

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

7  
8 AN ACT ESTABLISHING A CHARTER FOR THE CITY OF SOMERVILLE

9  
10 Be it enacted by the Senate and House of Representatives in General Court  
11 assembled, and by the authority of the same as follows:

12  
13 SECTION 1. The following shall be the charter for the city of Somerville:

14 PREAMBLE

15 We, the people of Somerville, with our diversity in culture and thought, in  
16 order to reaffirm the liberties of the people with respect to the conduct of  
17 our local government, adopt this charter to continue and enhance the city's  
18 strong traditions of the pursuit of justice; empowerment of residents;  
19 ethical, transparent and responsive leadership; wise use of public resources;  
20 representation for all; and an engaged populace. We expect that our  
21 government will be approachable, accountable, equitable, inclusive, and  
22 respectful towards all people, and it will strive to provide all residents an  
23 equal opportunity to participate fully in the economic, cultural and  
24 intellectual life of the city.

25 ARTICLE 1

26 INCORPORATION; SHORT TITLE; DEFINITIONS

27 SECTION 1-1: INCORPORATION

28 The residents of the City of Somerville within the territorial limits established

29 by law, shall continue to be a municipal corporation, a body corporate and  
30 politic, under the name "City of Somerville."

31 SECTION 1-2: SHORT TITLE

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

34 SECTION 1-3: SEPARATION OF POWERS

35 The administration of the fiscal, prudential and municipal affairs of the city  
36 shall be vested in an executive branch led by a mayor and a legislative  
37 branch consisting of a city council. The legislative branch shall never  
38 exercise any executive power and the executive branch shall never exercise  
39 any legislative power.

40 SECTION 1-4: POWERS OF THE CITY

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

47 SECTION 1-5: CONSTRUCTION

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

54 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

## 60 SECTION 1-7: DEFINITIONS

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

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

67 (2) "Charter", this charter and any adopted amendments to it.

68 (3) "City" or "city", the City of Somerville.

69 (4) "City agency", any multiple member body, department, division or  
70 office of the city.

71 (5) "City officer" or "department head", a person having charge of a  
72 city office or department.

73 (6) "City website", an online site established and maintained by the  
74 city as its repository of municipal information.

75 (7) "Emergency", a sudden, generally unexpected occurrence or set of  
76 circumstances demanding immediate action or response.

77 (8) "General Laws", the Massachusetts General Laws.

78 (9) "Majority vote", a majority of the present and voting members of a  
79 body, unless otherwise provided for by law or by the body's own rules.  
80 Provided, however, that General Laws related to any vote to meet in  
81 executive session shall always require a majority of the full multiple  
82 member body.

83 (10) "Measure", any ordinance, order, other vote or proceeding  
84 adopted, or proposed to be adopted, by the city council or the school  
85 committee.

86 (11) "Multiple member body", any council, commission, committee,  
87 subcommittee or other body consisting of 2 or more persons, whether  
88 elected, appointed or otherwise constituted, but not including the city  
89 council or its committees, the school committee or its subcommittees  
90 or an advisory committee or task force established by the mayor or  
91 city council.

92 (12) "Municipal voter", anyone who is eligible to vote in a municipal  
93 election pursuant to this charter.

94 (13) "Organization or reorganization plan", a plan submitted by the  
95 mayor to the city council which proposes:

96 (i) a change in the organization or the administrative structure of  
97 the city administration or organization; or

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

99 (14) "Post", make available publicly on the city website, at city hall, in  
100 a local newspaper and as otherwise may be required by law. For the  
101 purposes of this definition, a local newspaper shall be a newspaper of  
102 general circulation within the city, with either weekly or daily  
103 circulation. The city council president may, from time to time, select a  
104 local newspaper for posting according to a procedure that shall be set  
105 forth in the rules of the city council.

106 (15) "Quorum", a majority of all voting members of a multiple member  
107 body unless some other number is established by law or by ordinance.

108 (16) "Statewide voter", anyone who is eligible to vote pursuant to  
109 state and federal law.

110 (17) "Year", a calendar year, unless otherwise specified.

111 ARTICLE 2

112 LEGISLATIVE BRANCH

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

114 (a) Composition - There shall be a city council consisting of 11 members  
115 which shall exercise the legislative powers of the city. Four of these  
116 members, to be known as councilors at-large, shall be nominated and  
117 elected by the municipal voters at large. Seven of these members, to be  
118 known as ward councilors, shall be nominated from and elected by the  
119 municipal voters in each ward, with 1 ward councilor to be elected from each  
120 of the 7 wards into which the city is divided under section 7-7.

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

124 (c) Eligibility - Any statewide voter residing in the city shall be eligible to  
125 hold the office of councilor at-large. Any statewide voter residing in the ward  
126 from which election is sought shall be eligible to hold the office of ward  
127 councilor. If the city council determines that a ward councilor or a councilor  
128 at-large has removed from the city during the councilor's term, that office  
129 shall immediately be deemed vacant and filled in the manner provided in  
130 section 2-12. A ward councilor who removes from the ward in which the  
131 councilor was elected and who remains a municipal voter of the city may  
132 continue to serve the balance of the term to which elected.

133 SECTION 2-2: PROHIBITIONS

134 (a) Holding Other City Position - Except as otherwise provided by this  
135 charter, a member of the city council shall hold no other compensated city  
136 position. A former member of the city council shall not hold any

137 compensated appointed city position for 1 year after termination of their  
138 service on the city council, unless the council approves a waiver of this  
139 provision by affirmative vote of 8 members of the city council. This section  
140 shall not prevent a city employee who vacated a position to serve as a  
141 member of the city council from returning to the same position upon the  
142 expiration of the term for which that person was elected.

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

#### 146 SECTION 2-3: COMPENSATION

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

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

#### 155 SECTION 2-4: GENERAL POWERS

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

#### 159 SECTION 2-5: EXERCISE OF POWERS; QUORUM; RULES

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

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

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

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

171 (e) Special meetings of the city council shall be held at the call of the  
172 president or at the call of any 6 or more members, for any purpose. Except  
173 in an emergency as declared by the city council president, notice of the  
174 meeting shall be delivered to each member by hand or by electronic mail at  
175 least 2 business days in advance of the time set and shall specify the date,  
176 time, location and purpose for which the meeting is to be held. A copy of  
177 such notice shall immediately be posted.

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

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

187 SECTION 2-6: ELECTION, TERM, AND POWERS OF CITY COUNCIL  
188 PRESIDENT AND VICE-PRESIDENT

189 (a) Election and Term - As soon as practicable after the councilors-elect have

190 been qualified following each regular municipal election , as provided in  
191 section 7-4, the city council shall elect from among its members a president  
192 and vice-president who shall serve for 1-year terms. The member of the  
193 council with the most years of service shall preside at the election. If 2 or  
194 more members have the same term of service the councilor with the last  
195 name that is first in alphabetical order from among such councilors shall  
196 preside. The conduct of all elections of the city council president and vice-  
197 president shall otherwise be prescribed within the rules of the city council.

