

**HOUSE . . . . . No. 4153**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Christine P. Barber***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a charter for the city of Somerville.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>5/19/2025</i>

**HOUSE . . . . . No. 4153**

By Representative Barber of Somerville, a petition (accompanied by bill, House, No. 4153) of Christine P. Barber (with the approval of the mayor and city council) relative to establishing a charter for the city of Somerville. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act establishing a charter for the city of Somerville.

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

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

2 PREAMBLE

3 We, the people of Somerville, with our diversity in culture and thought, in order to  
4 reaffirm the liberties of the people with respect to the conduct of our local government, adopt  
5 this charter to continue and enhance the city’s strong traditions of the pursuit of justice;  
6 empowerment of residents; ethical, transparent and responsive leadership; wise use of public  
7 resources; representation for all; and an engaged populace. We expect that our government will  
8 be approachable, accountable, equitable, inclusive, and respectful towards all people, and it will  
9 strive to provide all residents an equal opportunity to participate fully in the economic, cultural  
10 and intellectual life of the city.

11 ARTICLE 1

12 INCORPORATION; SHORT TITLE; DEFINITIONS

13 SECTION 1-1: INCORPORATION

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

17 SECTION 1-2: SHORT TITLE

18 This instrument shall be known and may be cited as the City of Somerville Charter  
19 (“charter”).

20

21 SECTION 1-3: SEPARATION OF POWERS

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

26 SECTION 1-4: POWERS OF THE CITY

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

32 SECTION 1-5: CONSTRUCTION

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

38 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

43 SECTION 1-7: DEFINITIONS

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

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

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

50 (3) "City", the City of Somerville.

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

52 (5) “City officer” or “department head”, a person having charge of a city office or  
53 department.

54 (6) “City website”, an online site established and maintained by the city as its repository  
55 of municipal information.

56 (7) “Emergency”, a sudden, generally unexpected occurrence or set of circumstances  
57 demanding immediate action or response.

58 (8) “General Laws”, the Massachusetts General Laws.

59 (9) “Majority vote”, a majority of the present and voting members of a body, unless  
60 otherwise provided for by law or by the body’s own rules. Provided, however, that General Laws  
61 related to any vote to meet in executive session shall always require a majority of the full  
62 multiple member body.

63 (10) “Measure”, any ordinance, order, other vote or proceeding adopted, or proposed to  
64 be adopted, by the city council or the school committee.

65 (11) “Multiple member body”, any council, commission, committee, subcommittee or  
66 other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted,  
67 but not including the city council or its committees, the school committee or its subcommittees  
68 or an advisory committee or task force established by the mayor or city council.

69 (i) “Quasi-judicial body”, any multiple member body which resolves specific disputes, or  
70 makes determinations about the rights, obligations or privileges of identifiable parties.

71 (ii) “Regulatory body”, any multiple member body responsible for establishing or  
72 enforcing rules or regulations.

73 (12) “Municipal voter”, anyone who is eligible to vote in a municipal election pursuant to  
74 this charter.

75 (13) “Organization or reorganization plan”, a plan submitted by the mayor to the city  
76 council which proposes:

77 (i) a change in the organization or the administrative structure of the city administration  
78 or organization; or

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

80 (14) “Post”, make available publicly on the city website, at city hall, in a local newspaper  
81 or as otherwise may be required by law. For the purposes of this definition, a local newspaper  
82 shall be a newspaper of general circulation within the city, with either weekly or daily  
83 circulation. The city council president may, from time to time, select a local newspaper for  
84 posting according to a procedure that shall be set forth in the rules of the city council.

85 (15) “Quorum”, a majority of all voting members of a multiple member body unless  
86 some other number is established by law or by ordinance.

87 (16) “Statewide voter”, anyone who is eligible to vote pursuant to state and federal law.

88 (17) “Year”, a calendar year, unless otherwise specified.

89 ARTICLE 2

90 LEGISLATIVE BRANCH

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

92 (a) Composition - There shall be a city council consisting of 11 members which shall  
93 exercise the legislative powers of the city. Four of these members, to be known as councilors at-  
94 large, shall be nominated and elected by the municipal voters at large. Seven of these members,  
95 to be known as ward councilors, shall be nominated from and elected by the municipal voters in  
96 each ward, with 1 ward councilor to be elected from each of the 7 wards into which the city is  
97 divided under section 7-7.

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

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

## 107 SECTION 2-2: PROHIBITIONS

108 (a) Holding Other City Position – Except as otherwise provided by this charter, a member  
109 of the city council shall hold no other compensated city position. A former member of the city  
110 council shall not hold any compensated appointed city position for 1 year after termination of  
111 their service on the city council, unless the city council approves a waiver of this provision by  
112 affirmative vote of 8 members of the city council. This section shall not prevent a city employee

113 who vacated a position to serve as a member of the city council from returning to the same  
114 position upon the expiration of the term for which that person was elected.

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

#### 118 SECTION 2-3: COMPENSATION

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

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

123 (2) it is adopted prior to the last 6 months of the city council's term; and

124 (3) it provides that the compensation increase or reduction is to take effect upon the  
125 organization of the city government following the next regular municipal election.

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

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

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

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

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

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

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

141 (e) Special meetings of the city council shall be held at the call of the president or at the  
142 call of any 6 or more members, for any purpose. Except in an emergency as declared by the city  
143 council president, notice of the meeting shall be delivered to the city clerk at least 3 business  
144 days in advance of the time set and shall specify the date, time, location and purpose for which  
145 the meeting is to be held. The city clerk shall post an agenda for such meeting at least 2 business  
146 days in advance of the time set.

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

149 (g) A full, accurate, up-to-date account of the proceedings of the city council shall be  
150 maintained by the city clerk, which shall include a record of each vote taken and be made  
151 available with reasonable promptness following each meeting. Executive session minutes shall

152 be made available as soon as publication of the minutes would not defeat the purpose of the  
153 executive session, unless otherwise provided by law.

154

155 SECTION 2-6: ELECTION, TERM, AND POWERS OF CITY COUNCIL PRESIDENT  
156 AND VICE-PRESIDENT

157 (a) Election and Term - As soon as practicable after the councilors-elect have been  
158 qualified following each regular municipal election, as provided in section 7-4, the city council  
159 shall elect from among its members a president and vice-president who shall serve for 1-year  
160 terms. The member of the council with the most years of service shall preside at the election. If 2  
161 or more members have the same term of service the councilor with the last name that is first in  
162 alphabetical order from among such councilors shall preside. The conduct of all elections of the  
163 city council president and vice-president shall otherwise be prescribed within the rules of the city  
164 council.

