

HOUSE No. 4445

Substituted by the House, on motion of Mr. Walsh of Peabody, for a bill with the same title (House, No. 4264) [Local Approval Received]. August 21, 2025.

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. Chapter 240 of the acts of 1899 is hereby repealed; provided, that sections
2 38, 39 and 43 of said chapter 240 shall remain in effect until such time as the city acts under
3 article 5 of the charter established in section 7 to enact 1 or more administrative orders.

4 SECTION 2. Chapter 656 of the acts of 1982 is hereby repealed.

5 SECTION 3. Chapter 355 of the acts of 1989 is hereby repealed.

6 SECTION 4. Chapter 90 of the acts of 2014 is hereby repealed.

7 SECTION 5. Chapter 355 of the acts of 2018 is hereby repealed.

8 SECTION 6. Section 312 of the acts of 2022 is hereby repealed.

9 SECTION 7. The following shall be the charter for the city of Somerville:

10 PREAMBLE

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

19 ARTICLE 1

20 INCORPORATION; SHORT TITLE; DEFINITIONS

21 SECTION 1-1: INCORPORATION

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

25 SECTION 1-2: SHORT TITLE

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

28 SECTION 1-3: SEPARATION OF POWERS

29 The administration of the fiscal, prudential and municipal affairs of the city shall be
30 vested in an executive branch led by a mayor and a legislative branch consisting of a city

31 council. The legislative branch shall never exercise any executive power and the executive
32 branch shall never exercise any legislative power.

33 SECTION 1-4: POWERS OF THE CITY

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

39 SECTION 1-5: CONSTRUCTION

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

45 SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

50 SECTION 1-7: DEFINITIONS

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

53 (1) “Business day”, any day that is not a Saturday, Sunday, or legal holiday. For the
54 purposes of this definition, legal holiday shall mean Massachusetts legal holidays as published
55 by the secretary of the commonwealth.

56 (2) “Charter”, this charter and any adopted amendments to it.

57 (3) “City”, the City of Somerville.

58 (4) “City agency”, any multiple member body, department, division or office of the city.

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

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

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

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

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

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

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

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

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

80 (12) “Organization or reorganization plan”, a plan submitted by the mayor to the city
81 council which proposes:

82 (i) a change in the organization or the administrative structure of the city administration
83 or organization; or

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

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

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

92 (15) “Voter”, anyone residing in the city of Somerville who is eligible to vote pursuant to
93 state and federal law.

94 (16) “Year”, a calendar year, unless otherwise specified.

95 ARTICLE 2

96 LEGISLATIVE BRANCH

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

98 (a) Composition - There shall be a city council consisting of 11 members which shall
99 exercise the legislative powers of the city. Four of these members, to be known as councilors at-
100 large, shall be nominated and elected by the voters at large. Seven of these members, to be
101 known as ward councilors, shall be nominated from and elected by the voters in each ward, with
102 1 ward councilor to be elected from each of the 7 wards into which the city is divided under
103 section 7-7.

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

106 (c) Eligibility - Any voter shall be eligible to hold the office of councilor at-large. Any
107 voter residing in the ward from which election is sought shall be eligible to hold the office of
108 ward councilor. If the city council determines that a ward councilor or a councilor at-large has
109 removed from the city during the councilor’s term, that office shall immediately be deemed
110 vacant and filled in the manner provided in section 2-12. A ward councilor who removes from

111 the ward in which the councilor was elected and who remains a voter may continue to serve the
112 balance of the term to which elected.

113 SECTION 2-2: PROHIBITIONS

114 (a) Holding Other City Position – Except as otherwise provided by this charter, a member
115 of the city council shall hold no other compensated city position. A former member of the city
116 council shall not hold any compensated appointed city position for 1 year after termination of
117 their service on the city council, unless the city council approves a waiver of this provision by
118 affirmative vote of 8 members of the city council. This section shall not prevent a city employee
119 who vacated a position to serve as a member of the city council from returning to the same
120 position upon the expiration of the term for which that person was elected.

