# CITY OF SOMERVILLE
## ORDINANCE NO. 2026-
## IN CITY COUNCIL: _____, 2026

**WHEREAS:** The City of Somerville is a welcoming community that does not support discrimination or violence anywhere in the world; and

**WHEREAS:** The City of Somerville has previously adopted a policy of ethical procurement, including refusing to do business with companies that supported the former apartheid regime in South Africa and those that use prison labor; and

**WHEREAS:** On November 4, 2025, 55% of voters in the Somerville general municipal election voted 'yes' on Ballot Question 3 to instruct the Mayor of Somerville and all Somerville elected leaders to "end all current city business and prohibit future city investments and contracts with companies as long as such companies engage in business that sustains Israel's apartheid, genocide, and illegal occupation of Palestine"; and

**WHEREAS:** On November 25, 2025, this City Council approved A Resolution in Support of Democratic Divestment Action Regarding Question 3, resolving to "work toward passing an ordinance within a year that implements the will of the majority of Somerville voters to boycott and divest in accordance with the language of Ballot Question 3, and in a manner that is practicable and legally feasible."; and

**WHEREAS**: This City Council recognizes that the actions of governments must always be distinguished from the people subject to those governments, and that people of all ethnicities, religions, backgrounds, and national origins must be fully welcome in our community, without exception; and

**WHEREAS**: A municipality, in its responsibility to consider the reliability, appropriateness, prudence and soundness of contracting agreements and investments, must bring to bear a full consideration of the capability, reliability and integrity of its contracting partners, and the economic value at risk due to environmental, social, and governance factors; and

**WHEREAS:** Continued investment in companies that directly profit from oppression and violence is counter to the established policies of the City of Somerville;

**NOW THEREFORE,**

Be it ordained by the City Council, in session assembled, that Chapter 2, Article VIII, Division 1 of the Code of Ordinances of the City of Somerville is amended as follows by inserting the following section.

**Sec. 2-376. – Ethical procurement and investment.**

(a) Procurement restriction. In exercising its procurement discretion, the city may not procure, contract for, hire, or retain labor or services performed, or goods produced, by an entity which, in any of the three most recent fiscal years, provided material support to, or derived revenue from contracts, services, or operations that directly enable or are used in furtherance of systematic violations of international humanitarian law or conduct recognized under international law to constitute apartheid, genocide, or unlawful military occupation, including without limitation conduct occurring in Israel and Palestine.

(1) Sole Proprietor Exception. The procurement restriction set forth in subsection (a) and the certification requirement set forth in subsection (f) shall not apply to a sole proprietor, defined as a natural person conducting business in their own name or under a trade name who has not formed a corporation, partnership, limited liability company, or other legal entity for the conduct of their business.

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**Deleted:** from material support provided to entities engaged in conduct recognized under international law to constitute apartheid, genocide, unlawful military occupation, or conduct recognized to constitute systematic violation of international humanitarian law

(b) Investment restriction. With its directly controlled investments, the city may not purchase financial equities or bonds that constitute investment in an entity which, in any of the three most recent fiscal years, provided material support to, or derived revenue from contracts, services, or operations that directly enable or are used in furtherance of systematic violations of international humanitarian law or conduct recognized under international law to constitute apartheid, genocide, or unlawful military occupation, including without limitation conduct occurring in Israel and Palestine, so long as alternatives with equivalent or better financial prospects are available.

(c) Determination of Compliance. In determining whether an entity meets the criteria set forth in subsections (a) and (b), the city shall consider the findings, determinations, listings, or formal conclusions of international legal or human rights bodies, including without limitation:

(1) The International Court of Justice,

(2) The International Criminal Court,

(3) The United Nations Office of the High Commissioner for Human Rights,

(4) Commissions of inquiry established by the United Nations Human Rights Council,

(5) The database of business enterprises maintained by the United Nations Office of the High Commissioner for Human Rights pursuant to Human Rights Council Resolutions 31/36 and 53/25, as updated from time to time, or any successor database maintained pursuant to those resolutions or subsequent Human Rights Council mandate,

(6) The divestment short-list database maintained by the American Friends Service Committee's Investigate Project, as updated from time to time,

(d) Procurement exception. The city may procure, contract, hire, or retain labor or services performed, or goods produced, by an entity that would be otherwise disallowed by the criteria of subsection (a), if the Director of Finance or designee determines that:

(1) the procurement, contract, hiring, use, or retention of labor or services performed, or goods produced, are essential to the operation of the city, including by avoiding a significant financial burden for the city; and,

(2) compliance with subsection (a) would eliminate the only bid or offer, or would result in inadequate competition.

(e) Investment exception. The city may purchase financial equities or bonds that would be otherwise disallowed by the criteria of subsection (b), if the Director of Finance or designee determines that the purchase is essential to the sound financial operation of the city.

(f) Certification. Any entity submitting a bid or proposal for city procurement shall be required to certify that it does not meet the criteria set forth in subsection (a).

(g) Severability. If a provision of this section or its application to a person or circumstance is held invalid, the invalidity does not affect another provision or application of this section that can be given effect without the invalid provision or application.

Approved:

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**Deleted:** Ethical Procurement and Investment Policy. The mayor shall create, maintain and apply an Ethical Procurement and Investment Policy which describes the methods by which the city ensures compliance with subsections (a) and (b). ↵
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This Policy shall include consideration of the

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President

Approved:

Mayor