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

- 200 (1) determine the agenda for city council meetings;
- 201 (2) preside at all meetings of the city council, regulate its proceedings,  
202 and decide all questions of order, provided, however, that the vice-  
203 president shall preside in the absence of the president;
- 204 (3) appoint all members of committees of the city council, whether  
205 special or standing;
- 206 (4) have the same powers to vote upon measures coming before the  
207 city council as any other member of the city council; and
- 208 (5) perform any other duties consistent with the office that are  
209 established by this charter, ordinance or other vote of the city council.

## 210 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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



217 (b) Advisory Legal Counsel - Subject to appropriation, the city council may  
218 secure legal services, when needed, to seek a secondary legal opinion. The  
219 city council shall make a reasonable request for legal services, and that  
220 request shall not be unreasonably denied by the mayor. The city solicitor  
221 and any advisory legal counsel shall consult to the extent practicable prior to  
222 the release of any secondary opinion. The legal services provided to the  
223 council shall not include representation of the council or any councilor in any  
224 litigation, or the issuance of formal legal opinions on behalf of the city. The  
225 city solicitor shall remain the only authorized officer of the city in all legal  
226 matters involving the city's government.

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

229 (d) Removals and Suspensions of City Council Staff - City council  
230 appointments may be removed at the sole discretion of the city council  
231 subject to limitations and requirements imposed by federal and state laws,  
232 rules, regulations and city personnel policies and procedures.

#### 233 SECTION 2-8: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

234 (a) Department Heads - The mayor shall refer to the city council for  
235 confirmation and simultaneously file with the city clerk the name of each  
236 person the mayor appoints as a department head. These appointments shall  
237 be considered confirmed 30 days from the date of the first regularly  
238 scheduled city council meeting after the date on which notice of the  
239 appointment was filed with the city clerk, unless the city council within said  
240 30 days shall reject the appointment by the affirmative vote of 8 members.  
241 However, if no city council meeting is held within the subsequent 30 days  
242 following the mayor's filing, the city council shall have an additional 30 days  
243 from the date of mayor's filing to reject the appointment. The city council  
244 shall not unreasonably reject an appointment and shall accompany a

245 rejection with a written statement describing the reason, which shall be  
246 delivered to the mayor and placed on file with the city clerk within 30 days  
247 of the council's vote rejecting an appointment. The question on rejection of  
248 any appointment made by the mayor shall not be subject to the procedure of  
249 charter objection provided in section 2-9(b) of this charter.

250 (b) Multiple Member Bodies - The mayor shall refer to the city council and  
251 simultaneously file with the city clerk the name of each person the mayor  
252 desires to appoint as a member of a multiple member body. The city council  
253 shall have 60 days after the date on which notice of the proposed  
254 appointment was filed with the city clerk to vote to approve or reject the  
255 appointment, with approval not to be unreasonably withheld. If the city  
256 council does not take action on the appointment within 60 days the  
257 appointment shall be deemed approved. Multiple member body members  
258 may be removed at the discretion of the mayor.

259 (1) In the event of a vacancy on a multiple member body where the  
260 seat has remained vacant in excess of 1 year and the mayor has not  
261 referred to the city council any proposed appointees to fill the vacancy,  
262 the city council president may present to the mayor the names of up  
263 to 3 persons as recommendations for appointment. The procedure for  
264 selecting names of persons for presentation to the mayor shall be  
265 established within the rules of the city council.

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

271 (c) Police and Fire Employees - The mayor shall refer to the city council and  
272 simultaneously file with the city clerk the name of each person the mayor

273 desires to appoint as a member or officer of the police department or the fire  
274 department. The city council shall not unreasonably withhold confirmation of  
275 appointments, shall adhere to any merit principles identified in applicable  
276 law, including, but not limited to applicable civil service law, and shall  
277 accompany a rejection with a written statement describing the reason, which  
278 shall be delivered to and placed on file with the city clerk within 30 days of  
279 that rejection. The question on confirmation of any appointment submitted  
280 by the mayor shall not be subject to the procedure of charter objection  
281 provided in section 2-9(b) of this charter.

## 282 SECTION 2-9: ORDINANCES AND OTHER MEASURES

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

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

## 297 SECTION 2-10: ACCESS TO INFORMATION

298 (a) In General - The city council may make investigations into the affairs of  
299 the city and into the conduct and performance of any city agency. Absent  
300 compelling circumstances or an emergency which shall be declared on record

301 and noted in the city council minutes, the city council shall give a minimum  
302 of 14 days' notice to any person it may require to appear before it under this  
303 section. In the case of compelling circumstances or emergency, 7 days'  
304 notice shall be allowed. The notice shall include specific questions on which  
305 the city council seeks information and any person called to appear before the  
306 city council under this section shall not be required to respond to any  
307 question not relevant or related to those questions presented in advance and  
308 in writing. The mayor shall receive a copy of any notice issued under this  
309 section at the same time as the person who is requested to appear before  
310 the council. A majority vote of the city council shall be required to issue  
311 notice under this section.

312 (b) Department Head - The city council may require, by majority vote,  
313 specific information from a department head or their designee on any matter  
314 related to the municipal services, functions and powers or duties which are  
315 within the scope of responsibility of such department head and related to the  
316 official duties and responsibilities of the city council. The department head or  
317 their designee shall not be required to answer questions relating to any  
318 other matter outside the scope of the matter noticed or provide information  
319 that is privileged or the release of which is prohibited by law.

320 (c) Mayor - The city council may request, by majority vote, specific  
321 information from the mayor on any municipal matter related to the official  
322 duties and responsibilities of the city council. The mayor or their designee  
323 shall appear before the city council and respond to the questions. The mayor  
324 or their designee shall not be required to answer questions relating to any  
325 other matter outside the scope of the matter noticed or be required to  
326 provide information that is privileged or the release of which is prohibited by  
327 law. The mayor may bring to this meeting any assistant, department head or  
328 other city officer or employee that the mayor may consider necessary to  
329 assist in responding to the questions posed by the city council.