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

124 SECTION 2-3: COMPENSATION

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

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

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

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

132 SECTION 2-4: GENERAL POWERS

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

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

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

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

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

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

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

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

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

160 SECTION 2-6: ELECTION, TERM, AND POWERS OF CITY COUNCIL PRESIDENT
161 AND VICE-PRESIDENT

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

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

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

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

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

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

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

180 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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

186 (b) Advisory Legal Counsel - Subject to appropriation, the city council may secure legal
187 services, when needed, to seek a secondary legal opinion. The city council shall make a
188 reasonable request for legal services, and that request shall not be unreasonably denied by the
189 mayor. The city solicitor and any advisory legal counsel shall consult to the extent practicable
190 prior to the release of any secondary opinion. The legal services provided to the council shall not
191 include representation of the council or any councilor in any litigation, or the issuance of formal

192 legal opinions on behalf of the city. The city solicitor shall remain the only authorized officer of
193 the city in all legal matters involving the city's government.

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

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

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

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

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

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

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

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

233 (c) Police and Fire Employees - The mayor shall refer to the city council and
234 simultaneously file with the city clerk the name of each person the mayor desires to appoint or

235 promote as a member or officer of the police department or the fire department. The city council
236 shall not unreasonably withhold confirmation of appointments, shall adhere to any merit
237 principles identified in applicable law, including, but not limited to applicable civil service law,
238 and shall accompany a rejection with a written statement describing the reason, which shall be
239 delivered to and placed on file with the city clerk within 30 days of that rejection. The question
240 on confirmation of any appointment submitted by the mayor shall not be subject to the procedure
241 of charter objection provided in section 2-9(b) of this charter.

242 SECTION 2-9: ORDINANCES AND OTHER MEASURES

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

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

254 SECTION 2-10: ACCESS TO INFORMATION

255 (a) In General - The city council may make investigations into the affairs of the city and
256 into the conduct and performance of any city agency. Absent compelling circumstances or an

257 emergency which shall be declared on record and noted in the city council minutes, the city
258 council shall give a minimum of 14 days' notice to any person it may require to appear before it
259 under this section. In the case of compelling circumstances or emergency, 7 days' notice shall be
260 allowed. The notice shall include specific questions on which the city council seeks information
261 and any person called to appear before the city council under this section shall not be required to
262 respond to any question not relevant or related to those questions presented in advance and in
263 writing. The mayor shall receive a copy of any notice issued under this section at the same time
264 as the person who is requested to appear before the council. A majority vote of the city council
265 shall be required to issue notice under this section.

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

273 (c) Mayor - The city council may request, by majority vote, specific information from the
274 mayor on any municipal matter related to the official duties and responsibilities of the city
275 council. The mayor or their designee shall appear before the city council and respond to the
276 questions. The mayor or their designee shall not be required to answer questions relating to any
277 other matter outside the scope of the matter noticed or be required to provide information the
278 release of which is prohibited by law. The mayor may bring to this meeting any assistant,

279 department head or other city officer or employee that the mayor may consider necessary to
280 assist in responding to the questions posed by the city council.

281 SECTION 2-11: GROUP PETITIONS

282 The city council shall hold a public hearing and act with respect to every petition which is
283 addressed to it and which is signed by at least 50 voters as certified by the board of election
284 commissioners within 5 days of the receipt of the petition. The city clerk shall accept the petition
285 following the certification. The hearing shall be held by the city council or by a committee or
286 subcommittee thereof, and the city council shall act on the petition within 3 months of filing with
287 the city clerk. Hearings on 2 or more petitions filed under this section may be held at the same
288 time and place. At least 14 days before the hearing, the city clerk shall notify the 10 petitioners
289 whose names first appear on each petition, publish a general summary of the subject matter of
290 the petition, and post notice of the date and time of the public hearing. A hearing shall not be
291 held upon any subject more than once in a 12-month period, as determined by the city council
292 president.

