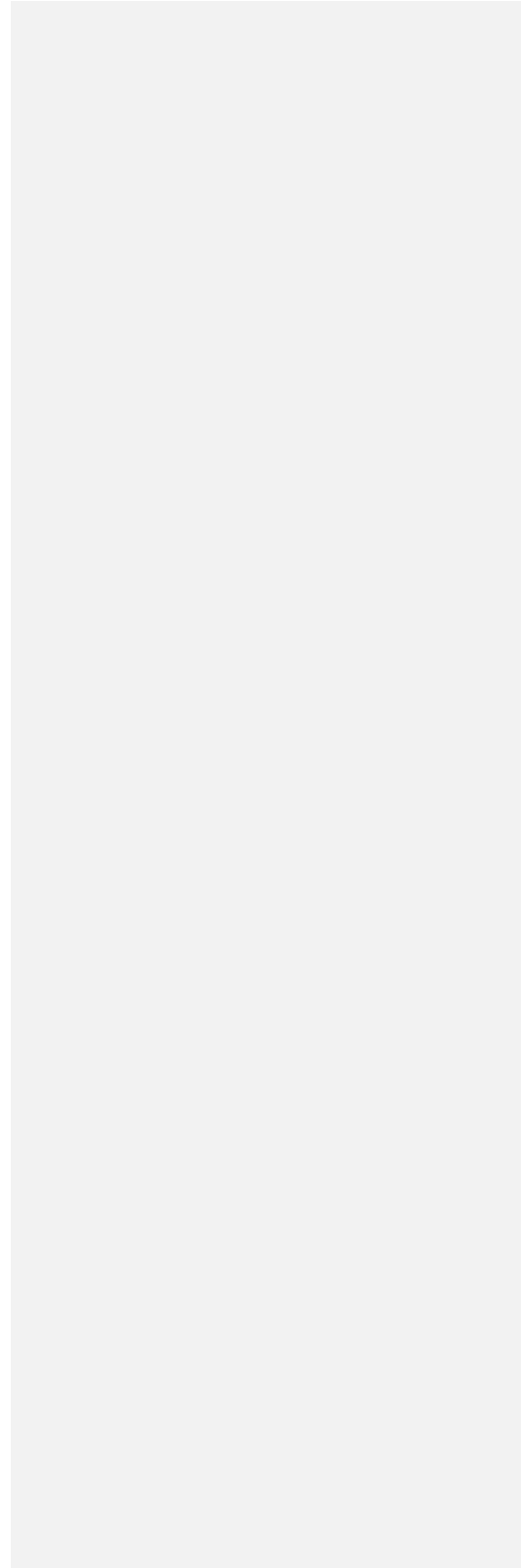


Approved Proposed Somerville Charter Text

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.

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ARTICLE 1

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

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

SECTION 1-2: SHORT TITLE

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

SECTION 1-3: SEPARATION OF POWERS

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

SECTION 1-4: POWERS OF THE CITY

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

SECTION 1-5: CONSTRUCTION

The powers of the ~~City of Somerville~~ city under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4. To the extent that any provision of this charter shall conflict with any special act or law adopted by 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, ~~Somerville the city~~ may exercise
34 any of its 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 ~~words/terms~~ shall have the following
39 meanings as used in this charter:

- 40 ~~1)~~ “Business day~~(s)~~”~~;~~— any day that is not a Saturday, Sunday, or legal holiday.
- 41 ~~2)~~ “Charter”~~;~~— this charter and any adopted amendments to it.
- 42 ~~3)~~ “~~The C~~city”~~;~~— the City of Somerville.
- 43 ~~4)~~ “City agency”~~;~~— any multiple member body, department, division or office of the ~~City of~~
44 ~~Somerville~~city.
- 45 ~~5)~~ “City officer”~~;~~ or “department head”~~;~~— a person having charge of a city office or department.
- 46 ~~6)~~ “City website”~~;~~— an online site established and maintained by the city as its repository of
47 municipal information.
- 48 ~~7)~~ ~~“Day(s)”~~— ~~calendar days.~~
- 49 ~~8)~~ “Emergency”~~;~~— a sudden, generally unexpected occurrence or set of circumstances demanding
50 immediate action or response.
- 51 ~~9)~~ “Full city council”~~;~~— the entire authorized membership of the city council, notwithstanding any
52 vacancy which might exist.
- 53 ~~10)~~ “Full multiple member body”~~;~~— the entire authorized membership of a multiple member body,
54 notwithstanding any vacancy that exists.

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

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

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

64 ~~14)~~ “Multiple member body”_; any council, commission, committee, subcommittee_; or other body
65 consisting of ~~two~~ 2 or more persons, whether elected, appointed or otherwise constituted, but not
66 including the city council, the school committee, or an advisory committee or task force established by
67 the mayor or city council.

68 ~~15)~~ “Municipal voter(s)”_; anyone who is eligible to vote ~~pursuant to this charter~~ in a municipal
69 election pursuant to this charter.

70 ~~16)~~ “Statewide voter(s)”_; anyone who is eligible to vote ~~pursuant to state and federal law~~.

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

74 ~~18)~~ “Posting or postPost”_; making available publicly on the city website, at city hall_; and as
75 otherwise may be required ~~under the General Laws~~ by law. For the purposes of this definition, a local
76 newspaper shall be a newspaper of general circulation within the city, with either weekly or daily
77 circulation. The city council president may, from time to time, select a local newspaper for posting
78 according to a procedure that shall be set forth in the rules of the city council.