330 SECTION 2-11: GROUP PETITIONS

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

343 SECTION 2-12: FILLING OF VACANCIES

344 (a) Councilor At-Large - When a vacancy exists for an at-large council seat  
345 and more than 180 days remain in the term, the city clerk shall notify the  
346 city council and the chairperson of the board of election commissioners of  
347 the vacancy within 7 days. Within 7 days after notification, the chairperson  
348 of the board of election commissioners or a designee shall certify, in writing,  
349 to the city clerk that the defeated candidate for the office of councilor at-  
350 large with the next highest number of votes at the prior municipal election, if  
351 willing and able to serve, shall fill the remainder of the existing term. The  
352 city clerk shall administer the oath of office to the person within 15 days  
353 after certification and the person shall take the seat. If the person who is  
354 eligible declines the office, is not eligible and willing to serve, or fails to take  
355 the oath of office within the time period set forth in this section, then the  
356 person with the next highest number of votes for councilor at large at the  
357 prior municipal election who is eligible and willing to serve shall take the seat

358 under the same circumstances as above. If no such candidate for the office  
359 can serve, the city council will call a special election to fill the seat until for  
360 the remainder of the term. If the vacancy occurs with 180 days or fewer in  
361 the existing term, the vacancy shall be filled as above; provided, however, if  
362 no candidate is available to take the seat, the seat shall remain vacant until  
363 the next regular municipal election, and the person elected shall take office  
364 upon certification of the vote, and serve for the remainder of the existing  
365 term as well as the term to which elected. The clerk shall administer the  
366 oath of office to them at the next meeting of the city council.

367 (b) Ward Councilor - If a vacancy occurs in the office of ward councilor and  
368 more than 180 days remain on the existing term, the same procedures and  
369 timelines as provided in (a) above for a councilor-at-large shall apply to a  
370 ward councilor seat in the ward where a vacancy exists. If a vacancy occurs  
371 180 or fewer days before the end of the term, the same provisions as appear  
372 in (a) above for a councilor-at-large shall apply to a ward councilor vacancy.

373 ARTICLE 3

374 EXECUTIVE BRANCH

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

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

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

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

384 SECTION 3-2: PROHIBITIONS

385 The mayor shall not hold another compensated city position or other elected  
386 public office. A former mayor shall not hold a compensated appointed city  
387 office or city employment for at least 1 year after termination of their service  
388 as the mayor. Any former mayor shall not receive compensation for  
389 contracted work authorized during their tenure as the mayor. This  
390 subsection shall not prevent a city officer or other city employee who has  
391 vacated a position to serve as the mayor from returning to the same office  
392 or other position of city employment held when the position was vacated.  
393 This prohibition shall not apply to persons covered by a leave of absence  
394 under section 37 of chapter 31 of the General Laws.

395 SECTION 3-3: COMPENSATION

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

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

404 SECTION 3-4: EXECUTIVE POWERS

405 (a) Executive Powers - The executive powers of the city shall be vested  
406 solely in the mayor and may be exercised by the mayor either personally or  
407 through the city agencies under the general supervision and control of the  
408 office of the mayor. The mayor shall cause this charter, laws, ordinances and  
409 other orders of the city government to be enforced and shall cause a record  
410 of all official acts of the executive branch of the city government to be kept.

411 The mayor shall supervise, direct, and be responsible for the efficient  
412 administration of all city activities and functions placed under the control of  
413 the mayor by law or by this charter. The mayor or their designee shall have  
414 the sole power to sign, seal, execute and deliver in behalf of the city, deeds  
415 and leases of land sold or leased by the city, and other deeds, agreements,  
416 contracts, leases, indentures and assurances on behalf of the city.

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

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

### 431 SECTION 3-5: APPOINTMENTS BY THE MAYOR

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

437 (b) City Attorney - The city attorney shall be appointed by the mayor,  
438 subject to confirmation by the city council under section 2-8(a). Whenever



439 the mayor appoints a city attorney the mayor shall submit the name of a  
440 person to serve as city attorney for confirmation under section 2-8(a).

441 (c) Multiple Member Bodies - The mayor shall appoint, subject to  
442 confirmation by the city council under section 2-8(b), all members of  
443 multiple member bodies for whom no other method of appointment or  
444 selection is provided by administrative order or General Laws. All members  
445 shall serve terms as defined by administrative order or General Laws.

446 (d) Police and Fire Employees - The mayor may appoint, subject to council  
447 confirmation, members and officers of the police department and fire  
448 department subject to requirements of the state's Civil Service law.

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

#### 451 SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

452 The mayor shall appoint a chief administrative officer to coordinate and  
453 direct the operations and functions of municipal government. The chief  
454 administrative officer shall be appointed by the mayor, subject to  
455 confirmation by the city council under section 2-8(a). The appointee shall be  
456 chosen on the basis of appropriate administrative and executive  
457 qualifications and shall have a combination of experience, training, or  
458 education to perform the duties of the office. Whenever the mayor appoints  
459 a chief administrative officer, , the mayor shall submit the name of a person  
460 to serve as a chief administrative officer for confirmation under section 2-  
461 8(a).

#### 462 SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

463 Whenever a temporary or permanent vacancy occurs in a city office that is  
464 appointed under section 3-5(a), the mayor may designate a person to  
465 perform the duties of the office on a temporary basis for up to 180 days until

466 the position can be filled as provided by law or by this charter. Persons  
467 serving as temporary officers under this section shall have only those powers  
468 that are indispensable and essential to the performance of the duties of the  
469 office during the period of temporary appointment and no others.

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

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

479 (b) Extension of Temporary Appointments - If an extension of a temporary  
480 appointment is necessary, the mayor may seek extensions in 90-day  
481 increments, which shall be authorized by a majority vote of the city council.  
482 If an extension is not approved, the position shall be deemed vacant.

#### 483 SECTION 3-8: TEMPORARY APPOINTMENTS TO MULTIPLE MEMBER BODIES

484 Whenever a temporary or permanent vacancy occurs on a multiple member  
485 body that is appointed under section 3-5(b), the mayor may designate a  
486 person to perform the duties of the office on a temporary basis for up to 150  
487 days until the position can be filled as provided by law or by this charter. If  
488 an extension of a temporary appointment is necessary, the mayor may seek  
489 extensions in 60-day increments, which shall be authorized by a majority  
490 vote of the city council. If an extension is not approved, the position shall be  
491 deemed vacant, except on multiple member bodies where the vacancy would  
492 prevent a quorum. In that instance, a temporary appointment shall be  
493 permitted to remain until a successor is qualified.

494 SECTION 3-9: APPROVAL OF MAYOR, VETO

495 Every ordinance or other measure as required by law adopted or passed by  
496 the city council, except any matters relating to the internal affairs of the city  
497 council, shall be presented to the mayor for approval. If the mayor approves  
498 the measure, the mayor shall sign it. If the mayor disapproves the measure,  
499 the mayor shall return it to the city council with the specific reason for  
500 disapproval attached in writing. The city council shall enter the objections of  
501 the mayor on its records and reconsider the measure at its subsequent  
502 regular meeting. If the city council, regardless of the disapproval by the  
503 mayor, shall again pass the identical measure by affirmative vote of 8  
504 members of the city council, it shall then be deemed in force. If the mayor  
505 has neither signed a measure nor returned it to the city council within 10  
506 days following the date it was presented to the mayor, the measure shall be  
507 deemed approved and in force.