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

166 (1) determine the agenda for city council meetings;

167 (2) preside at all meetings of the city council, regulate its proceedings, and decide all  
168 questions of order, provided, however, that the vice-president shall preside in the absence of the  
169 president;

170 (3) appoint all members of committees of the city council, whether special or standing;

171 (4) have the same powers to vote upon measures coming before the city council as any  
172 other member of the city council; and

173 (5) perform any other duties consistent with the office that are established by this charter,  
174 ordinance or other vote of the city council.

175 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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

181 (b) Advisory Legal Counsel - Subject to appropriation, the city council may secure legal  
182 services, when needed, to seek a secondary legal opinion. The city council shall make a  
183 reasonable request for legal services, and that request shall not be unreasonably denied by the  
184 mayor. The city solicitor and any advisory legal counsel shall consult to the extent practicable  
185 prior to the release of any secondary opinion. The legal services provided to the council shall not  
186 include representation of the council or any councilor in any litigation, or the issuance of formal  
187 legal opinions on behalf of the city. The city solicitor shall remain the only authorized officer of  
188 the city in all legal matters involving the city's government.

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

191 (d) Removals and Suspensions of City Council Staff - City council appointments may be  
192 removed at the sole discretion of the city council subject to limitations and requirements imposed  
193 by federal and state laws, rules or regulations.

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

195 (a) Department Heads - The mayor shall refer to the city council for confirmation and  
196 simultaneously file with the city clerk the name of each person the mayor appoints as a  
197 department head. These appointments shall be considered confirmed 30 days from the date of the  
198 first regularly scheduled city council meeting after the date on which notice of the appointment  
199 was filed with the city clerk, unless the city council within said 30 days shall reject the  
200 appointment by the affirmative vote of 8 members. However, if no city council meeting is held  
201 within the subsequent 30 days of the first meeting, the city council shall instead have 30 days  
202 from the second regularly scheduled meeting after the appointment to reject the appointment.  
203 The city council shall not unreasonably reject an appointment and shall accompany a rejection  
204 with a written statement describing the reason, which shall be delivered to the mayor and placed  
205 on file with the city clerk within 30 days of the city council's vote rejecting an appointment. The  
206 question on rejection of any appointment made by the mayor shall not be subject to the  
207 procedure of charter objection provided in section 2-9(b) of this charter.

208 (b) Multiple Member Bodies - The mayor shall refer to the city council and  
209 simultaneously file with the city clerk the name of each person the mayor desires to appoint as a  
210 member of a multiple member body. The city council shall have 60 days after the date on which  
211 notice of the proposed appointment was filed with the city clerk to vote to approve or reject the  
212 appointment, with approval not to be unreasonably withheld. If the city council does not take  
213 action on the appointment within 60 days the appointment shall be deemed approved. Multiple  
214 member body members may be removed at the discretion of their appointing authority.

215 (1) All appointments to quasi-judicial bodies and regulatory bodies shall be for terms  
216 established by administrative order or the General Laws. Any member of a quasi-judicial body or  
217 regulatory body appointed to a successive term shall be subject to confirmation by the city  
218 council under section 2-8(b) upon the expiration of each term.

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

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

228 (c) Police and Fire Employees - The mayor shall refer to the city council and  
229 simultaneously file with the city clerk the name of each person the mayor desires to appoint or  
230 promote as a member or officer of the police department or the fire department. The city council  
231 shall not unreasonably withhold confirmation of appointments, shall adhere to any merit  
232 principles identified in applicable law, including, but not limited to applicable civil service law,  
233 and shall accompany a rejection with a written statement describing the reason, which shall be  
234 delivered to and placed on file with the city clerk within 30 days of that rejection. The question  
235 on confirmation of any appointment submitted by the mayor shall not be subject to the procedure  
236 of charter objection provided in section 2-9(b) of this charter.

237 SECTION 2-9: ORDINANCES AND OTHER MEASURES

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

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

249 SECTION 2-10: ACCESS TO INFORMATION

250 (a) In General - The city council may make investigations into the affairs of the city and  
251 into the conduct and performance of any city agency. Absent compelling circumstances or an  
252 emergency which shall be declared on record and noted in the city council minutes, the city  
253 council shall give a minimum of 14 days' notice to any person it may require to appear before it  
254 under this section. In the case of compelling circumstances or emergency, 7 days' notice shall be  
255 allowed. The notice shall include specific questions on which the city council seeks information  
256 and any person called to appear before the city council under this section shall not be required to  
257 respond to any question not relevant or related to those questions presented in advance and in  
258 writing. The mayor shall receive a copy of any notice issued under this section at the same time

259 as the person who is requested to appear before the council. A majority vote of the city council  
260 shall be required to issue notice under this section.

261 (b) Department Head - The city council may require, by majority vote, specific  
262 information from a department head or their designee on any matter related to the municipal  
263 services, functions and powers or duties which are within the scope of responsibility of such  
264 department head and related to the official duties and responsibilities of the city council. The  
265 department head or their designee shall not be required to answer questions relating to any other  
266 matter outside the scope of the matter noticed or provide information the release of which is  
267 prohibited by law.

268 (c) Mayor - The city council may request, by majority vote, specific information from the  
269 mayor on any municipal matter related to the official duties and responsibilities of the city  
270 council. The mayor or their designee shall appear before the city council and respond to the  
271 questions. The mayor or their designee shall not be required to answer questions relating to any  
272 other matter outside the scope of the matter noticed or be required to provide information the  
273 release of which is prohibited by law. The mayor may bring to this meeting any assistant,  
274 department head or other city officer or employee that the mayor may consider necessary to  
275 assist in responding to the questions posed by the city council.

## 276 SECTION 2-11: GROUP PETITIONS

277 The city council shall hold a public hearing and act with respect to every petition which is  
278 addressed to it and which is signed by at least 50 municipal voters as certified by the board of  
279 election commissioners. The hearing shall be held by the city council or by a committee or  
280 subcommittee thereof, and the city council shall act on the petition within 3 months of filing with

281 the city clerk. Hearings on 2 or more petitions filed under this section may be held at the same  
282 time and place. At least 14 days before the hearing, the city clerk shall notify the 10 petitioners  
283 whose names first appear on each petition, publish a general summary of the subject matter of  
284 the petition, and post notice of the date and time of the public hearing. A hearing shall not be  
285 held upon any subject more than once in a 12-month period, as determined by the city council  
286 president.