79 “Quorum”_; a majority of all voting members of a multiple member body unless some other number is
80 required by law or by ordinance.

Commented [KW1]: Approved - Special Committee on
Charter Review 4/26; City Council 4/27

81 49) “Statewide voter(s)”.- anyone who is eligible to vote pursuant to state and federal law.

82 “Year”.- a calendar year, unless otherwise specified.

CHARTER REVIEW COMMITTEE DRAFT

83

ARTICLE 2

84

LEGISLATIVE BRANCH

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

86 (a) Composition - There shall be a city council consisting of ~~eleven-11~~ members which shall exercise the
 87 legislative powers of the city. Four of these members, to be known as councilors-at-large, shall be
 88 nominated and elected by the municipal voters at large. Seven of these members, to be known as ward
 89 councilors, shall be nominated from and elected by the municipal voters in each ward; ~~with one-1 such~~
 90 ward councilor to be elected from each of the ~~seven-7~~ wards into which the city is divided under section
 91 7-7.

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

94 (c) Eligibility - Any statewide voter shall be eligible to hold the office of councilor-at-large. Any
 95 statewide voter in the ward from which election is sought shall be eligible to hold the office of ward
 96 councilor. If the city council determines that a ward councilor or a councilor-at-large has removed from
 97 the city during the councilor's term, that office shall immediately be deemed vacant and filled in the
 98 manner provided in section 2-12. A ward councilor who removes from the ward in which the councilor
 99 was elected and who remains a municipal voter of the city may continue to serve the balance of the
 100 ~~current term~~ term to which elected.

101 SECTION 2-2: PROHIBITIONS

102 (a) Holding Other City Position – Except as otherwise provided by this charter, a member of the city
 103 council shall hold no other compensated city position. A former member of the city council shall not hold
 104 any compensated appointed city position for 1 year after termination of their service on the city council,
 105 unless ~~eight-8~~ members of the city council approve the appointment. This section shall not prevent a city
 106 employee who vacated a position to serve as a member of the city council from returning to the same
 107 position upon the expiration of the term for which that person was elected.

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

110 SECTION 2-3: COMPENSATION

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

- 114 (i) it is adopted by a ~~2/3~~ affirmative vote of ~~8 members of the full~~ city council;
- 115 (ii) it is adopted ~~during the first 18~~ prior to the last ~~6~~ months of the council's term; and
- 116 (iii) it provides that the compensation increase or reduction is to take effect upon the organization of the
117 city government following the next regular city election.

118 SECTION 2-4: GENERAL POWERS

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

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

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

125 (b) Quorum - Once a quorum is present, the affirmative roll call vote of a majority of members present
126 shall be required to adopt any ordinance, except as otherwise provided by General Laws or by this
127 charter.

128 (c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council,
129 which shall include, but not be limited to, the following rules:

130 (i) regular meetings of the city council shall be held at a time and place fixed by ordinance and all
131 regular meetings of the city council shall provide for a period of public comment. The city council may
132 make rules that regulate the period of public comment;

133 (ii) special meetings of the city council shall be held at the call of the president or at the call of any 3 or
134 more members, for any purpose. Except in an emergency as declared by the city council president, notice
135 of the meeting shall be delivered to each member at least 2 business days in advance of the time set and
136 shall specify the date, time, location, and purpose for which the meeting is to be held. A copy of each
137 notice shall immediately be posted.

138 (iii) all sessions of the city council and every city council committee or subcommittee shall, at all times,
139 be open to the public, unless otherwise specified by law; and

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

145 SECTION 2-6: ELECTION, TERM, AND POWERS OF CITY COUNCIL PRESIDENT AND VICE-
146 PRESIDENT

147 (a) Election and Term - As soon as practicable after the councilors-elect have been qualified following
148 each regular city election, as provided in section 7-4, the city council shall elect from among its members
149 a president and vice-president who shall serve for 1-year terms. The member of the council with the most
150 years of service shall preside at ~~such the~~ election. If two or more members have the same term of service,
151 the councilor with the last name that is first in alphabetical order from among ~~such the~~ councilors shall
152 preside. The conduct of all elections of the city council president and vice president shall otherwise be
153 prescribed within the rules of the city council.

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

155 (i) prepare the agenda for city council meetings;
156 (ii) preside at all meetings of the city council, regulate its proceedings, and decide all questions of order,
157 ~~but provided, however, that~~ the vice-president shall preside in the absence of the president;
158 (iii) appoint all members of committees of the city council, whether special or standing;
159 (iv) have the same powers to vote upon measures coming before the city council as any other member of
160 the city council; and
161 (v) perform any other duties consistent with the office that are established by this charter, ordinance or
162 other vote of the city council.