293 SECTION 2-12: FILLING OF VACANCIES

294 (a) Councilor At-Large - When a vacancy exists for an at-large city council seat and more
295 than 180 days remain in the term, the city clerk shall notify the city council and the chairperson
296 of the board of election commissioners of the vacancy within 7 days. Within 7 days after
297 notification, the chairperson of the board of election commissioners or a designee shall certify, in
298 writing, to the city clerk that the defeated candidate for the office of councilor at-large with the
299 next highest number of votes at the prior municipal election, if willing and able to serve, shall fill
300 the remainder of the existing term. The city clerk shall administer the oath of office to the person

301 within 15 days after certification and the person shall take the seat. If the person who is eligible
302 declines the office, is not eligible and willing to serve, or fails to take the oath of office within
303 the time period set forth in this section, then the person with the next highest number of votes for
304 councilor at large at the prior municipal election who is eligible and willing to serve shall take
305 the seat under the same circumstances as above. If no such candidate for the office can serve, the
306 city council shall call a special election to fill the seat for the remainder of the term. If the
307 vacancy occurs with 180 days or fewer in the existing term, the vacancy shall be filled as above;
308 provided, however, if no candidate is available to take the seat, the seat shall remain vacant until
309 the next regular municipal election, and the person elected shall take office upon certification of
310 the vote, and serve for the remainder of the existing term as well as the term to which elected.
311 The city clerk shall administer the oath of office to them at the next meeting of the city council.

312 (b) Ward Councilor - If a vacancy occurs in the office of ward councilor and more than
313 180 days remain on the existing term, the city council shall immediately order a special election
314 to fill the vacancy for the remainder of the unexpired term. If a vacancy occurs 180 or fewer days
315 before the end of the term, the seat shall remain vacant until the next regular municipal election
316 for the office and the person elected shall fill the vacancy for the remainder of the unexpired
317 term and the term to which elected. The city clerk shall administer the oath of office to the
318 person at the next meeting of the city council.

319 ARTICLE 3

320 EXECUTIVE BRANCH

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

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

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

326 (c) Eligibility - Any voter shall be eligible to hold the office of mayor.

327 SECTION 3-2: PROHIBITIONS

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

336 SECTION 3-3: COMPENSATION

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

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

341 (2) it is adopted prior to the last 6 months of the mayor's term; and

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

344 SECTION 3-4: EXECUTIVE POWERS

345 (a) Executive Powers - The executive powers of the city shall be vested solely in the
346 mayor and may be exercised by the mayor either personally or through the city agencies under
347 the general supervision and control of the office of the mayor. The mayor shall cause this charter,
348 laws, ordinances and other orders of the city government to be enforced and shall cause a record
349 of all official acts of the executive branch of the city government to be kept. The mayor shall
350 supervise, direct, and be responsible for the efficient administration of all city activities and
351 functions placed under the control of the mayor by law or by this charter. The mayor or their
352 designee shall have the sole power to sign, seal, execute and deliver in behalf of the city, deeds
353 and leases of land sold or leased by the city, and other deeds, agreements, contracts, leases,
354 indentures and assurances on behalf of the city.

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

362 (c) Multiple Member Bodies - The mayor shall be, by virtue of the office, a member of
363 every appointed multiple member body of the city. The mayor may attend any meeting of an

364 appointed multiple member body of the city, including executive sessions, to participate in the
365 discussions of that body, provided, however, that the mayor shall not have the right to vote on
366 any matter before a multiple member body which they serve on solely by virtue of their office.

367 SECTION 3-5: APPOINTMENTS BY THE MAYOR

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

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

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

386 expiration of the term of any member of a multiple member body, a successor shall be appointed
387 in a like manner. The mayor shall fill any vacancy for the remainder of the unexpired term of any
388 member of a multiple member body.

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

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

394 SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

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

402 SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

403 Whenever a temporary or permanent vacancy occurs in a city office that is appointed
404 under section 3-5(a) and (b), the mayor may designate a person to perform the duties of the
405 office on a temporary basis for up to 180 days until the position can be filled as provided by law
406 or by this charter. Persons serving as temporary officers under this section shall have only those

407 powers that are indispensable and essential to the performance of the duties of the office during
408 the period of temporary appointment and no others.