287 SECTION 2-12: FILLING OF VACANCIES

288 (a) Councilor At-Large - When a vacancy exists for an at-large city council seat and more  
289 than 180 days remain in the term, the city clerk shall notify the city council and the chairperson  
290 of the board of election commissioners of the vacancy within 7 days. Within 7 days after  
291 notification, the chairperson of the board of election commissioners or a designee shall certify, in  
292 writing, to the city clerk that the defeated candidate for the office of councilor at-large with the  
293 next highest number of votes at the prior municipal election, if willing and able to serve, shall fill  
294 the remainder of the existing term. The city clerk shall administer the oath of office to the person  
295 within 15 days after certification and the person shall take the seat. If the person who is eligible  
296 declines the office, is not eligible and willing to serve, or fails to take the oath of office within  
297 the time period set forth in this section, then the person with the next highest number of votes for  
298 councilor at large at the prior municipal election who is eligible and willing to serve shall take  
299 the seat under the same circumstances as above. If no such candidate for the office can serve, the  
300 city council shall call a special election to fill the seat for the remainder of the term. If the  
301 vacancy occurs with 180 days or fewer in the existing term, the vacancy shall be filled as above;  
302 provided, however, if no candidate is available to take the seat, the seat shall remain vacant until  
303 the next regular municipal election, and the person elected shall take office upon certification of

304 the vote, and serve for the remainder of the existing term as well as the term to which elected.  
305 The city clerk shall administer the oath of office to them at the next meeting of the city council.

306 (b) Ward Councilor - If a vacancy occurs in the office of ward councilor and more than  
307 180 days remain on the existing term, the city council shall immediately order a special election  
308 to fill the vacancy for the remainder of the unexpired term. If a vacancy occurs 180 or fewer days  
309 before the end of the term, the seat shall remain vacant until the next regular municipal election  
310 for the office and the person elected shall fill the vacancy for the remainder of the unexpired  
311 term and the term to which elected. The city clerk shall administer the oath of office to the  
312 person at the next meeting of the city council.

### 313 ARTICLE 3

#### 314 EXECUTIVE BRANCH

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

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

318 (b) Term of Office - The term of office for mayor shall be 2 years, beginning on the first  
319 business day in January following the municipal election.

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

##### 322 SECTION 3-2: PROHIBITIONS

323           The mayor shall not hold another compensated city position or other elected public  
324 office. A former mayor shall not hold a compensated appointed city office or city employment  
325 for 1 year after termination of their service as the mayor. Any former mayor shall not receive  
326 compensation for contracted work authorized during their tenure as the mayor. This subsection  
327 shall not prevent a city officer or other city employee who has vacated a position to serve as the  
328 mayor from returning to the same office or other position of city employment held when the  
329 position was vacated. This prohibition shall not apply to persons covered by a leave of absence  
330 under section 37 of chapter 31 of the General Laws.

331           SECTION 3-3: COMPENSATION

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

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

339           SECTION 3-4: EXECUTIVE POWERS

340           (a) Executive Powers - The executive powers of the city shall be vested solely in the  
341 mayor and may be exercised by the mayor either personally or through the city agencies under  
342 the general supervision and control of the office of the mayor. The mayor shall cause this charter,  
343 laws, ordinances and other orders of the city government to be enforced and shall cause a record

344 of all official acts of the executive branch of the city government to be kept. The mayor shall  
345 supervise, direct, and be responsible for the efficient administration of all city activities and  
346 functions placed under the control of the mayor by law or by this charter. The mayor or their  
347 designee shall have the sole power to sign, seal, execute and deliver in behalf of the city, deeds  
348 and leases of land sold or leased by the city, and other deeds, agreements, contracts, leases,  
349 indentures and assurances on behalf of the city.

350 (b) Supervision of City Agencies - The mayor shall exercise general supervision and  
351 direction over all city agencies, unless otherwise provided by law or by this charter. Each city  
352 agency shall furnish to the mayor any information or materials the mayor may request and as the  
353 needs of the office of mayor and the interest of the city may require. The mayor shall be  
354 responsible for the efficient and effective coordination of the activities of all city agencies and  
355 may call together for consultation, conference and

356 discussion, at reasonable times, all persons serving the city.

357 (c) Multiple Member Bodies - The mayor shall be, by virtue of the office, a member of  
358 every appointed multiple member body of the city. The mayor may attend any meeting of an  
359 appointed multiple member body of the city, including executive sessions, to participate in the  
360 discussions of that body, provided, however, that the mayor shall not have the right to vote on  
361 any matter before a multiple member body which they serve on solely by virtue of their office.

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

363 (a) Department Heads - The mayor shall appoint, subject to confirmation by the city  
364 council under section 2-8(a), all department heads for whom no other method of appointment or  
365 selection is provided by this charter. Department heads serve at the discretion of the mayor

366 subject to the limitations and requirements imposed by federal and state laws, rules or  
367 regulations.

368 (b) City Attorney - The city attorney shall be appointed by the mayor, subject to  
369 confirmation by the city council under section 2-8(a). The city attorney shall be appointed to a 2-  
370 year term. Whenever the mayor appoints or reappoints a city attorney the mayor shall submit the  
371 name of a person to serve as city attorney for confirmation under section 2-8(a), and the  
372 provisions of such 2-8 (a) shall apply to both an appointment and reappointment, provided  
373 however that a reappointment shall not be rejected except by negative vote of 8 members of the  
374 city council. If the mayor fails to submit the name of a person serving as the city attorney for  
375 confirmation of reappointment within 30 days of the expiration of the term, the city clerk shall  
376 place an item on the agenda for such reappointment at the next regular city council meeting.

377 (c) Multiple Member Bodies - The mayor shall appoint, subject to confirmation by the  
378 city council under section 2-8(b), all members of multiple member bodies for whom no other  
379 method of appointment or selection is provided by administrative order or General Laws. All  
380 members shall serve terms as defined by administrative order or General Laws. Upon the  
381 expiration of the term of any member of a multiple member body, a successor shall be appointed  
382 in a like manner. The mayor shall fill any vacancy for the remainder of the unexpired term of any  
383 member of a multiple member body.

384 (d) Police and Fire Employees - The mayor may appoint and promote, subject to  
385 confirmation by the city council, members and officers of the police department and fire  
386 department subject to requirements of the state's Civil Service law.

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

389 SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

390 The mayor shall appoint a chief administrative officer to coordinate and direct the  
391 operations and functions of municipal government. The chief administrative officer shall be  
392 appointed by the mayor, subject to confirmation by the city council under section 2-8(a). The  
393 appointee shall be chosen on the basis of appropriate administrative and executive qualifications  
394 and shall have a combination of experience, training, or education to perform the duties of the  
395 office. Whenever the mayor appoints a chief administrative officer, the mayor shall submit the  
396 name of a person to serve as a chief administrative officer for confirmation under section 2-8(a).