163 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

164 (a) Advisory Legal Counsel - Subject to appropriation, the city council may secure legal services, when
165 needed, to seek a secondary legal opinion. The city council shall make a reasonable request for such legal
166 services, and such that request shall not be unreasonably denied by the mayor. The city solicitor and any
167 advisory legal counsel shall consult to the extent practicable prior to the release of any secondary opinion.
168 The legal services provided to the council shall not include representation of the council or any councilor
169 in any litigation, or the issuance of formal legal opinions on behalf of the city. The city solicitor shall
170 remain the only authorized officer of the city in all legal matters involving the city's government. The city
171 ~~council may secure legal services, either by employment or on a contractual basis. Such legal services~~
172 ~~shall be solely in the service of the council and may include research, analysis, and drafting assistance.~~
173 ~~The mayor shall annually provide to the city council a sum of money sufficient to satisfy the estimated~~
174 ~~cost of legal services as presented to the mayor, in writing, by the city council. The legal services~~
175 ~~provided to the council shall not include representation of the council or any councilor in any court matter~~
176 ~~or related litigation, or the issuance of formal legal opinions on behalf of the city. The city solicitor shall~~
177 ~~remain the only authorized officer of the city in all legal matters involving the city's government.~~
178 (b) Other Staff - Subject to appropriation, the city council may employ staff as it deems necessary.

Commented [KW2]: Approved - Special Committee on Charter Review 4/12; City Council 4/13

179 (c) Removals and Suspensions of City Council Staff – City council appointments may be removed at the
180 sole discretion of the city council subject to limitations and requirements imposed by federal and state
181 laws, rules ~~and~~ or regulations.

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

183 (a) Department Heads - The mayor shall refer to the city council for confirmation and simultaneously file
184 with the city clerk the name of each person the mayor ~~desires to appoint~~has appointed as a department
185 head. ~~The city council~~These appointments shall ~~have become confirmed~~ 30 days from the date of the first
186 regularly scheduled city council meeting after the date on which notice of the ~~proposed~~ appointment was
187 filed with the city clerk ~~to vote to approve, unless the city council within said 30 days shall reject~~ the
188 appointment ~~with approval by the vote of 8 members, not to be unreasonably withheld. An approved~~
189 ~~appointment shall be effective immediately. However, if no city council meeting is held within the~~
190 subsequent 30 days of the first meeting, the city council shall instead have 30 days from the second
191 regularly scheduled meeting after the appointment to reject the appointment. The city council shall no
192 unreasonably reject an appointment and shall accompany a rejection ~~of the appointment~~ with a written
193 statement describing the reason, which shall be delivered to and placed on file with the city clerk within
194 30 days of filing. ~~If the city council does not take up the appointment within 30 days, the appointment~~
195 ~~shall be deemed approved.~~ The question on rejection of any appointment made by the mayor shall not be
196 subject to the procedure of charter objection provided in section 2-9(b) of this charter.

197 (b) Multiple Member Bodies - The mayor shall refer to the city council and simultaneously file with the
198 city clerk the name of each person the mayor desires to appoint as a member of a multiple member body.
199 The city council shall have 45 days after the date on which notice of the proposed appointment was filed
200 with the city clerk to vote to approve or reject the appointment, with approval not to be unreasonably
201 withheld. If the city council does not approve or reject the appointment within 45 days, it may file a 15-
202 day extension with the city clerk. If the time period elapses and no extension has been filed, the
203 appointment shall be deemed approved. Multiple member body members may be removed at the

204 discretion of their appointing authority subject to limitations and requirements imposed by federal and
205 state laws, rules, ~~and~~ or regulations.

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

211 (2) The mayor shall twice annually, in February and August, post a complete list of the vacancies within
212 all multiple member bodies, as well as the procedures for individuals to apply to become a member of
213 those bodies.

214 (c) Constables - The mayor shall refer to the city council and simultaneously file with the city clerk the
215 name of each person the mayor desires to appoint as a constable within the city. The city council shall not
216 unreasonably withhold confirmation of ~~such~~ appointments and shall accompany a rejection with a written
217 statement describing the reason, which shall be delivered to and placed on file with the city clerk within
218 30 days of filing. The question on confirmation of any appointment submitted by the mayor shall not be
219 subject to the procedure of charter objection provided in section 2-9 (b) of this charter.

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220 SECTION 2-9: ORDINANCES AND OTHER MEASURES

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

225 (b) Charter Objection - On the first occasion that the question on adoption of a measure is put to the city
226 council, a single member present may object to the taking of the vote, and postpone the vote until the next
227 meeting of the city council, whether regular or special. If two or more present members object, the vote
228 shall be postponed until the next regular meeting. This procedure shall not be used more than once for any

229 specific matter regardless of whether it has been amended. A charter objection shall have privilege over
230 all motions ~~but provided, however, that it~~ shall be raised prior to or at the call for a vote by the presiding
231 officer and all debate shall cease.

CHARTER REVIEW COMMITTEE DRAFT

232 SECTION 2-10: ACCESS TO INFORMATION

233 (a) In General - The city council may make investigations into the affairs of the city and into the conduct
234 and performance of any city agency. Absent compelling circumstances or an emergency which shall be
235 declared on record and noted in the city council minutes, the city council shall give a minimum of 14
236 days' notice to a person it may require to appear before it under this section. In circumstances involving
237 compelling circumstances or emergency, 7 days' notice shall be allowed. The notice shall include specific
238 questions on which the city council seeks information and any person called to appear before the city
239 council under this section shall not be required to respond to any question not relevant or related to those
240 questions presented in advance and in writing. The mayor shall receive a copy of any notice issued under
241 this section at the same time as the person who is requested to appear before the council. ~~Any notice~~
242 ~~under this section shall not be issued without first being authorized by a majority vote of the city~~
243 ~~council.~~ Majority vote of the city council shall be required to issue notice under this section.