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

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

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

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

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

429 vacancy would prevent a quorum. In that instance, a temporary appointment shall be permitted to
430 remain until a successor is qualified.

431 SECTION 3-9: APPROVAL OF MAYOR, VETO

432 Every ordinance or other measure as required by law adopted or passed by the city
433 council, except any matters relating to the internal affairs of the city council, shall be presented
434 to the mayor for approval. If the mayor approves the measure, the mayor shall sign it. If the
435 mayor disapproves the measure, the mayor shall return it to the city council with the specific
436 reason for disapproval attached in writing. The city council shall enter the objections of the
437 mayor on its records and reconsider the measure at its subsequent regular meeting. If the city
438 council, regardless of the disapproval by the mayor, shall again pass the identical measure by
439 affirmative vote of 8 members of the city council, it shall then be deemed in force. If the mayor
440 has neither signed a measure nor returned it to the city council within 10 days following the date
441 it was presented to the mayor, the measure shall be deemed approved and in force.

442 SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

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

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

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

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

454 SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

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

462 (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the
463 mayor that are indispensable and essential to conduct the business of the city and on which
464 action may not be delayed. The acting mayor shall have no authority to make a permanent
465 appointment or removal from city service unless the absence of the mayor shall extend beyond
466 60 days, nor shall the acting mayor approve or disapprove of any measure adopted by the city
467 council unless the time within which the mayor must act would expire before the return of the
468 mayor. The city council president or another councilor serving as acting mayor shall not vote as
469 a member of the city council.

470 SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

471 The mayor may authorize and subsequently remove authorization from a subordinate
472 officer or employee of the city to exercise or perform a function or duty of the office of the
473 mayor, provided, however, that all acts performed under any delegation of authority during the
474 period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be
475 construed to authorize the mayor to delegate the powers and duties of the mayor as a school
476 committee member, the power of appointment to city office or employment, or the authority to
477 sign or return measures approved by the city council unless the provisions of section 3-11 apply.

478 SECTION 3-13: FILLING OF PERMANENT VACANCY

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

481 (a) If a vacancy occurs within the 6 months preceding a regular municipal election the
482 office shall be filled by vote at that election. Otherwise, the city council shall immediately order
483 a special election to be held within 150 days following the date of the vacancy.

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

492 ARTICLE 4

493 SCHOOL COMMITTEE

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

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

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

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

508 SECTION 4-2: PROHIBITIONS

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

514 elected by ward from returning to the same office or other position of city employment held at
515 the time the position was vacated.

516 SECTION 4-3: COMPENSATION

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

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

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

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

524 SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

525 The school committee shall determine the procedures for the election of school
526 committee chair and vice-chair and adopt policies and procedures relating to conducting the
527 business of the school committee.

528 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

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

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

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

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

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

545 SECTION 4-6: FILLING OF VACANCIES

546 If a vacancy on the school committee occurs with 1 year or more remaining in the term,
547 the city council shall order a special election to fill the vacancy. If a vacancy on the school
548 committee occurs with less than 1 year before the end of the term but more than 120 days before
549 any regular municipal election, the school committee shall appoint a replacement to serve for the
550 remainder of the term from the qualified voters of the ward. The school committee shall post
551 notice of the vacancy and solicitation of nominations and appoint the replacement in accordance
552 with school committee policy. If a vacancy occurs within 120 days of a regular municipal

553 election, the vacancy shall be filled by the regular election and the newly elected school
554 committee member's term shall begin following the certification of election results. The person
555 elected shall be sworn to the office to fill the vacancy for the balance of the unexpired term as
556 well as the term to which elected. The city clerk shall administer the oath of office to them at or
557 before the next meeting of the school committee.