397 SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

398 Whenever a temporary or permanent vacancy occurs in a city office that is appointed  
399 under section 3-5(a) & (b), the mayor may designate a person to perform the duties of the office  
400 on a temporary basis for up to 180 days until the position can be filled as provided by law or by  
401 this charter. Persons serving as temporary officers under this section shall have only those  
402 powers that are indispensable and essential to the performance of the duties of the office during  
403 the period of temporary appointment and no others.

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

406 "I designate [name of person] to perform the duties of the office of [office in which  
407 vacancy exists] on a temporary basis until the office can be filled by [the regular procedure for

408 filling the vacancy or when the incumbent shall return]. I certify that this person is qualified to  
409 perform the duties which will be required and that I make this designation solely in the interests  
410 of the City of Somerville.”

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

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

416 Whenever a temporary or permanent vacancy occurs on a multiple member body that is  
417 appointed under section 3-5(c), the mayor may designate a person to perform the duties of the  
418 office on a temporary basis for up to 150 days until the position can be filled as provided by law  
419 or by this charter. Whenever such vacancy occurs on a quasi-judicial body or regulatory body,  
420 the mayor shall submit a communication to the city council with the name of such designee. If an  
421 extension of a temporary appointment is necessary, the mayor may seek extensions in 60-day  
422 increments, which shall be authorized by a majority vote of the city council. If an extension is  
423 not approved, the position shall be deemed vacant, except on multiple member bodies where the  
424 vacancy would prevent a quorum. In that instance, a temporary appointment shall be permitted to  
425 remain until a successor is qualified.

426 SECTION 3-9: APPROVAL OF MAYOR, VETO

427 Every ordinance or other measure as required by law adopted or passed by the city  
428 council, except any matters relating to the internal affairs of the city council, shall be presented  
429 to the mayor for approval. If the mayor approves the measure, the mayor shall sign it. If the

430 mayor disapproves the measure, the mayor shall return it to the city council with the specific  
431 reason for disapproval attached in writing. The city council shall enter the objections of the  
432 mayor on its records and reconsider the measure at its subsequent regular meeting. If the city  
433 council, regardless of the disapproval by the mayor, shall again pass the identical measure by  
434 affirmative vote of 8 members of the city council, it shall then be deemed in force. If the mayor  
435 has neither signed a measure nor returned it to the city council within 10 days following the date  
436 it was presented to the mayor, the measure shall be deemed approved and in force.

437 SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

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

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

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

444 (b) Special Meetings of the City Council - The mayor may call a special meeting of the  
445 city council for any purpose. Unless the mayor designates an emergency, notice of the meeting  
446 shall be delivered to the city clerk at least 3 business days in advance of the time set and shall  
447 specify the date, time, location and the purpose for which the meeting is to be held. The city  
448 clerk shall post an agenda for such meeting at least 2 business days in advance of the time set.

449 SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

450 (a) Acting Mayor - Whenever the mayor is unable to perform the duties of the office, the  
451 president of the city council shall be the acting mayor. In the event that the city council president  
452 is unable to serve as acting mayor under this section, the city council shall elect a councilor to  
453 serve as acting mayor by majority vote from among its membership. The city council, by the  
454 affirmative vote of 8 members, shall determine whether the mayor is unable to perform the duties  
455 of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken  
456 in public session by a roll call vote.

457 (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the  
458 mayor that are indispensable and essential to conduct the business of the city and on which  
459 action may not be delayed. The acting mayor shall have no authority to make a permanent  
460 appointment or removal from city service unless the absence of the mayor shall extend beyond  
461 60 days, nor shall the acting mayor approve or disapprove of any measure adopted by the city  
462 council unless the time within which the mayor must act would expire before the return of the  
463 mayor. The city council president or another councilor serving as acting mayor shall not vote as  
464 a member of the city council.

465 SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

466 The mayor may authorize and subsequently remove authorization from a subordinate  
467 officer or employee of the city to exercise or perform a function or duty of the office of the  
468 mayor, provided, however, that all acts performed under any delegation of authority during the  
469 period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be  
470 construed to authorize the mayor to delegate the powers and duties of the mayor as a school

471 committee member, the power of appointment to city office or employment, or the authority to  
472 sign or return measures approved by the city council unless the provisions of section 3-11 apply.

473 SECTION 3-13: FILLING OF PERMANENT VACANCY

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

476 (a) If a vacancy occurs within the 6 months preceding a regular municipal election the  
477 office shall be filled by vote at that election. Otherwise, the city council shall call a special  
478 election to be held within 90 days following the date of the vacancy. The person elected as  
479 mayor shall take office immediately upon certification of the vote and serve for the balance of  
480 the remaining term.

481 (b) The city council president shall serve as acting mayor until the vacancy is filled. If the  
482 city council president is unwilling or unable to serve, the city council shall elect a councilor to  
483 serve as the acting mayor by majority vote from among its membership. If the councilor serving  
484 as the acting mayor chooses to run for mayor, they shall not be entitled to have the words  
485 “candidate for reelection” printed with their name on the election ballot. Any person serving as  
486 acting mayor shall receive the compensation then in effect for the position of mayor and shall not  
487 vote as a member of the city council. The resulting vacancy on the city council shall be filled in  
488 the manner provided in section 2-12.

489 ARTICLE 4

490 SCHOOL COMMITTEE

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

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

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

499 (c) Eligibility - Any statewide voter residing in the ward from which election is sought  
500 shall be eligible to hold the office of school committee member. If a school committee member  
501 removes from the city during the committee member's term, that office shall immediately be  
502 deemed vacant and filled in the manner provided in section 4-6. If a school committee member  
503 removes to another ward in the city, the member may continue to serve for the balance of the  
504 term to which elected.

505 SECTION 4-2: PROHIBITIONS

506 A member of the school committee elected by ward shall not hold any other compensated  
507 city position. A former member of the school committee elected by ward shall not hold any  
508 compensated appointed city office or city employment for 1 year after termination of their  
509 service on the school committee. This section shall not prevent a city officer or other city  
510 employee who has vacated a position in order to serve as a member of the school committee  
511 elected by ward from returning to the same office or other position of city employment held at  
512 the time the position was vacated.

513 SECTION 4-3: COMPENSATION

514 Members of the school committee shall receive compensation for their services as set by  
515 ordinance by the city council. An ordinance authorizing the compensation of the members of the  
516 school committee shall not be effective unless:

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

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

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

521 SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

522 The school committee shall determine the procedures for the election of school  
523 committee officers and adopt policies and procedures relating to conducting the business of the  
524 school committee.