508 SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

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

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

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

516 (b) Special Meetings of the City Council - The mayor may call a special  
517 meeting of the city council for any purpose. Unless the mayor designates an  
518 emergency, notice of the meeting shall be delivered by hand or by electronic  
519 mail at least 2 business days in advance of the time set and shall specify the  
520 date, time and location of the meeting and the purpose for which the

521 meeting is to be held. A copy of the notice shall be posted immediately.

#### 522 SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

523 (a) Acting Mayor - Whenever the mayor is unable to perform the duties of  
524 the office, the president of the city council shall be the acting mayor. In the  
525 event that the city council president is unable to serve as acting mayor  
526 under this section, the city council shall elect a councilor to serve as acting  
527 mayor from among its membership. The city council, by the affirmative vote  
528 of 8 members, shall determine whether the mayor is unable to perform the  
529 duties of the office. Notwithstanding any general or special law to the  
530 contrary, the vote shall be taken in public session by a roll call vote.

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

#### 541 SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

542 The mayor may authorize and subsequently remove authorization from a  
543 subordinate officer or employee of the city to exercise or perform a function  
544 or duty of the office of the mayor, provided, however, that all acts  
545 performed under any delegation of authority during the period of  
546 authorization shall be and remain the acts of the mayor. Nothing in this  
547 section shall be construed to authorize the mayor to delegate the powers  
548 and duties of the mayor as a school committee member, the power of

549 appointment to city office or employment, or the authority to sign or return  
550 measures approved by the city council unless the provisions of section 3-11  
551 apply.

552 SECTION 3-13: FILLING OF PERMANENT VACANCY

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

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

573 (b) If a vacancy occurs in the final 12 months of the term, the office of  
574 mayor shall be filled as provided in (a) above; provided, however that if the  
575 councilor serving as the acting mayor under this section chooses to be a  
576 candidate for mayor, they shall not be entitled to have the words "candidate

577 for reelection” printed with that councilor’s name on the regular municipal  
578 election ballot. The resulting vacancy on the council shall be filled in the  
579 manner provided in section 2-12. The person elected as mayor at the  
580 regular municipal election shall take office immediately upon certification of  
581 the vote and shall serve for the balance of the remaining term as well as the  
582 term to which elected.

583 ARTICLE 4

584 SCHOOL COMMITTEE

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

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

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

595 (c) Eligibility - Any statewide voter residing in the ward from which election  
596 is sought shall be eligible to hold the office of school committee member. If  
597 a school committee member removes from the city during the committee  
598 member’s term, that office shall immediately be deemed vacant and filled in  
599 the manner provided in section 4-6. If a school committee member removes  
600 to another ward in the city, the member may continue to serve for the  
601 balance of the term to which elected.

602 SECTION 4-2: PROHIBITIONS

603 A member of the school committee elected by ward shall not hold any other

604 compensated city position. A former member of the school committee  
605 elected by ward shall not hold any compensated appointed city office or city  
606 employment for at least 1 year after termination of their service on the  
607 school committee. This section shall not prevent a city officer or other city  
608 employee who has vacated a position in order to serve as a member of the  
609 school committee elected by ward from returning to the same office or other  
610 position of city employment held at the time the position was vacated.

#### 611 SECTION 4-3: COMPENSATION

612 Members of the school committee shall receive compensation for their  
613 services as set by ordinance by the city council. An ordinance authorizing the  
614 compensation of the members of the school committee shall not be effective  
615 unless:

616 (1) it is adopted by affirmative vote of 8 members of the city council;

617 (2) it is adopted prior to the last 6 months of the school committee's  
618 term; and

619 (3) it provides that the compensation is to take effect upon the  
620 organization of the city government following the next regular  
621 municipal election .

#### 622 SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

623 The school committee shall determine the procedures for the election of  
624 school committee officers and adopt policies and procedures relating to  
625 conducting the business of the school committee. .

#### 626 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

- 630 (1) selecting and removing a superintendent of the schools who shall  
631 be charged with the administration of the school system, and  
632 appointment of all other personnel as provided by the General Laws;
- 633 (2) adopting policies for the management of the public school system.  
634 as deemed necessary or desirable;
- 635 (3) adopting and overseeing the administration of an annual operating  
636 budget for the school department, subject to appropriation;
- 637 (4) providing ordinary maintenance of all school buildings and  
638 grounds, unless a central municipal maintenance department, which  
639 may include maintenance of school buildings and grounds, is  
640 established; and
- 641 (5) at least 1 member of the school committee, or a designee of the  
642 school committee, shall serve on the agency, board, or committee for  
643 the planning or construction of a new, remodeled, or renovated school  
644 building.

645 SECTION 4-6: FILLING OF VACANCIES

646 If a vacancy occurs in the membership of the school committee whether by  
647 failure to elect or otherwise, the president of the city council shall, not more  
648 than 30 days after the date on which that vacancy is declared to exist, call a  
649 joint meeting of the city council and the school committee to act to fill the  
650 vacancy. At the joint meeting, a majority of those present and voting shall  
651 fill the vacancy for the remainder of the unexpired term by choosing the  
652 defeated candidate for the seat at the last regular city election; If there was  
653 no other candidate for the office, the city council and the school committee  
654 shall at their discretion choose an individual, from among the voters entitled  
655 to vote for that office for the remainder of the unexpired term. A person so  
656 chosen shall take the oath of office and commence to serve forthwith. No



657 vacancy shall be filled in the manner provided in this section if a regular city  
658 election is to be held not more than 180 days after the date the vacancy is  
659 declared to exist. In an election being held to elect a candidate to a seat that  
660 is vacant at the time of the election, the candidate deemed the winner of the  
661 election to that seat shall be sworn in to serve the remainder of the term  
662 previously vacated at the first regularly scheduled school committee meeting  
663 after the date the election results are officially certified.

## 664 ARTICLE 5

### 665 ADMINISTRATIVE ORGANIZATION

#### 666 SECTION 5-1: ORGANIZATION OF CITY AGENCIES

667 The organization of the city into agencies to provide services and administer  
668 the government may be accomplished only through an administrative order  
669 submitted to the city council by the mayor. An administrative order may not  
670 originate with the city council. The mayor may, subject only to express  
671 prohibitions of General Laws or this charter, propose administrative orders to  
672 establish a new agency, reorganize, consolidate or abolish any agency, in  
673 whole or in part, as is deemed necessary to conduct the business of the city  
674 in an orderly, efficient or convenient manner. The mayor may also propose  
675 administrative orders to establish terms of office and prescribe the functions  
676 and administrative procedures to be followed by all agencies.