558 ARTICLE 5

559 ADMINISTRATIVE ORGANIZATION

560 SECTION 5-1: ORGANIZATION OF CITY AGENCIES

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

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

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

581 SECTION 5-2: QUALIFICATIONS FOR APPOINTMENTS AND PROMOTIONS

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

586 ARTICLE 6

587 FINANCIAL PROCEDURES

588 SECTION 6-1: FISCAL YEAR

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

591 SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

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

596 SECTION 6-3: ANNUAL BUDGET MEETING

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

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

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

616 SECTION 6-5: ACTION ON THE OPERATING BUDGET

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

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

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

639 SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

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

644 The capital improvement program shall include:

645 (1) a general summary of its contents;

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

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

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

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

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

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

657 (c) Adoption - Following the public hearing, but not later than December 1, the city
658 council shall by resolution adopt or reject the capital improvements program. The mayor may

659 amend the adopted program, provided that each amendment shall be voted on separately, and
660 that an increase in the capital improvements program as submitted shall clearly identify the
661 method of financing to accomplish the proposed increase.

662 SECTION 6-7: INDEPENDENT AUDIT

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

677 SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

678 Except as otherwise provided by law, an official of the city shall not knowingly or
679 intentionally expend in a fiscal year sums in excess of the appropriations, awards, grants or gifts
680 duly made in accordance with law or involve the city in any contract for the future payment of

681 money in excess of these appropriations, awards, grants or gifts. It is the intention of this section
682 that section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who
683 violates this section shall be personally liable to the city for any amounts so expended to the
684 extent that the city does not recover these amounts from the person to whom the sums were paid.

685 ARTICLE 7

686 ELECTIONS

687 SECTION 7-1: PRELIMINARY ELECTIONS

688 A preliminary election to nominate candidates for mayor, councilors at-large, ward
689 councilors, and school committee members shall be held on the second Tuesday in September in
690 each odd-numbered year in which the candidates are to be elected. The city clerk may, with the
691 approval of the city council, reschedule the preliminary election to the third Tuesday in
692 September to avoid a conflict with any civil or religious holiday. Whenever a special election to
693 fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, not less than
694 35 days before the date established for the special election. A preliminary election to fill a
695 vacancy in the office of ward councilor or school committee member shall be held only in the
696 ward where there is a vacancy.

697 SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

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

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

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

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

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

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

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

716 (d) Determination of Candidates for election:

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

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

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

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

742 SECTION 7-3: REGULAR MUNICIPAL ELECTION

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

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

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

751 SECTION 7-5: NON-PARTISAN ELECTIONS

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

754 SECTION 7-6: WARDS

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

761 SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

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

766 other propositions to the voters, the counting of votes, the recounting of votes, and the
767 determination of results.

768 ARTICLE 8

769 GENERAL PROVISIONS

770 SECTION 8-1: CHARTER CHANGES

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

773 SECTION 8-2: SPECIFIC PROVISION TO PREVAIL

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

776 SECTION 8-3: RULES AND REGULATIONS

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

780 This section shall not apply to internal operating protocols and policies enacted by city
781 departments.

782 SECTION 8-4: PERIODIC REVIEW OF CHARTER

783 The mayor and city council shall provide for a review to be made of the city charter at
784 least once every 10 years to determine the need, if any, for changes and prepare
785 recommendations addressing any proposed changes. The manner of the review shall be

786 established by ordinance and incorporate opportunities for community input. The report of the
787 committee and accompanying recommendations, if any, shall be filed with the city clerk on a
788 date specified by ordinance.

789 SECTION 8-5: PERIODIC REVIEW OF ORDINANCES

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

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

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

807 SECTION 8-7: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER
808 BODIES

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

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

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

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

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

829 the multiple member body shall require a majority vote. General Laws related to a vote to meet
830 in executive session shall always require a majority of members of the body.