525 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

529 (1) selecting and removing a superintendent of the schools who shall be charged with the  
530 administration of the school system, and appointment of all other personnel as provided by the  
531 General Laws;

532 (2) adopting policies for the management of the public school system. as deemed  
533 necessary or desirable;

534 (3) adopting and overseeing the administration of an annual operating budget for the  
535 school department, subject to appropriation;

536 (4) providing ordinary maintenance of all school buildings and grounds, unless a central  
537 municipal maintenance department, which may include maintenance of school buildings and  
538 grounds, is established; and

539 (5) at least 1 member of the school committee, or a designee of the school committee,  
540 shall serve on the agency, board, or committee for the planning or construction of a new,  
541 remodeled, or renovated school building.

542 SECTION 4-6: FILLING OF VACANCIES

543 If a vacancy on the school committee occurs with 1 year or more remaining in the term,  
544 the city council shall order a special election to fill the vacancy. If a vacancy on the school  
545 committee occurs with less than 1 year before the end of the term but more than 120 days before  
546 any regular municipal election, the school committee shall appoint a replacement to serve for the  
547 remainder of the term from the qualified statewide voters of the ward. The school committee  
548 shall post notice of the vacancy and solicitation of nominations and appoint the replacement in  
549 accordance with school committee policy. If a vacancy occurs within 120 days of a regular  
550 municipal election, the vacancy shall be filled by the regular election and the newly elected  
551 school committee member's term shall begin following the certification of election results. The  
552 person elected shall be sworn to the office to fill the vacancy for the balance of the unexpired  
553 term as well as the term to which elected. The city clerk shall administer the oath of office to  
554 them at or before the next meeting of the school committee.

555 ARTICLE 5

556 ADMINISTRATIVE ORGANIZATION

557 SECTION 5-1: ORGANIZATION OF CITY AGENCIES

558 The organization of the city into agencies to provide services and administer the  
559 government may be accomplished only through an administrative order submitted to the city  
560 council by the mayor. An administrative order may not originate with the city council. The  
561 mayor may, subject only to express prohibitions of General Laws or this charter, propose  
562 administrative orders to establish a new agency, reorganize, consolidate or abolish any agency, in  
563 whole or in part, as is deemed necessary to conduct the business of the city in an orderly,  
564 efficient or convenient manner. The mayor may also propose administrative orders to establish  
565 terms of office and prescribe the functions and administrative procedures to be followed by all  
566 agencies.

567 These proposed administrative orders shall be accompanied by a message from the mayor  
568 which explains the expected benefits and advises the city council if an administrative order shall  
569 require amendments, insertions, revisions, repeal, or otherwise of existing ordinances. Whenever  
570 the mayor proposes an administrative order, the city council shall hold 1 or more public hearings  
571 on the proposal and post notice.

572 An organization or reorganization plan shall become effective at the expiration of 60 days  
573 from filing, unless the city council has disapproved the plan by majority vote prior to that date;  
574 provided, however, that if no regular city council meeting is held within the subsequent 60 days  
575 of the first regular meeting after the filing of an organization or reorganization plan, the city  
576 council shall instead have 60 days from the second regular meeting. The city council may vote  
577 only to approve or to disapprove the plan and may not vote to amend or to alter it.

578 SECTION 5-2: QUALIFICATIONS FOR APPOINTMENTS AND PROMOTIONS

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

583 ARTICLE 6

584 FINANCIAL PROCEDURES

585 SECTION 6-1: FISCAL YEAR

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

588 SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

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

593 SECTION 6-3: ANNUAL BUDGET MEETING

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

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

599 On or about May 30, the mayor shall submit to the city council a proposed operating  
600 budget for all city agencies for the next fiscal year. The proposed operating budget shall include  
601 the school budget, as adopted by the school committee, which shall be submitted to the mayor on  
602 or about May 15. The proposed operating budget shall be accompanied by a budget message and  
603 supporting documents. The budget message shall explain the operating budget in fiscal terms and  
604 in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the  
605 city for the next fiscal year, describe important features of the proposed operating budget and  
606 include any major variations from the current operating budget, fiscal policies, revenues and  
607 expenditures together with reasons for these changes. The proposed operating budget shall  
608 provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor  
609 deems desirable, provided, however, that the budget proposals relative to elected officials shall  
610 identify the cost of compensation and the cost of benefits for such officials. The mayor and the  
611 superintendent of schools shall coordinate the dates and times of the school committee's budget  
612 process under the General Laws.

613 SECTION 6-5: ACTION ON THE OPERATING BUDGET

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

620 (b) Adoption of the Budget - The city council shall take action on the proposed operating  
621 budget, which may have amendments, before the end of the fiscal year. In amending the  
622 proposed operating budget, the city council may delete or decrease amounts except expenditures  
623 required by law, provided, however, that the city council shall not increase any specific item or  
624 the total of the proposed operating budget except on the recommendation of the mayor or unless  
625 otherwise authorized by the General Laws. If the city council fails to act on an item in the  
626 proposed operating budget prior to the beginning of the fiscal year, that amount shall, without  
627 any action by the city council, become a part of the appropriations for the year and be available  
628 for the purposes specified.

629 (c) Availability of the Operating Budget - In addition to any other posting requirements,  
630 immediately after the submission of the proposed budget to the city council, the mayor or their  
631 designee shall post the entire budget document on the city website, where it shall remain posted  
632 during the city council review process contained in this article. After the enactment of the budget  
633 the mayor or their designee shall post the final budget on the city website where it shall remain  
634 throughout the fiscal year for which it is in effect. The final budget shall reflect any amendments  
635 made by the city council and approved by the mayor and shall indicate that it is the final budget.

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

637 (a) Submission - The mayor shall submit a capital improvement program to the city  
638 council on or about November 1 of each year. The mayor shall annually revise the information  
639 regarding the capital improvements still pending or in the process of being acquired, improved,  
640 or constructed.

641 The capital improvement program shall include:

- 642 (1) a general summary of its contents;
- 643 (2) a list of all capital improvements proposed to be undertaken during the next 5 years,  
644 with supporting information as to the need for each capital improvement;
- 645 (3) cost estimates, methods of financing, and recommended time schedules for each  
646 improvement; and
- 647 (4) the estimated annual cost of operating and maintaining each facility and piece  
648 of major equipment involved.

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

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

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

654 (c) Adoption - Following the public hearing, but not later than December 1, the city  
655 council shall by resolution adopt or reject the capital improvements program. The mayor may  
656 amend the adopted program, provided that each amendment shall be voted on separately, and  
657 that an increase in the capital improvements program as submitted shall clearly identify the  
658 method of financing to accomplish the proposed increase.