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

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

255 SECTION 2-11: GROUP PETITIONS

256 The city council shall hold a public hearing and act with respect to every petition which is addressed to it
257 and which is signed by at least 100 municipal voters as certified by the ~~B~~board of ~~E~~election
258 ~~C~~ommissioners. The hearing shall be held by the city council or by a committee or subcommittee
259 thereof, and the city council shall act on the petition within 3 months of filing with the city clerk.
260 Hearings on two or more petitions filed under this section may be held at the same time and place. At
261 least 14 days before the hearing, the city clerk shall notify the ten petitioners whose names first appear on
262 each ~~such~~ petition, publish a general summary of the subject matter of the petition, and post notice of the
263 date and time of the public hearing. A hearing shall not be held upon any subject more than once in a
264 ~~given~~ 12-month period, as determined by the city council president.

265 SECTION 2-12: FILLING OF VACANCIES

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

278 If a vacancy occurs:

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

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

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

295

ARTICLE 3

296

EXECUTIVE BRANCH

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

298 (a) Role – The chief executive officer of the city shall be a mayor, elected by the municipal voters of the

299 city at large. The role of mayor shall be a full-time position.

300 (b) Term of Office – The term of office for mayor shall be four years, beginning on the first business day

301 in January following the municipal election.

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

303 ~~mayor shall devote full time to the office and shall not hold any other elective public office.~~

304 SECTION 3-2: PROHIBITIONS

305 The mayor shall not hold another compensated city position or other elected public office. A former

306 mayor shall not hold a compensated appointed city office or city employment for 1 year after termination

307 of their service as the mayor. Any former mayor shall not receive compensation for contracted work

308 authorized during their tenure as the mayor, provided, however, that they may be compensated for limited

309 hours advising the incoming mayor. This subsection shall not prevent a city officer or other city employee

310 who has vacated a position to serve as the mayor from returning to the same office or other position of

311 city employment held when the position was vacated. This prohibition shall not apply to persons covered

312 by a leave of absence under section 37 of chapter 31 of the General Laws.

313 SECTION 3-3: COMPENSATION

314 The mayor shall receive compensation for their services as set by the city council by ordinance. An

315 ordinance increasing or reducing the compensation of the mayor shall not be effective unless:

316 ~~(#1)~~ it is adopted by aaffirmative 2/3-vote of 8 members of the ~~full~~-city council;

317 ~~(#2)~~ it ~~has been is~~ adopted ~~on or before~~prior to the ~~last 6-42nd~~ last 6-42nd months of the mayor's term; and

318 ~~(#3)~~ it provides that the compensation increase or reduction is to take effect upon the organization of the

319 city government following the next regular city election.

320 SECTION 3-4: EXECUTIVE POWERS

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

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

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

338 SECTION 3-5: APPOINTMENTS BY THE MAYOR

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

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

345 selection is provided by administrative order or General Laws. All members shall serve terms as defined
346 by administrative order or General Laws.
347 (c) City Employees - The method of appointment for all other city employees shall be prescribed by
348 administrative order.

349 SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

350 The mayor shall appoint a chief administrative officer to coordinate and direct the operations and
351 functions of municipal government. The chief administrative officer shall be appointed by the mayor,
352 subject to review by the city council under section 2-8(a). The appointee shall be chosen on the basis of
353 strong administrative and executive qualifications and shall have a combination of experience, training,
354 ~~and~~ or education to perform the duties of the office.

355 SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

356 Whenever a temporary or permanent vacancy occurs in a city office that is appointed under section 3-
357 5(a), the mayor may designate a person to perform the duties of the office on a temporary basis for up to
358 150 days until the position can be filled as provided by law or by this charter. Persons serving as
359 temporary officers under this section shall have only those powers ~~that are~~ indispensable and essential to
360 the performance of the duties of the office during the period of temporary appointment and no others.

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

363 "I designate ~~{~~[name of person]~~}~~ to perform the duties of the office of ~~{~~[office in which
364 vacancy exists]~~}~~ on a temporary basis until the office can be filled by ~~{~~[the regular
365 procedure for filling the vacancy or when the incumbent shall return]~~}~~. I certify that this
366 person is qualified to perform the duties which will be required and that I make this
367 designation solely in the interests of the City of Somerville."

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

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

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

381 SECTION 3-9: APPROVAL OF MAYOR, VETO

382 Every order, ordinance, resolution, or vote adopted or passed by the city council, except any matters
383 relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3
384 days of ~~such~~ adoption or passage. If the mayor approves the measure, the mayor shall sign it. ~~If~~ If the
385 mayor disapproves the measure, the mayor shall return the measure to the city council with the specific
386 reason for ~~such~~ disapproval attached ~~to the measure~~ in writing ~~to the city council~~. The city council shall
387 enter the objections of the mayor on its records, and reconsider the ~~same~~ measure after 14 days but before
388 30 days from the date of its return ~~to the city council~~. If the city council, regardless of the disapproval by
389 the mayor, shall again pass the identical measure by affirmative a 2/3 vote of 8 members of the full city
390 council, it shall then be deemed in force. If the mayor has neither signed a measure nor returned it to the
391 city council within 10 days following the date it was presented to the mayor, the measure shall be deemed
392 approved and in force.

