CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

June 9, 2026

Via email: jtforward2@gmail.com

JT Scott
Ward 2 City Councilor
Somerville, MA 02143

Re: Somerville Charter Section 6-4

Dear Councilor Scott:

Thank you for your patience as we researched the questions you raised in your email of June 8, 2026.

As a preliminary matter, I am informed that the School Committee, as a body, had not adopted a budget for the School Department at the time the Mayor submitted the proposed operating budget for the City to the City Council.

As you note, Section 6-4 of the Charter states in part:

> [T]he mayor shall submit to the city council a proposed operating budget for all city agencies for the next fiscal year. The proposed operating budget shall include the school budget, as adopted by the school committee, which shall be submitted to the mayor on or about May 15.

"Ordinarily, where the language of a statute is plain and unambiguous, it is conclusive as to legislative intent." Ralph v. Civ. Serv. Comm'n, 100 Mass. App. Ct. 199 (2021). However, even clear statutory language is not read in isolation. Plymouth Ret. Bd. v. Contributory Ret. App. Bd., 483 Mass. 600 (2019), citing, Casseus v. Eastern Bus Co., 478 Mass. 786, 795 (2018.) Beyond plain language, courts must look to the statutory scheme as a whole, so as "to produce an internal consistency" within the statute." Plymouth Ret. Bd. v. Contributory Ret. App. Bd., supra, citing Retirement Bd. of Stoneham v. Contributory Retirement Appeal Bd., 476 Mass. at 135 (2016). A statute must be interpreted according to the intent of the Legislature ascertained from all its words construed by the ordinary and approved usage of the language, considered in connection with the cause of its enactment, the mischief or imperfection to be remedied and the main object to be

accomplished, to the end that the purpose of its framers may be effectuated" Vita v. New Eng. Baptist Hosp., 494 Mass. 824 (2024).

In my opinion, given the above legal principles, in context of the original draft Charter language, and the final Charter as adopted, the phrase "as adopted by the school committee" was likely added to the final version of the Charter to reflect the source of the original School Department submission to support the Mayor's "proposed operating budget" for all city agencies, as opposed to a separate departmental budget presented to the City Council.

As you may recall, the Somerville Charter Committee received a model charter from the Collins Center. Section 6-3 in the original draft Charter language, attached here, did not change the then existing city practice. Under 6-3 in the draft language, the mayor was responsible for submitting a proposed operating budget for all city agencies, including the School Department. If 6-3 were adopted as drafted, it would be clear that the City Council would not receive a separately budgeted amount directly from the school department instead of as a line item as part of the "proposed operating budget."

Section 6-3 in the original draft was essentially adopted in the final version as Section 6-4, with a change to the sentence structure, but also added "as adopted by the school committee."

Given the context of 6-3, it appears the reason the language "as adopted by the school committee" was included to reflect the existing practice that the Mayor's proposed School Department operating budget was derived from a submittal from the School Committee.

Unlike other city departments the adoption and overseeing of the administration of the annual operating budget is vested in the School Committee, with all the rights reserved to it by the Charter. This is acknowledged in Section 4-5(iii) of the Charter which vests the School Committee, as opposed to a department head, with the authority to adopt and oversee the administration of an annual operating budget for the School Department, subject to appropriation.

In my opinion, the use of the term "include" in the Charter does not compel the Mayor to "recommend" or "propose" the School Committee's School Department budget verbatim as part of his recommended operating budget for the entire city, as such an interpretation would functionally defeat the statutory powers granted to the Mayor.

As your email acknowledges, the City has not adopted Chapter 349 of the Acts of 1987, but in my opinion the Charter preserves the ability of the City to opt into doing so, should it choose.

Therefore, in my opinion, the Charter ultimately requires the Mayor to submit a proposed operating budget to the City Council for all city agencies, including the School Department - for the next fiscal year. The school department budget stands on the same footing as other city departmental budgets so far as the Mayoral budget submission and cuts are concerned. Section 6-5(b) preserves the City Council's authority to delete or decrease amounts (except those required by

law). It also permits the City Council to increase a specific item or total of the proposed operating budget upon the recommendation of the mayor or when authorized by General Laws.

I hope this information is helpful. Please let me know if you have any additional questions.

Sincerely,

Cynthia Amara
City Attorney

cc: Lance Davis, City Council President
Brendan Salisbury, Legislative Policy Analyst
IGA

SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

At least 30 days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and include any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable; provided, however, that the budget for elected officials shall identify the cost of compensation and the cost of benefits for those officials. The school budget, as adopted by the school committee shall be submitted to the mayor at least 30 days before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

Commented [LC60]: We will review the timeline differences between the current charter and the ones suggested in the exemplar charter during the meeting.

DRAFT