659 SECTION 6-7: INDEPENDENT AUDIT

660 The mayor shall annually provide for an outside audit of the books and accounts of the  
661 city in the form of an Annual Comprehensive Financial Report to be conducted by a certified

662 public accountant or a firm of certified public accountants, which has no personal interest, direct  
663 or indirect, in the fiscal affairs of the city or any of its officers. The scope of the audit shall  
664 specify that each year of the audit engagement, a different department, division or program shall  
665 be subject to an expanded scope audit or internal control review. The city council may, by  
666 majority vote, determine the department, division or program to be subject to an expanded scope  
667 audit or internal control review. The award of a contract to audit shall be made by the mayor on  
668 or before September 15 of each year. The report of the audit and all accompanying documents,  
669 including a management letter so-called shall be filed in final form with the city council no later  
670 than March 1 in the year following its award. The certified public accountant or firm of certified  
671 public accountants shall make a presentation to the city council as soon as practicable after said  
672 March 1 but no later than May 31 of each year. At least every 3 years, the mayor shall conduct a  
673 procurement process using sound business practices to retain these services.

674 SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

682 ARTICLE 7

683 ELECTIONS

684 SECTION 7-1: PRELIMINARY ELECTIONS

685 A preliminary election to nominate candidates for mayor, councilors at-large, ward  
686 councilors, and school committee members shall be held on the third Tuesday in September in  
687 each odd-numbered year in which the candidates are to be elected. The city clerk may, with the  
688 approval of the city council, reschedule the preliminary election to the fourth Tuesday in  
689 September to avoid a conflict with any civil or religious holiday. Whenever a special election to  
690 fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, not less than  
691 28 days before the date established for the special election. A preliminary election to fill a  
692 vacancy in the office of ward councilor or school committee member shall be held only in the  
693 ward where there is a vacancy.

694 SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

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

698 (1) Mayor - at least 250 certified signatures;

699 (2) At-Large City Councilor - at least 100 certified signatures;

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

702 (4) School Committee Member - at least 50 certified signatures, all of which shall be  
703 certified as being from the ward from which election is sought.

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

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

714 (d) Determination of Candidates:

715 (1) Offices of Mayor, Ward Councilor, and School Committee - the 2 candidates who  
716 receive the highest number of votes for nomination to each office at the preliminary election  
717 shall, except as provided by paragraph 7-3(d)(3), be the candidates for that office. The  
718 candidates' names shall be printed on the official ballot to be used at the regular or special  
719 municipal election at which the office is to be voted upon and an acceptance of a nomination  
720 shall not be necessary to its validity.

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

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

731 (e) Condition Making Preliminary Unnecessary - If the time for filing statements of  
732 candidates to be on the ballot for any preliminary election has expired, and the number of  
733 statements filed with the city clerk for an office is not more than 2 for the office of mayor, any  
734 ward councilor or school committee member, and 8 for the office of city councilor at-large, the  
735 candidates whose statements have been filed shall be deemed nominated to that office. Those  
736 candidates shall be voted on for the office at the regular or special municipal election. The city  
737 clerk shall not print those names on the ballot to be used at the preliminary election and another  
738 nomination to the office shall not be made, and a preliminary election shall not be held for the  
739 office or offices.

740 SECTION 7-3: REGULAR MUNICIPAL ELECTION

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

743 SECTION 7-4: BALLOT POSITION, REGULAR MUNICIPAL ELECTION

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

747 municipal election or a special election, the drawing shall be conducted on the Tuesday 6 weeks  
748 prior to the election. The drawing shall be open to the public.

749 SECTION 7-5: NON-PARTISAN ELECTIONS

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

752 SECTION 7-6: WARDS

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

759 SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

760 Except as otherwise expressly provided in this charter and authorized by law, all  
761 municipal elections shall be governed by the General Laws relating to the right to vote, the  
762 registration of voters, the nomination of candidates, voting places, the conduct of preliminary,  
763 regular and special municipal election, the submission of charters, charter amendments and  
764 other propositions to the voters, the counting of votes, the recounting of votes, and the  
765 determination of results.

766 ARTICLE 8

767 GENERAL PROVISIONS

768 SECTION 8-1: CHARTER CHANGES

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

771 SECTION 8-2: SPECIFIC PROVISION TO PREVAIL

772 To the extent that a specific provision of this charter conflicts with any provision  
773 expressed in general terms, the specific provision of this charter shall prevail.

774 SECTION 8-3: RULES AND REGULATIONS

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

780 SECTION 8-4: PERIODIC REVIEW OF CHARTER

781 The mayor and city council shall provide for a review to be made of the city charter at  
782 least once every 10 years to determine the need, if any, for changes and prepare  
783 recommendations addressing any proposed changes. The manner of the review shall be  
784 established by ordinance and incorporate opportunities for community input. The report of the  
785 committee and accompanying recommendations, if any, shall be filed with the city clerk on a  
786 date specified by ordinance.

787 SECTION 8-5: PERIODIC REVIEW OF ORDINANCES

788           The mayor and city council shall provide for a review to be made of some or all of the  
789 city ordinances at least once every 10 years to determine the need for amendments, if any. Such  
790 review shall be scheduled to follow the charter review as provided in section 8-4 of the charter  
791 by at least 1 year. The manner of the review shall be established by ordinance. The review of city  
792 ordinances shall be under the supervision of the city attorney and incorporate opportunities for  
793 community input. The recommendations shall be filed with the city clerk on a date specified by  
794 ordinance.

795           **SECTION 8-6: PERIODIC REVIEW OF MULTIPLE MEMBER BODIES**

796           The mayor and the city council shall provide for a review to be made of all multiple  
797 member bodies at least once every 10 years, provided, however, that such bodies as are required  
798 in cities by the General Laws shall not be included in such review. This review shall be made by  
799 a special committee whose membership and term shall be determined by ordinance, and the  
800 initial review shall be implemented as provided in section 9-7(d). The special committee shall  
801 file its report with the city clerk on a date specified by ordinance. The committee's report should  
802 include an assessment of the function and relevance of multiple member bodies included in the  
803 review, and may include recommendations to combine, dissolve or create multiple member  
804 bodies to address redundancies or emerging concerns of the city.

805           **SECTION 8-7: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER**  
806 **BODIES**

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

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

811 (2) Meetings - All appointed multiple member bodies of the city shall meet regularly at  
812 the times and places that the multiple member body, by the body's own rules, prescribe. Special  
813 meetings of any multiple member body shall be held at the call of the chair or by a majority of  
814 the members of the body. Notice of the meeting shall be posted as required by law. Except as  
815 may otherwise be authorized by law, all meetings of all multiple member bodies shall, at all  
816 times, be open to the public.