677 These proposed administrative orders shall be accompanied by a message  
678 from the mayor which explains he expected benefits and advises the city  
679 council if an administrative order shall require amendments, insertions,  
680 revisions, repeal, or otherwise of existing ordinances. Whenever the mayor  
681 proposes an administrative order, the city council shall hold 1 or more public  
682 hearings on the proposal and post notice.

683 An organization or reorganization plan shall become effective at the

684 expiration of 60 days from filing, unless the city council has disapproved the  
685 plan by majority vote prior to that date; provided, however, that if no  
686 regular city council meeting is held within the subsequent 60 days of the first  
687 regular meeting after the filing of an organization or reorganization plan, the  
688 city council shall instead have 60 days from the second regular meeting. The  
689 city council may vote only to approve or to disapprove the plan and may not  
690 vote to amend or to alter it.

#### 691 SECTION 5-2: QUALIFICATIONS FOR APPOINTMENTS AND PROMOTIONS

692 All appointments and promotions of city officers and other city employees  
693 shall be made on the basis of fitness demonstrated by examination, past  
694 performance, or by other evidence of competence and suitability. Each  
695 person appointed to fill an office or position shall be a person who has the  
696 experience, training, or education to perform the duties of the office or  
697 position.

### 698 ARTICLE 6

#### 699 FINANCIAL PROCEDURES

##### 700 SECTION 6-1: FISCAL YEAR

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

##### 703 SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

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

##### 709 SECTION 6-3: ANNUAL BUDGET MEETING

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

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

716 On or about May 30, the mayor shall submit to the city council a proposed  
717 operating budget for all city agencies for the next fiscal year. The proposed  
718 operating budget shall include the school budget, as adopted by the school  
719 committee, which shall be submitted to the mayor on or about May 15. The  
720 proposed operating budget shall be accompanied by a budget message and  
721 supporting documents. The budget message shall explain the operating  
722 budget in fiscal terms and in terms of work programs for all city agencies. It  
723 shall outline the proposed fiscal policies of the city for the next fiscal year,  
724 describe important features of the proposed operating budget and include  
725 any major variations from the current operating budget, fiscal policies,  
726 revenues and expenditures together with reasons for these changes. The  
727 proposed operating budget shall provide a complete fiscal plan of all city  
728 funds and activities and shall be in the form the mayor deems desirable,  
729 provided, however, that the budget proposals relative to elected officials  
730 shall identify the cost of compensation and the cost of benefits for such  
731 officials. The mayor and the superintendent of schools shall coordinate the  
732 dates and times of the school committee's budget process under the General  
733 Laws.

#### 734 SECTION 6-5: ACTION ON THE OPERATING BUDGET

735 (a) Public Hearing - The city council shall post a notice of the proposed  
736 operating budget as submitted by the mayor. The notice shall state: (1) the  
737 times and places where copies of the entire proposed operating budget are

738 available for inspection by the public; and (2) the date, time and place when  
739 a public hearing on the proposed operating budget shall be held by the city  
740 council, at least 7 days after posting of the notice. The city council shall not  
741 act on the budget until after the public hearing has occurred.

742 (b) Adoption of the Budget - The city council shall adopt the proposed  
743 operating budget, which may have amendments, before the end of the fiscal  
744 year. In amending the proposed operating budget, the city council may  
745 delete or decrease amounts except expenditures required by law, provided,  
746 however, that the city council shall not increase any specific item or the total  
747 of the proposed operating budget except on the recommendation of the  
748 mayor or unless otherwise authorized by the General Laws. If the city  
749 council fails to act on an item in the proposed operating budget prior to the  
750 beginning of the fiscal year, that amount shall, without any action by the city  
751 council, become a part of the appropriations for the year and be available for  
752 the purposes specified.

753 (c) Availability of the Operating Budget - In addition to any other posting  
754 requirements, immediately after the submission of the proposed budget to  
755 the city council, the mayor or their designee shall post the entire budget  
756 document on the city website, where it shall remain posted during the city  
757 council review process contained in this article. After the enactment of the  
758 budget the mayor or their designee shall post the final budget on the city  
759 website where it shall remain throughout the fiscal year for which it is in  
760 effect. The final budget shall reflect any amendments made by the city  
761 council and approved by the mayor and shall indicate that it is the final  
762 budget.

### 763 SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

764 (a) Submission - The mayor shall submit a capital improvement program to  
765 the city council on or about November 1 of each year. The mayor shall

766 annually revise the information regarding the capital improvements still  
767 pending or in the process of being acquired, improved, or constructed.

768 The capital improvement program shall include:

769 (1) a general summary of its contents;

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

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

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

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

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

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

782 (c) Adoption - Following the public hearing, but not later than December 1,  
783 the city council may by resolution adopt the capital improvements program.  
784 The Mayor may amend the adopted program, provided that each  
785 amendment shall be voted on separately, and that an increase in the capital  
786 improvements program as submitted shall clearly identify the method of  
787 financing to accomplish the proposed increase.

#### 788 SECTION 6-7: INDEPENDENT AUDIT

789 The mayor shall annually provide for an outside audit of the books and  
790 accounts of the city in the form of an Annual Comprehensive Financial

791 Report to be conducted by a certified public accountant or a firm of certified  
792 public accountants, which has no personal interest, direct or indirect, in the  
793 fiscal affairs of the city or any of its officers. The award of a contract to audit  
794 shall be made by the mayor on or before September 15 of each year. The  
795 report of the audit and all accompanying documents, including a  
796 management letter so-called shall be filed in final form with the city council  
797 no later than March 1 in the year following its award. The certified public  
798 accountant or firm of certified public accountants shall make a presentation  
799 to the city council as soon as practicable after said March 1 but no later than  
800 May 31 of each year. At least every 3 years, the mayor shall conduct a  
801 procurement process using sound business practices to retain these services.

#### 802 SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

#### 812 ARTICLE 7

#### 813 ELECTIONS

#### 814 SECTION 7-1: ELIGIBILITY TO VOTE IN MUNICIPAL ELECTIONS

815 In addition to individuals eligible to vote pursuant to the General Laws the  
816 following individuals may, upon application, have their names entered on a  
817 list of municipal voters established by the board of election commissioners

818 for the city and may thereafter vote in any election for municipal offices and  
819 municipal ballot questions in accordance with this charter.