393 SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

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

398 (b) Special Meetings of the City Council - The mayor may call a special meeting of the city council for
399 any purpose. Unless the mayor designates an emergency, notice of the meeting shall be delivered at least
400 2 business days in advance of the time set and shall specify the date, time and location of the meeting and
401 the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately.

402 SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

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

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

416 SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

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

424 SECTION 3-13: FILLING OF PERMANENT VACANCY

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

429 (a) If a vacancy occurs within the four months preceding a regular city election the position shall be filled
430 by vote at that election. Otherwise, the city council shall call a special election to be held within 90 days
431 following the date of the vacancy. Whenever a vacancy occurs during:

432 (i) ~~Months 1 through 17: The city council shall call a special election to be held within 90~~
433 ~~days following the date of the vacancy.~~

434 (ii) ~~Months 18 through 21: A special election need not be held and the position shall be filled~~
435 ~~by vote at the upcoming regular city election.~~

436 (iii) ~~Months 22 through 41: The city council shall call a special election to be held within 90~~
437 ~~days following the date of the vacancy.~~

438 (iv)(i) ~~Months 42 through 46: A special election need not be held and the position shall be filled~~
439 ~~by vote at the upcoming regular city election.~~

440 (b) ~~The city council president shall serve as the~~An acting mayor ~~shall serve, pursuant to section 3-11,~~
441 ~~in all cases~~-until the vacancy is filled. ~~In the event that the city council president is unable to serve~~
442 ~~as the acting mayor under this section, the city council shall elect a councilor to serve as the~~
443 ~~acting mayor from among its membership.~~If the ~~councilor serving as the~~acting mayor ~~under this~~
444 ~~section~~ chooses to run for mayor, they shall not be entitled to have the words “candidate for
445 reelection” printed with ~~that person’s~~their name on the subsequent election ballot. ~~Any person~~
446 ~~serving as the~~The acting mayor serving under this section shall receive the compensation then in
447 effect for the position of mayor and shall not vote as a member of the city council.

448

ARTICLE 4

449

SCHOOL COMMITTEE

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

451 (a) Composition – There shall be a school committee consisting of nine-9 members. Seven members shall
452 be nominated and elected by the municipal voters of the city, ~~one-1~~ member elected from each ward. The
453 mayor and the president of the city council shall serve, ex officio, with the same powers and duties as
454 other school committee members, ~~but provided, however, that~~ neither shall serve as chair.

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

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

463 SECTION 4-2: PROHIBITIONS

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

470 SECTION 4-3: COMPENSATION

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

- 474 ~~(i)~~ it is adopted by ~~affirmative vote of 8 members of the a 2/3 vote of the full~~ city council;
475 ~~(ii)~~ it is adopted ~~during the first 18~~ prior to the last 6 months of the school committee's term; and
476 ~~(iii)~~ it provides that the compensation increase or reduction is to take effect upon the organization of the
477 city government following the next regular city election.

478 SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

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

480 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

- 483 ~~(i)~~ selecting and removing a superintendent of the schools who shall be charged with the administration
484 of the school system, and all other personnel as provided by the General Laws;
485 ~~(ii)~~ making all policies for the management of the public school system and for conducting the business
486 of the school committee as deemed necessary or desirable;
487 ~~(iii)~~ adopting and overseeing the administration of an annual operating budget for the school department,
488 subject to appropriation ~~by the city council~~;
489 ~~(iv)~~ providing ordinary maintenance of all school buildings and grounds, unless a central municipal
490 maintenance department, which may include maintenance of school buildings and grounds, is established;
491 and
492 ~~(v)~~ ~~provided further~~ at least one member of the school committee, or a designee of the school committee,
493 shall serve on the agency, board, or committee for the planning or construction of a new, remodeled, or
494 renovated school building.

495 SECTION 4-6: FILLING OF VACANCIES

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

507

ARTICLE 5

508

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 ~~for the orderly,~~

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~~efficient, or convenient conduct of the business of the city to conduct the business of the city in an orderly,~~

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~~efficient or convenient manner.~~ The mayor may also propose administrative orders to establish terms of

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office and prescribe the functions and administrative procedures to be followed by all ~~such~~ 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 one or more public hearings on the proposal and post

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notice. An organization or reorganization plan shall become effective at the expiration of 60 days from

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filing, unless the city council has voted to disapprove the plan prior to that date. The city council may

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vote only to approve or to disapprove the 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

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suitability. Each person appointed to fill an office or position shall be a person who has the experience,

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training, ~~and~~ or education to perform the duties of the office or position.

530 SECTION 5-3: COMPENSATION OF CITY EMPLOYEES

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

542

ARTICLE 6

543

FINANCIAL PROCEDURES

544 SECTION 6-1: FISCAL YEAR

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

547 SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

548 The city council shall hold a ~~C~~community ~~B~~udget ~~H~~earing on or before February 15~~th~~ of each year in
549 order to solicit public input regarding budget priorities. The city council shall post notice of the
550 ~~C~~community ~~B~~udget ~~H~~earing 14 days in advance of the hearing. After the ~~C~~community ~~B~~udget
551 ~~H~~earing but at least 10 days before the ~~A~~annual ~~B~~udget ~~M~~meeting, the mayor shall solicit budget
552 priorities from all city councilors.