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

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

829 SECTION 8-8: REFERENCES TO GENERAL LAWS

830 All references to General Laws contained in this charter refer to the Massachusetts  
831 General Laws and are intended to refer to and to include any amendments or revisions to  
832 chapters or sections or to the corresponding chapters and sections of any rearrangement, revision  
833 or recodification of statutes enacted or adopted subsequent to the adoption of this charter.

834 SECTION 8-9: COMPUTATION OF TIME

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

839 SECTION 8-10: OATHS OR AFFIRMATIONS

840 (a) Officials Elected in Regular Municipal Elections - On the first business day in January  
841 of each even-numbered year, the city council members-elect, the school committee members-  
842 elect and the mayor-elect, shall meet and take an oath or affirmation to faithfully discharge the  
843 duties of their office. The oath or affirmation shall be administered by the city clerk, the assistant  
844 city clerk, a judge of a court of record or by a justice of the peace. Each official taking the oath  
845 or affirmation shall also sign a written version, which shall be kept in a bound book maintained  
846 by the city clerk. If the mayor-elect or any member-elect of the city council or school committee  
847 is absent on the day the oath is administered, the oath or affirmation shall be administered at any  
848 time within 10 days of the first business day of January, unless circumstances beyond the control  
849 of the officer-elect prevent such action, but in no instance shall the time period to be sworn to  
850 office extend beyond 30 days from the first business day of January.

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

855 SECTION 8-11: LIMITATION ON OFFICE HOLDING

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

859 SECTION 8-12: FELONY CONVICTION

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

862 SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

863 It shall be the duty of the mayor to see that this charter is faithfully followed and  
864 complied with by all city agencies and employees. Whenever it appears to the mayor that a city  
865 agency or employee is not following this charter, the mayor shall, in writing, cause notice to be  
866 given to that agency or employee directing compliance with this charter. Whenever it appears to  
867 the city council that the mayor is not following this charter, the city council shall, by resolution,  
868 direct the attention of the mayor to those areas in which it believes there is a failure to comply  
869 with this charter. The procedures made available in chapter 231A of the General Laws may be  
870 used to determine the rights, duties, or other legal relations arising under this charter, including  
871 any question of construction or validity which may be involved in that determination.

872 ARTICLE 9

873 TRANSITION PROVISIONS

874 SECTION 9-1: CONTINUATION OF EXISTING LAWS

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

882 (b) Except as otherwise provided in this charter, the city shall not be subject to provisions  
883 of chapter 31 of the General Laws. Uniform positions within the police department below the  
884 rank of deputy chief shall continue to be subject to said chapter 31. All uniform positions within  
885 the fire department, except the assistant chief position and the employee serving in such capacity,  
886 shall continue to be subject to said chapter 31. Tenured civil service employees of the city shall  
887 continue to be subject to the provisions of said chapter 31 in the classification held at the time of  
888 the effective date of this charter.

889 SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

890 All city agencies and city officials shall continue to perform their duties until  
891 reappointed, until successors to their respective positions are appointed or until their duties have  
892 been transferred and assumed by another city agency. All officers and department heads

893 previously appointed or appointed and confirmed at the time this charter takes effect shall not be  
894 required to be re-appointed or re-appointed and confirmed, unless otherwise provided by this  
895 charter.

896 SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

897 All records and property of any city agency, or part thereof, the powers and duties of  
898 which are assigned in whole or in part to another city agency, shall be transferred forthwith to  
899 that agency.

900 SECTION 9-4: CONTINUATION OF PERSONNEL

901 All city office holders and employees shall retain the office, position or  
902 employment they hold, and shall continue to perform the duties of the office, position or  
903 employment until their employment or position is otherwise terminated or other provisions are  
904 made. A person in full-time service of the city shall not forfeit accrued time in service of the city  
905 as a result of adoption of this charter.

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

907 All official bonds, recognizances, obligations, contracts and other instruments entered  
908 into or executed by, with, or on the behalf of the city before the adoption of this charter, shall  
909 continue to be obligations of the city; and all taxes, assessments, fines, penalties and forfeitures,  
910 incurred or imposed, due or owing to the city, shall be enforced and collected; and all writs,  
911 prosecutions, actions and causes of action, except as herein otherwise provided, shall continue  
912 without abatement and remain unaffected by this charter; and any legal act done by or in favor of  
913 the city shall not be rendered invalid by reason of the adoption of this charter.

914 SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

915 (a) Certain Special Acts repealed - The following special acts are hereby repealed:

916 St.1899, c. 240, establishing a charter for the city of Somerville; provided, however, that section  
917 38 establishing the composition and term of the board of health, section 39 establishing the  
918 composition and term of the board of library trustees, and section 43 requiring that the  
919 purchasing agent make all city purchases, shall remain in effect until such time as the city acts  
920 under Article 5 of the charter to enact 1 or more administrative orders; St. 1982, c. 656  
921 authorizing the mayor and council salaries to be set by ordinance; St. 1989, c. 355, establishing  
922 a 3 year term for the city clerk;, St. 2014, c. 90, filling a vacancy in the office of mayor; St.  
923 2018, c. 355, replacing the words “board of aldermen” and “alderman”, with the words “city  
924 council” and “councilor”, replacing the words “alderman at-large” with the words “councilor  
925 at-large”, and replacing the words “aldermen-elect” with the words “council-elect”, and St. 2022,  
926 c. 312, making c. 240 of 1899 gender neutral.

927 (b) Certain Special Acts Recognized and Retained - The following special acts, including

928 those which amended Chapter 240 of the Acts of 1899, relating to the organization of the city's  
929 government, are recognized and retained as follows, notwithstanding any reference to said c.  
930 240: St. 1923, c.191, St. 1939, c.190, and St. 2018, c.410 relating to the Licensing Commission;  
931 St. 1928, c. 41 and c. 81, St. 2021, c. 63 relating to the Board of Appeals; St. 1928, c. 82, St.  
932 2018, c. 410, and St. 2012, c. 400 relating to the Board of Election Commissioners; St. 1934, c.  
933 294 relating to the Auditor, St. 1934, c. 295 relating to the Treasurer; St. 1953, c. 653, St. 1988,  
934 c. 94, ss. 40, 40A, B, C, and D, St. 2004, c. 317, and St. 2008, c.112 relating to the Department  
935 of Public Works; St. 1977, c. 644 relating to the School Committee; St. 1985, c. 23, and St. 2012,  
936 c. 400 relating to the Board of Assessors; St. 1991, c. 390 relating to the Disabilities

937 Commission; St. 2008, c. 106 establishing the Municipal Hearing Officer; St. 2012, c. 381, and  
938 St. 2016, c. 142 relating to the Alcoholic Beverages Commission; St. 2018, c. 364 relating to the  
939 Redevelopment Authority; St. 1978, c.297, St. 2012, c.312. and St. 2012, c. 400 relating to the  
940 Traffic Commission; and ss. 1-10, 26, 50, 43, 47, 48, 49, 50, 56, 57, 58, 59 and 60 of c. 400 of  
941 the Acts of 2012 until such time as the city acts under Article 5 of this charter to adopt 1 or more  
942 administrative orders.