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

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

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

#### 829 SECTION 7-2: PRELIMINARY ELECTIONS

830 A preliminary election to nominate candidates for mayor, councilors at-large,  
831 ward councilors, and school committee members shall be held on the third  
832 Tuesday in September in each odd-numbered year in which the candidates  
833 are to be elected. The city clerk may, with the approval of the city council,  
834 reschedule the preliminary election to the fourth Tuesday in September to  
835 avoid a conflict with any civil or religious holiday. Whenever a special  
836 election to fill a vacancy is to be held, a preliminary election shall be  
837 conducted, if necessary, 28 days before the date established for the special  
838 election. A preliminary election to fill a vacancy in the office of ward  
839 councilor or school committee member shall be held only in the ward where  
840 there is a vacancy.

#### 841 SECTION 7-3: PRELIMINARY ELECTION PROCEDURES

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

- 845 (1) Mayor - at least 250 certified signatures;
- 846 (2) At-Large City Councilor - at least 100 certified signatures;
- 847 (3) Ward City Councilor - at least 50 certified signatures, all of which  
848 shall be certified as being from the ward from which election is sought;  
849 and
- 850 (4) School Committee Member - at least 50 certified signatures, all of  
851 which shall be certified as being from the ward from which election is  
852 sought.

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

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

866 (d) Determination of Candidates:

867 (1) Offices of Mayor, Ward Councilor, and School Committee - the two  
868 candidates who receive the highest number of votes for nomination to  
869 each office at the preliminary election shall, except as provided by  
870 paragraph 7-3(d)(3), be the candidates for that office. The candidates'  
871 names shall be printed on the official ballot to be used at the regular



872 or special municipal election at which the office is to be voted upon  
873 and an acceptance of a nomination shall not be necessary to its  
874 validity.

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

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

888 (e) Condition Making Preliminary Unnecessary - If the time for filing  
889 statements of candidates to be on the ballot for any preliminary election has  
890 expired, and the number of statements filed with the city clerk for an office  
891 is not more than 2 for the office of mayor, any ward councilor or ward school  
892 committee member, and 8 for the office of city councilor at-large, the  
893 candidates whose statements have been filed shall be deemed nominated to  
894 that office. Those candidates shall be voted on for the office at the regular or  
895 special municipal election. The city clerk shall not print those names on the  
896 ballot to be used at the preliminary election and another nomination to the  
897 office shall not be made, and a preliminary election shall not be held for the  
898 office or offices.

899 SECTION 7-4: REGULAR MUNICIPAL ELECTION

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

#### 902 SECTION 7-5: BALLOT POSITION, REGULAR MUNICIPAL ELECTION

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

#### 909 SECTION 7-6: NON-PARTISAN ELECTIONS

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

#### 912 SECTION 7-7: WARDS

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

#### 920 SECTION 7-8: APPLICATION OF STATE GENERAL LAWS

921 Except as otherwise expressly provided in this charter and authorized by  
922 law, all municipal elections shall be governed by the General Laws relating to  
923 the right to vote, the registration of voters, the nomination of candidates,  
924 voting places, the conduct of preliminary, regular and special municipal  
925 election, the submission of charters, charter amendments and other  
926 propositions to the voters, the counting of votes, the recounting of votes,

927 and the determination of results.

## 928 ARTICLE 8

### 929 GENERAL PROVISIONS

#### 930 SECTION 8-1: CHARTER CHANGES

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

#### 933 SECTION 8-2: SPECIFIC PROVISION TO PREVAIL

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

#### 937 SECTION 8-3: RULES AND REGULATIONS

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

#### 944 SECTION 8-4: PERIODIC REVIEW OF CHARTER

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

952 SECTION 8-5: PERIODIC REVIEW OF ORDINANCES

953 The mayor and city council shall provide for a review to be made of some or  
954 all of the city ordinances at least once every 10 years to determine the need  
955 for amendments, if any. Such review shall be scheduled to follow the charter  
956 review as provided in section 8-4 of the charter by at least 1 year. The  
957 manner of the review shall be established by ordinance. The review of city  
958 ordinances shall be under the supervision of the city solicitor and incorporate  
959 opportunities for community input. The recommendations shall be filed with  
960 the city clerk on a date specified by ordinance.

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

962 The mayor and the city council shall provide for a review to be made of all  
963 multiple member bodies at least once every 10 years, provided however that  
964 such bodies as are required in cities by the General Laws, established by a  
965 special act of the legislature at the city's request or established by the city's  
966 acceptance of one or more state enabling laws at least 10 years prior to the  
967 adoption of the charter shall not be included in such review. This review shall  
968 be made by a special committee whose membership and term shall be  
969 determined by ordinance, and the initial review shall be implemented as  
970 provided in section 9-7(d). The special committee shall file its report with  
971 the city clerk on a date specified by ordinance. The committee's report  
972 should include an assessment of the function and relevance of multiple  
973 member bodies included in the review, and may include recommendations to  
974 combine, dissolve or create multiple member bodies to address redundancies  
975 or emerging concerns of the city.

976 SECTION 8-7: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER  
977 BODIES

978 Open meeting law and procedures in the General Laws shall apply to the  
979 proceedings of multiple member bodies, and shall include the following:

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

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

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

997 (4) Voting - If requested by any member, a vote of an appointed  
998 multiple member body shall be taken by a roll call vote and the vote of  
999 each member shall be recorded in the minutes, provided, however,  
1000 that if the vote is unanimous only that fact need be recorded. Unless  
1001 some other provision is made by the multiple member body's own  
1002 rules while a quorum is present, except on procedural matters, any  
1003 action on a matter representing an exercise of the powers of the  
1004 multiple member body shall require a majority vote. General Laws  
1005 related to a vote to meet in executive session shall always require a  
1006 majority of members of the body.

1007 SECTION 8-8: REFERENCES TO GENERAL LAWS

1008 All references to General Laws contained in the charter refer to the  
1009 Massachusetts General Laws and are intended to refer to and to include any  
1010 amendments or revisions to chapters or sections or to the corresponding  
1011 chapters and sections of any rearrangement, revision or recodification of  
1012 statutes enacted or adopted subsequent to the adoption of this charter.

1013 SECTION 8-9: COMPUTATION OF TIME

1014 In computing time under this charter, the day of the act or event after which  
1015 the designated time period begins to run shall not be included. The last day  
1016 of the period shall be included, unless it is a Saturday, Sunday or legal  
1017 holiday, in which event the period shall be extended to the next business  
1018 day.