553 SECTION 6-3: ANNUAL BUDGET MEETING

554 On or before April 1~~st~~ of each year, the mayor shall call a joint meeting of the city council and school
555 committee, including the superintendent of schools, to review the financial condition of the city, revenue
556 and expenditure forecasts for at least 3 years; and other relevant information prepared by the mayor in
557 order to develop a coordinated budget.

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

559 On or about June 1~~st~~, the mayor shall submit to the city council a proposed operating budget for all city
560 agencies for the next fiscal year. The proposed operating budget shall include the school budget, as
561 adopted by the school committee, which shall be submitted to the mayor on or about May 15~~th~~. The
562 proposed operating budget shall be accompanied by a budget message and supporting documents. The
563 budget message shall explain the operating budget in fiscal terms and in terms of work programs for all
564 city agencies. It shall outline the proposed fiscal policies of the city for the next fiscal year, describe
565 important features of the proposed operating budget and include any major variations from the current

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

572 SECTION 6-5: ACTION ON THE OPERATING BUDGET

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

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

586 (c) Availability of the Operating Budget – In addition to any other posting requirements ~~under law,~~
587 immediately after the submission of the proposed budget to the city council, the mayor or their designee
588 shall post the entire budget document on the city website; ~~Said proposed budget document where it~~ shall
589 remain posted during the city council review process contained in this article. After the enactment of the
590 budget; the ~~mayor or their designee shall post the~~ final budget ~~shall be posted~~ on the city website ~~and~~

591 ~~where it~~ shall remain ~~there~~ throughout the fiscal year for which it is in effect. The final budget shall
592 reflect any amendments made by the city council and approved by the mayor and shall indicate that it is
593 the final budget.

594 SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

595 (a) Submission - The mayor shall submit a capital improvement program to the city council on or about
596 October 15 of each year. ~~The mayor shall annually revise This the~~ information ~~shall be annually revised~~
597 ~~by the mayor~~ regarding the capital improvements still pending or in the process of being acquired,
598 improved, or constructed.

599 The capital improvement program shall include:

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

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

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

614 SECTION 6-7: INDEPENDENT AUDIT

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

623 SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

631

ARTICLE 7

632

ELECTIONS

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

634 In addition to individuals eligible to vote ~~according pursuant~~ to the General Laws, ~~in the City of~~
635 ~~Somerville~~ the following individuals may, upon application, have their names entered on a list of
636 municipal voters established by the ~~B~~oard of ~~E~~lection ~~C~~ommissioners for the ~~City of Somerville~~
637 and may thereafter vote in any election for municipal offices and municipal ballot questions in accordance
638 with this charter. ~~Such municipal voters shall remain eligible to vote in any election for municipal offices~~
639 ~~and municipal ballot questions in the city for so long as they remain domiciled in the City of Somerville:~~

640 ~~(#1)~~ Any non-citizen residing in the ~~City of Somerville~~, who is ineligible to vote due to citizenship
641 status under federal or state law, rule, or regulation, but who is otherwise eligible to vote; and

642 ~~(#2)~~ Any 16- and 17-~~year~~ old residing in the ~~City of Somerville~~, who is ineligible to vote due to age
643 under federal or state law, rule, or regulation, but who is otherwise eligible to vote.

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

646 SECTION 7-2: PRELIMINARY ELECTIONS

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

655 SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

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

658 ~~(#1)~~ Mayor - at least 250 certified signatures;

659 ~~(#2)~~ At-Large City Councilor - at least 100 certified signatures;

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

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

664 (b) Forms - Signatures of municipal voters shall be made on a form prescribed by the ~~B~~board of
665 ~~E~~lection ~~C~~ommissioners and shall be made available not earlier than April 2 in each city election year.
666 The forms shall be submitted to the ~~B~~board of ~~E~~lection ~~C~~ommissioners for certification of the names on
667 or before the ~~14th-fourteenth~~ day preceding the date fixed for submission to the city clerk. The forms shall
668 be submitted to the city clerk on or before ~~5 o'clock in the afternoon~~ 5:00 p.m. on the ~~45th-forty-fifth~~ day
669 prior to the declared date of the preliminary election. An individual may appear on the ballot for only ~~one~~
670 1 office at any preliminary, regular or special city election.

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

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

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

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

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

697 SECTION 7-4: REGULAR CITY ELECTION

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

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

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

704 drawing shall be conducted on the ~~sixth~~-Tuesday 6 weeks prior to the election. The drawing shall be open
705 to the public.

706 SECTION 7-6: NON-PARTISAN ELECTIONS

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

709 SECTION 7-7: WARDS

710 The territory of the city shall be divided into ~~seven~~-7 wards by the city clerk to consist of as nearly an
711 equal number of inhabitants as it is possible to achieve, based on compact and contiguous territory,
712 bounded as far as possible by the center line of known streets or ways or by other well-defined limits.

713 Each ward shall be composed of voting precincts established under the General Laws. The city council
714 shall review these wards to ensure uniformity in the number of inhabitants at least once every 10 years.

715 SECTION 7-8: APPLICATION OF STATE GENERAL LAWS

716 Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be
717 governed by the General Laws relating to the right to vote, the registration of voters, the nomination of
718 candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of
719 charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of
720 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 prepare recommendations for proposed revision. The manner of the review shall be established by ordinance and incorporate community input. The recommendations shall be filed with the city clerk ~~at~~ on a date specified by ordinance.