943 SECTION 9-7: TIME OF TAKING EFFECT

944 (a) The provisions of section 3-6 of this charter relating to the appointment of the Chief  
945 Administrative Officer shall take effect following the regular municipal election in 2025.

946 (b) The provisions of Article 7 relating to municipal elections shall be in effect for the  
947 preliminary and regular municipal elections to be held in 2027.

948 (c) The provisions of Article 6 relating to the operating budget, the capital improvements  
949 program, and the municipal audit shall take effect for the fiscal year beginning July 1, 2026 (FY  
950 2027).

951 (d) Within 180 days of the adoption of this charter, the mayor shall promulgate and  
952 submit an administrative order pursuant to Article 5 establishing a selection process for a city  
953 attorney. Any such selection process shall include the establishment of a special screening  
954 committee to review candidates for the position of city attorney. Said special screening  
955 committee shall include at least 1 member of the city council, designated by the city council  
956 president. Nothing in this section shall be deemed to apply to the reappointment of a city  
957 attorney.

958 (e) Creation of Public Financing of Campaigns Committee - Within 6 months of the  
959 adoption of this charter, the city council shall create a public financing of campaigns committee  
960 to study public financing mechanisms and prepare recommendations with the goal of making  
961 running for office in the city more accessible to potential candidates. The directive of this study  
962 committee is to consider a full range of options as practicable, provide analysis on the potential  
963 benefits and barriers of each option, and consider which should be recommended to the city  
964 council for its consideration.

965 The committee shall consist of 9 members: 1 shall be the chair of the board of elections  
966 commissioners or their designee, 1 shall be the city council president or their designee, 1 shall be  
967 the chair of the school committee or their designee, 2 shall be city residents appointed by the city  
968 council, 2 shall be city residents appointed by the school committee, 2 shall be city residents  
969 appointed by the mayor. The committee shall elect a chair and establish the schedule of its  
970 meetings. The committee shall issue recommendations to the city council within 12 months of  
971 the appointment of all of the members. The city council shall take action on the  
972 recommendations within 90 days of receipt. If the city council has already taken action  
973 consistent with this provision, no action is necessary.

974 (f) Creation of Ranked Choice Voting Implementation Committee - Within 6 months of  
975 the adoption of this charter, the city council shall create a ranked choice voting committee to  
976 propose a measure to adopt ranked-choice voting and submit a report on ranked-choice voting in  
977 the city. A voting method shall be considered ranked choice voting if the municipal voter ranks  
978 candidates in order of preference. The committee's report shall include:

979 (1) the elected offices to be selected by this voting method;

- 980 (2) a timeframe and strategy for implementation;
- 981 (3) infrastructure and equipment requirements;
- 982 (4) a cost analysis;
- 983 (5) a comparative analysis of other voting methods;
- 984 (6) an analysis of potential equity concerns; and
- 985 (7) a community education plan.

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

990 The committee shall consist of 9 members: 1 shall be the chair of the board of elections  
991 commissioners or their designee, 1 shall be the city council president or their designee, 1 shall be  
992 the chair of the school committee or their designee, 2 shall be city residents appointed by the city  
993 council, 2 shall be city residents appointed by the school committee, 2 shall be city residents  
994 appointed by the mayor. The committee shall elect a Chair and establish the schedule of its  
995 meetings. The committee shall propose a measure to the city council within 18 months of the  
996 appointment of its full membership. The city council shall take action on the measure within 90  
997 days of receipt.

998 (g) Initial Periodic Review of Multiple Member Bodies - The mayor and the city council  
999 shall convene the first periodic review of multiple member bodies committee, pursuant to section  
1000 8-6, within 6 months of the adoption of this charter. The committee's report should include:

- 1001 (1) an assessment of the functions and relevancies of the city's current multiple member  
1002 bodies;
- 1003 (2) a review of activities of multiple member bodies from recent years;
- 1004 (3) the ability of the city to fill appointments to the body; and
- 1005 (4) recommendations for combining, terminating, or establishing new multiple member  
1006 bodies.

1007 If the city council has already taken action consistent with this provision, no action is  
1008 necessary.

1009 The committee shall consist of 5 members: 1 shall be the mayor or their designee, 1 shall  
1010 be the city council president or their designee, 1 shall be the city clerk, 1 shall be a city resident  
1011 appointed by the mayor, 1 shall be a city resident appointed by the city council.

1012 The committee shall submit a report to the city council. The city council shall respond to  
1013 and vote on the recommendations within 90 days of receipt.

1014 (h) The city council shall consider the acceptance of section 91 of chapter 41 of the  
1015 General laws within 120 days of the adoptions of this charter.

1016 SECTION 2. The city clerk shall cause the following question to be placed on the official  
1017 ballot to be used in the city of Somerville at the next regular municipal election to be held on  
1018 November 4, 2025 or the next regular municipal election at which the city can comply with the  
1019 applicable Commonwealth ballot requirements: Shall the city adopt Chapter XXX of the Acts of  
1020 2025 that provides a special act charter for the city of Somerville? The city attorney shall prepare  
1021 the summary of the proposed special act charter which shall appear on the ballot along with the

1022 question provided in this section and the city attorney shall submit the question and summary to  
1023 the city clerk in accordance with section 42C of chapter 54 of the General Laws.

1024 SECTION 3. Section 1 shall take effect upon acceptance by a majority of the voters of  
1025 the city voting in the affirmative, but not otherwise.

1026 SECTION 4. Section 2 shall take effect upon passage.

1027 SECTION 5. The city clerk shall cause the following question to be placed on the official  
1028 ballot to be used in the city of Somerville at the next regular municipal election to be held on  
1029 November 4, 2025 or the next regular municipal election at which the city can comply with the  
1030 applicable Commonwealth ballot requirements: Shall the term of office for the mayor of the city  
1031 of Somerville be for 4 years?

1032 SECTION 6. Section 5 shall take effect upon acceptance by the majority of the voters of  
1033 the city voting in the affirmative and the term of office of the mayor shall be for 4 years for the  
1034 term commencing in January 2028, but not otherwise. If the majority of the voters of the city  
1035 vote in the affirmative, the charter shall be amended in the sections relating to or referencing the  
1036 term of the office of mayor.