1019 SECTION 8-10: OATHS OR AFFIRMATIONS

1020 (a) Officials Elected in Regular Municipal Elections - On the first business day  
1021 in January of each even-numbered year, the city council members-elect, the  
1022 school committee members-elect and the mayor-elect, shall meet and take  
1023 an oath or affirmation to faithfully discharge the duties of their office. The  
1024 oath or affirmation shall be administered by the city clerk, the assistant city  
1025 clerk, a judge of a court of record or by a justice of the peace. Each official  
1026 taking the oath or affirmation shall also sign a written version, which shall be  
1027 kept in a bound book maintained by the city clerk. If the mayor-elect or any  
1028 member-elect of the city council or school committee is absent on the day  
1029 the oath is administered, the oath or affirmations shall be administered at any  
1030 time within 10 days of the first business day of January, unless  
1031 circumstances beyond the control of the officer-elect prevent such action,  
1032 but in no instance shall the time period to be sworn to office extend beyond  
1033 30 days from the first business day of January.

1034 (b) Other Elected Officials and Appointed Positions - Except as otherwise  
1035 provided by law, every person who is elected or appointed to an office or as

1036 a member of a multiple member body shall take an oath or affirmation  
1037 before performing any act under this election or appointment. A record of  
1038 this oath or affirmation shall be kept by the city clerk.

1039 SECTION 8-11: LIMITATION ON OFFICE HOLDING

1040 Unless otherwise allowed by law or this charter, a person shall not  
1041 simultaneously hold more than 1 office or position of employment with the  
1042 city. This section may be waived by the mayor by filing a notice of the  
1043 waiver with an explanation and justification with the city clerk.

1044 SECTION 8-12: FELONY CONVICTION

1045 An elected official who has been convicted of a state or federal felony while  
1046 holding office shall be deemed to have vacated the office.

1047 SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

1048 It shall be the duty of the mayor to see that the charter is faithfully followed  
1049 and complied with by all city agencies and employees. Whenever it appears  
1050 to the mayor that a city agency or employee is not following the charter, the  
1051 mayor shall, in writing, cause notice to be given to that agency or employee  
1052 directing compliance with this charter. Whenever it appears to the city  
1053 council that the mayor is not following this charter, the city council shall, by  
1054 resolution, direct the attention of the mayor to those areas in which it  
1055 believes there is a failure to comply with the charter. The procedures made  
1056 available in chapter 231A of the General Laws may be used to determine the  
1057 rights, duties, or other legal relations arising under the charter, including  
1058 any question of construction or validity which may be involved in that  
1059 determination.

1060 ARTICLE 9

1061 TRANSITION PROVISIONS

1062 SECTION 9-1: CONTINUATION OF EXISTING LAWS

1063 (a) All General Laws, special laws, city ordinances, city council votes, rules  
1064 and regulations of or pertaining to the city that are in force when this charter  
1065 takes effect, and not specifically or by implication repealed by this charter,  
1066 shall continue in full force and effect until amended or repealed, or rescinded  
1067 by due course of law, or until they expire by their own limitation. In any case  
1068 in which the provisions of the charter are found to be inconsistent with the  
1069 provisions of any general or special law that would otherwise be applicable,  
1070 the provisions of the charter shall prevail.

1071 (b) Except as otherwise provided in the charter, the city shall not be subject  
1072 to provisions of chapter 31 of the General Laws. Uniform positions within the  
1073 police department and the fire department below the rank of chief of  
1074 department shall continue to be subject to said chapter 31. Tenured civil  
1075 service employees of the city shall continue to be subject to the provisions of  
1076 said chapter 31 in the classification held at the time of the effective date of  
1077 the charter.

1078 SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

1079 All city agencies and city officials shall continue to perform their duties until  
1080 reappointed, until successors to their respective positions are appointed or  
1081 until their duties have been transferred and assumed by another city  
1082 agency. All officers and department heads previously appointed and/or  
1083 appointed and confirmed at the time this Charter takes effect shall not be  
1084 required to be re-appointed or re-appointed and confirmed, unless otherwise  
1085 provided by this Charter.

1086 SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

1087 All records and property of any city agency, or part thereof, the powers and  
1088 duties of which are assigned in whole or in part to another city agency, shall



1089 be transferred forthwith to that agency.

1090 SECTION 9-4: CONTINUATION OF PERSONNEL

1091 All city office holders and employees shall retain the office, position or  
1092 employment they hold, and shall continue to perform the duties of the office,  
1093 position or employment until their employment or position is otherwise  
1094 terminated or other provisions are made. A person in full-time service of the  
1095 city shall not forfeit accrued time in service of the city as a result of adoption  
1096 of the charter.

1097 SECTION 9-5: EFFECT ON OBLIGATIONS, TAXES, ETC.

1098 All official bonds, recognizances, obligations, contracts and other  
1099 instruments entered into or executed by, with, or on the behalf of the city  
1100 before the adoption of the charter, shall continue to be obligations of the  
1101 city; and all taxes, assessments, fines, penalties and forfeitures, incurred or  
1102 imposed, due or owing to the city, shall be enforced and collected; and all  
1103 writs, prosecutions, actions and causes of action, except as herein otherwise  
1104 provided, shall continue without abatement and remain unaffected by the  
1105 charter; and any legal act done by or in favor of the city shall not be  
1106 rendered invalid by reason of the adoption of the charter.

1107 SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

1108 (a) Certain Special Acts repealed:

1109 The following special acts are hereby repealed: St.1899, c. 240, establishing  
1110 a charter for the city of Somerville; provided, however, that section 38  
1111 establishing the composition and term of the board of health, section 39  
1112 establishing the composition and term of the board of library trustees, and  
1113 section 43 requiring that the purchasing agent make all city purchases, shall  
1114 remain in effect until such time as the city acts under Article 5 of the charter  
1115 to enact one or more administrative orders; St. 1982, c. 656 authorizing the

1116 mayor and council salaries to be set by ordinance; St. 1989, c. 355,  
1117 establishing a 3 year term for the city clerk;; St. 2014, c. 90, filling a  
1118 vacancy in the office of mayor; St. 2018, c. 355, replacing the words "board  
1119 of aldermen" and "alderman", with the words "city council" and "councilor",  
1120 replacing the words "alderman at-large" with the words "councilor at-large",  
1121 and replacing the words "aldermen-elect" with the words "council-elect", and  
1122 St. 2022, c. 312, making c. 240 of 1899 gender neutral.