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 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 community input. The recommendations shall be filed with the city clerk ~~at~~ on a date specified by ordinance.

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

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

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

755 Open ~~M~~meeting ~~L~~aw and procedures in the General Laws shall apply to the proceedings of multiple
756 member bodies, including the following:

757 (a1) Officers – All appointed multiple member bodies shall elect a chair, a vice-chair ~~and a clerk~~ and any
758 other officer it deems necessary.

759 (b2) Meetings - All appointed multiple member bodies of the city shall meet regularly at the times and
760 places that the multiple member body, by the body's own rules, prescribe. Special meetings of any
761 multiple member body shall be held at the call of the chair or by a majority of the members of the body.
762 Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law,
763 all meetings of all multiple member bodies shall, ~~at all times,~~ be open to the public.

764 (c3) Meeting Documents and Submissions - Each appointed multiple member body shall determine its
765 own rules and order of business. Each multiple member body shall provide for the keeping of agendas,
766 minutes and related submissions of its proceedings. All ~~such~~ documents shall be a public record and
767 certified copies shall be placed on file in the office of the city clerk within a reasonable period from the
768 date of approval.

769 (d4) Voting - If requested by a member, a vote of an appointed multiple member body shall be taken by a
770 roll call vote and the vote of each member shall be recorded in the minutes, ~~but provided, however, that~~ if
771 the vote is unanimous, only that fact need be recorded.

772 (e5) Quorum - A majority of the members of an appointed multiple member body shall constitute a
773 quorum. Unless some other provision is made by the multiple member body's own rules while a quorum
774 is present, except on procedural matters, a majority of the full membership of the body shall be required
775 to vote on any matter representing an exercise of the powers of the multiple member body. General Laws
776 related to a vote to meet in executive session shall always require a majority of members of the body.

777 SECTION 8-8: REFERENCES TO GENERAL LAWS

778 All references to General Laws contained in this charter refer to the Massachusetts General Laws ~~of the~~
779 ~~Commonwealth~~ and are intended to refer to and to include any amendments or revisions to ~~such~~ chapters
780 or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification
781 of ~~such~~ statutes enacted or adopted subsequent to the adoption of this charter.

782 SECTION 8-9: COMPUTATION OF TIME

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

786 SECTION 8-10: OATHS OR AFFIRMATIONS

787 (a) Officials Elected in Regular Elections - On the first business day in January of each even-numbered
788 year, the city council members-elect, the school committee members-elect, and, in years immediately
789 following a mayoral election, the mayor-elect, shall meet and take an oath or affirmation to faithfully
790 discharge the duties of their office. The oath or affirmation shall be administered by the city clerk, the
791 assistant city clerk, a judge of a court of record or by a justice of the peace. Each official taking the oath
792 or affirmation shall also sign a written version, which shall be kept in a bound book maintained by the

793 city clerk. If the mayor-elect or any member-elect of the city council or school committee is absent on the
794 day the oath is administered, the oath or affirmation may be administered at any time after to that person
795 ~~by the city clerk, the assistant city clerk, a judge of a court of record or by a justice of the peace.~~

796 Modifications to this section may be made by ordinance.

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

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

803 SECTION 8-11: LIMITATION ON OFFICE HOLDING

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

807 SECTION 8-12: FELONY CONVICTION

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

810 SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

811 It shall be the duty of the mayor to see that this charter is faithfully followed and complied with by all city
812 agencies and employees. Whenever it appears to the mayor that a city agency or employee is not
813 following this charter, the mayor shall, in writing, cause notice to be given to that agency or employee
814 directing compliance with this charter. Whenever it appears to the city council that the mayor is not
815 following this charter, the city council shall, by resolution, direct the attention of the mayor to those areas
816 in which it believes there is a failure to comply with this charter. The procedures made available in

817 chapter 231A of the General Laws may be used to determine the rights, duties, or other legal relations
818 arising under this charter, including any question of construction or validity which may be involved in
819 ~~such that~~ determination.

CHARTER REVIEW COMMITTEE DRAFT

820

ARTICLE 9

821

TRANSITION PROVISIONS

822

SECTION 9-1: CONTINUATION OF EXISTING LAWS

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

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pertaining to ~~Somerville the city~~ that are in force when this charter takes effect, and not specifically or by

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

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

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provisions of this charter are found to be inconsistent with the provisions of any general or special law

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that would otherwise 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, ~~or~~ 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 ~~such 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 ~~such the~~ office, position, or employment until their employment or

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position is otherwise terminated or other provisions are made. A person in full-time service of the city

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shall not 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.

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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

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

849 SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

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

852 SECTION 9-7: TIME OF TAKING EFFECT

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

854 (a) CREATION OF PUBLIC FINANCING OF CAMPAIGNS COMMITTEE

855 Within 6 months of the adoption of this charter, the city council shall create a ~~P~~ublic ~~F~~inancing of
856 ~~C~~ampaigns ~~C~~ommittee to study public financing mechanisms and prepare recommendations with the
857 goal of making running for office in ~~Somerville the city~~ more accessible to potential candidates. The
858 directive of this study committee is to consider a full range of options as practicable, provide analysis on
859 the potential benefits and barriers of each option, and consider which are the best fit for ~~Somerville the~~
860 ~~city~~. If the city council has already taken action consistent with this provision, no action is necessary.