1123 (b) Certain Special Acts Recognized and Retained:

1124 The following special acts, including those which amended Chapter 240 of  
1125 the Acts of 1899, relating to the organization of the city's government, are  
1126 recognized and retained as follows, notwithstanding any reference to said c.  
1127 240: St. 1923, c.191, St. 1939, c.190, and St. 2018, c.410 relating to the  
1128 Licensing Commission; St. 1928, c. 41 and c. 81, St. 2021, c. 63 relating to  
1129 the Board of Appeals; St. 1928, c. 82, St. 2018, c. 410, and St. 2012, c. 400  
1130 relating to the Board of Election Commissioners; St. 1934, c. 294 relating to  
1131 the Auditor, St. 1934, c. 295 relating to the Treasurer; St. 1953, c. 653, St.  
1132 1988, c. 94, ss. 40, 40A, B, C, and D, St. 2004, c. 317, and St. 2008, c.112  
1133 relating to the Department of Public Works; St. 1977, c. 644 relating to the  
1134 School Committee; St. 1985, c. 23, and St. 2012, c. 400 relating to the  
1135 Board of Assessors; St. 1991, c. 390 relating to the Disabilities Commission;  
1136 St. 2008, c. 106 establishing the Municipal Hearing Officer; St. 2012, c. 381,  
1137 and St. 2016, c. 142 relating to the Alcoholic Beverages Commission; St.  
1138 2018, c. 364 relating to the Redevelopment Authority; St. 1978, c.297, St.  
1139 2012, c.312. and St. 2012, c. 400 relating to the Traffic Commission; and  
1140 ss. 1-10, 26, 50, 43, 47, 48, 49, 50, 56, 57, 58, 59 and 60 of c. 400 of the  
1141 Acts of 2012 until such time as the city acts under Article 5 of this charter to  
1142 adopt one or more administrative orders.

1143 SECTION 9-7: TIME OF TAKING EFFECT

1144 (a) The provisions of s. 3-6 of the charter relating to the appointment of the  
1145 Chief Administrative Officer shall take effect following the regular municipal  
1146 election in 2025.

1147 (b) The provisions of Article 7 relative to municipal elections shall be in  
1148 effect for the preliminary and regular municipal elections to be held in 202.

1149 (c) The provision of Article 6 relating to the operating budget, the capital  
1150 plan, and the municipal audit shall take effect for the fiscal year beginning  
1151 July 1, 2026 (FY 2027).

1152 (d) Creation of Public Financing of Campaigns Committee

1153 Within 6 months of the adoption of the charter, the city council shall create a  
1154 public financing of campaigns committee to study public financing  
1155 mechanisms and prepare recommendations with the goal of making running  
1156 for office in the city more accessible to potential candidates. The directive of  
1157 this study committee is to consider a full range of options as practicable,  
1158 provide analysis on the potential benefits and barriers of each option, and  
1159 consider which should be recommended to the city council for its  
1160 consideration.

1161 The committee shall consist of 9 members: 1 shall be the chair of the board  
1162 of elections commissioners or their designee, 1 shall be the city council  
1163 president or their designee, 1 shall be the chair of the school committee or  
1164 their designee, 2 shall be city residents appointed by the city council, 2 shall  
1165 be city residents appointed by the school committee, 2 shall be city residents  
1166 appointed by the mayor. The committee shall elect a chair and establish the  
1167 schedule of its meetings. The committee shall issue recommendations to the  
1168 city council within 12 months of the appointment of all of the members. The  
1169 city council shall take action on the recommendations within 90 days of  
1170 receipt. If the city council has already taken action consistent with this  
1171 provision, no action is necessary.

1172 (e) Creation of Ranked Choice Voting Implementation Committee

1173 Within 6 months of the adoption of the charter, the city council shall create a  
1174 ranked choice voting committee to propose a measure to adopt ranked-  
1175 choice voting and submit a report on ranked-choice voting in the city. A  
1176 voting method shall be considered ranked choice voting if the municipal  
1177 voter ranks candidates in order of preference. The committee’s report shall  
1178 include:

- 1179 (1) the elected offices to be selected by this voting method;
- 1180 (2) a timeframe and strategy for implementation;
- 1181 (3) infrastructure and equipment requirements;
- 1182 (4) a cost analysis;
- 1183 (5) a comparative analysis of other voting methods;
- 1184 (6) an analysis of potential equity concerns; and
- 1185 (7) a community education plan.

1186 If the city council has already taken action consistent with this provision, no  
1187 action is necessary. The goal of this committee is to implement ranked  
1188 choice voting in order to more accurately reflect the will of the voters,  
1189 increase the number and diversity of candidates, lower barriers to candidate  
1190 participation and increase transparency of elections.

1191 The committee shall consist of 9 members: 1 shall be the chair of the board  
1192 of elections commissioners or their designee, 1 shall be the city council  
1193 president or their designee, 1 shall be the chair of the school committee or  
1194 their designee, 2 shall be city residents appointed by the city council, 2 shall  
1195 be city residents appointed by the school committee, 2 shall be city residents  
1196 appointed by the mayor. The committee shall elect a Chair and establish the  
1197 schedule of its meetings. The committee shall propose a measure to the city

1198 council within 18 months of the appointment of its full membership. The city  
1199 council shall take action on the measure within 90 days of receipt.

1200 (f) Initial Periodic Review of Multiple Member Bodies

1201 The mayor and the city council shall convene the first periodic review of  
1202 multiple member bodies committee, pursuant to section 8-6, within 6  
1203 months of the adoption of the charter. The committee's report should  
1204 include:

- 1205 (1) an assessment of the functions and relevancies of the city's current  
1206 multiple member bodies;
- 1207 (2) a review of activities of multiple member bodies from recent years;
- 1208 (3) the ability of the city to fill appointments to the body; and
- 1209 (4) recommendations for combining, terminating, or establishing new  
1210 multiple member bodies. If the city council has already taken action  
1211 consistent with this provision, no action is necessary.

1212 The committee shall consist of 5 members: 1 shall be the mayor or their  
1213 designee, 1 shall be the city council president or their designee, 1 shall be  
1214 the city clerk, 1 shall be a resident appointed by the mayor, 1 shall be a  
1215 resident appointed by the city council.

1216 The committee shall submit a report to the city council and they shall  
1217 respond to and vote on the recommendations within 90 days of receipt.

1218 (g) Within 120 days of the effective date of this act, the city council shall  
1219 consider the acceptance of section 91 of chapter 41 of the general laws.

1220 SECTION 2. The city clerk shall cause the following question to be place on  
1221 the official ballot to be used in the city of Somerville at the regular municipal  
1222 election to be held on November 4, 2025: Shall the city adopt Chapter XXX  
1223 of the Acts of 2024 that provides a special act charter for the city of

1224 Somerville? The city attorney shall prepare the summary of the proposed  
1225 special act charter which shall appear on the ballot along with the question  
1226 provided in this section and the city attorney shall submit the question and  
1227 summary to the city clerk in accordance with section 42C of chapter 54 of  
1228 the General Laws.

1229

1230 SECTION 3. Section 1 shall take effect upon acceptance by a majority of the  
1231 voters of the city voting in the affirmative, but not otherwise.

1232

1233 SECTION 4. Section 2 shall take effect upon passage.