861 The committee shall consist of ~~seven-7~~ members: ~~one-1~~ shall be the ~~Chairman chair~~ of the ~~B~~oard of
862 ~~E~~lections ~~C~~ommissioners or ~~their~~ designee, ~~two-2~~ shall be community members appointed by the city
863 council, ~~two-2~~ shall be community members appointed by the school committee, ~~two-2~~ shall be
864 community members appointed by the mayor. The committee shall elect a chair and establish the
865 schedule of its meetings.

866 The committee shall issue recommendations to the city council within 12 months of creation. The city
867 council shall take action on the recommendations within 90 days of receipt.

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

869 COMMITTEE

870 The mayor and the city council shall convene the initial ~~E~~equitable ~~C~~ompensation ~~D~~istribution
871 ~~C~~ommittee, pursuant to section 5-3, within sufficient time that the committee's report can be delivered
872 by the date of the Annual Budget Meeting in the following calendar year. If the city council has already
873 taken action consistent with this provision, no action is necessary.

874 In addition to the subject matter required in section 5-3, the committee's initial report shall include: ~~(1a)~~
875 proposed solutions to address existing compensation disparities or related issues, including but not limited
876 to tying mechanisms (a set ratio to determine pay of elected officials, tying the highest possible pay of an
877 elected official to the lowest paid municipal employee); ~~(b2)~~ a proposed implementation plan to establish
878 compensation distribution standards; ~~(e3)~~ an analysis of the proposed cost and timeline to implement
879 ~~such those~~ standards; ~~(d4)~~ a comparative analysis of other approaches to this issue in similar
880 municipalities; and ~~(f5)~~ an analysis of the impacts on the ~~Somerville~~-community of the city.

881 The committee shall consist of at least eight members including: the mayor or their designee, the city
882 council ~~P~~resident or their designee, ~~one-1~~ member of the school committee or their designee, ~~one-1~~
883 member of the ~~M~~municipal ~~C~~ompensation ~~A~~dvisory ~~B~~oard, ~~one-1~~ member of the ~~C~~harter ~~R~~eview
884 ~~C~~ommittee, ~~one-1~~ community member appointed by the mayor, ~~one-1~~ community member appointed by
885 the city council, and the ~~C~~ity ~~A~~uditor or their designee. In addition, any other representation deemed
886 necessary by the mayor and city council may be jointly appointed. The committee shall elect a ~~C~~hair and
887 establish the schedule of its meetings.

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

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

892 (c) ~~(e)~~ CREATION OF RANKED CHOICE VOTING IMPLEMENTATION COMMITTEE

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

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

904 The committee shall consist of ~~seven~~7 members: ~~one~~1 shall be the ~~C~~chairman of the ~~B~~board of
905 ~~E~~lections ~~C~~commissioners or their designee, ~~two~~2 shall be community members appointed by the city
906 council, ~~two~~2 shall be community members appointed by the school committee, ~~two~~2 shall be
907 community members appointed by the mayor. The committee shall elect a Chair and establish the
908 schedule of its meetings.

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

911 (d) ~~(d)~~ INITIAL PERIODIC REVIEW OF MULTIPLE MEMBER BODIES

912 The mayor and the city council shall convene the first ~~P~~periodic ~~R~~review of ~~M~~multiple ~~M~~member
913 ~~B~~bodies ~~C~~committee, pursuant to section 8-6, within 6 months of the passing of this charter. The
914 committee's report should include: ~~(1a)~~ an assessment of the functions and relevancies of the city's
915 current multiple member bodies; ~~(2b)~~ a review of activities of multiple member bodies from recent
916 years; ~~(3e)~~ the ability of ~~The City~~the city to fill appointments to the body; and ~~(4d)~~ recommendations for

917 combining, removing or adding new multiple member bodies. If the city council has already taken action
918 consistent with this provision, no action is necessary.

919 The committee shall consist of at least ~~eight~~ 8 members including: the mayor or their designee, the city
920 council ~~P~~resident or their designee, ~~one~~ 1 member of the school committee, ~~one~~ 1 member of the
921 ~~M~~municipal compensation advisory board, ~~one~~ 1 member of the ~~C~~harter ~~R~~review ~~C~~committee, ~~one~~ 1
922 community member appointed by the mayor, ~~one~~ 1 community member appointed by the city council,
923 and the ~~C~~ity ~~A~~uditor. In addition, any other representation deemed necessary by the mayor and the city
924 council may be jointly appointed.

925 The committee shall elect a ~~C~~hair and establish the schedule of its meetings. The committee shall be
926 provided with an initial budget of at least \$25,000 for its expenses, including hiring of consultants as
927 required to assist with the examination and analysis.

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

930 (e) PARTICIPATORY BUDGETING STUDY COMMITTEE

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

938 The committee shall consist of ~~seven~~ 7 members: ~~one~~ 1 shall be the ~~D~~irector of ~~F~~inance or their
939 designee, ~~two~~ 2 shall be community members appointed by the city council, ~~two~~ 2 shall be community
940 members appointed by the mayor, and ~~two~~ 2 shall be community members appointed by the school
941 committee. The committee shall elect a chair and establish the schedule of its meetings.

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

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

CHARTER REVIEW COMMITTEE DRAFT