831 SECTION 8-8: REFERENCES TO GENERAL LAWS

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

836 SECTION 8-9: COMPUTATION OF TIME

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

841 SECTION 8-10: OATHS OR AFFIRMATIONS

842 (a) Officials Elected in Regular Municipal Elections - On the first business day in January
843 of each even-numbered year, the city council members-elect, the school committee members-
844 elect and the mayor-elect, shall meet and take an oath or affirmation to faithfully discharge the
845 duties of their office. The oath or affirmation shall be administered by the city clerk, the assistant
846 city clerk, a judge of a court of record or by a justice of the peace. Each official taking the oath
847 or affirmation shall also sign a written version, which shall be kept in a bound book maintained
848 by the city clerk. If the mayor-elect or any member-elect of the city council or school committee
849 is absent on the day the oath is administered, the oath or affirmation shall be administered at any

850 time within 10 days of the first business day of January, unless circumstances beyond the control
851 of the officer-elect prevent such action, but in no instance shall the time period to be sworn to
852 office extend beyond 30 days from the first business day of January.

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

857 SECTION 8-11: LIMITATION ON OFFICE HOLDING

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

861 SECTION 8-12: FELONY CONVICTION

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

864 SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

865 It shall be the duty of the mayor to see that this charter is faithfully followed and
866 complied with by all city agencies and employees. Whenever it appears to the mayor that a city
867 agency or employee is not following this charter, the mayor shall, in writing, cause notice to be
868 given to that agency or employee directing compliance with this charter. Whenever it appears to
869 the city council that the mayor is not following this charter, the city council shall, by resolution,
870 direct the attention of the mayor to those areas in which it believes there is a failure to comply

871 with this charter. The procedures made available in chapter 231A of the General Laws may be
872 used to determine the rights, duties, or other legal relations arising under this charter, including
873 any question of construction or validity which may be involved in that determination.

874 ARTICLE 9

875 TRANSITION PROVISIONS

876 SECTION 9-1: CONTINUATION OF EXISTING LAWS

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

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

891 SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

892 All city agencies and city officials shall continue to perform their duties until
893 reappointed, until successors to their respective positions are appointed or until their duties have
894 been transferred and assumed by another city agency. All officers and department heads
895 previously appointed or appointed and confirmed at the time this charter takes effect shall not be
896 required to be re-appointed or re-appointed and confirmed, unless otherwise provided by this
897 charter.

898 SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

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

902 SECTION 9-4: CONTINUATION OF PERSONNEL

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

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

909 All official bonds, recognizances, obligations, contracts and other instruments entered
910 into or executed by, with, or on the behalf of the city before the adoption of this charter, shall
911 continue to be obligations of the city; and all taxes, assessments, fines, penalties and forfeitures,
912 incurred or imposed, due or owing to the city, shall be enforced and collected; and all writs,

913 prosecutions, actions and causes of action, except as herein otherwise provided, shall continue
914 without abatement and remain unaffected by this charter; and any legal act done by or in favor of
915 the city shall not be rendered invalid by reason of the adoption of this charter.

916 SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

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

929 (b) Certain Special Acts Recognized and Retained - The following special acts, including
930 those which amended Chapter 240 of the Acts of 1899, relating to the organization of the city's
931 government, are recognized and retained as follows, notwithstanding any reference to said c.
932 240: St. 1923, c.191, St. 1939, c.190, and St. 2018, c.410 relating to the Licensing Commission;
933 St. 1928, c. 49 and c. 81, St. 2021, c. 63 relating to the Board of Appeals; St. 1928, c. 82, St.
934 2018, c. 410, and St. 2012, c. 400 relating to the Board of Election Commissioners; St. 1934, c.

935 294 relating to the Auditor, St. 1934, c. 295 relating to the Treasurer; St. 1953, c. 650, St. 1988,
936 c. 94, St. 2004, c. 317, and St. 2008, c.112 relating to the Department of Public Works; St. 1977,
937 c. 644 relating to the School Committee; St. 1985, c. 23, and St. 2012, c. 400 relating to the
938 Board of Assessors; St. 1991, c. 390 relating to the Disabilities Commission; St. 2008, c. 106
939 establishing the Municipal Hearing Officer; St. 2012, c. 381, and St. 2016, c. 142 relating to the
940 Alcoholic Beverages Commission; St. 2018, c. 364 relating to the Redevelopment Authority; St.
941 1978, c. 397, St. 2012, c. 400 relating to the Traffic Commission; and ss. 1-10, 26, 43, 47, 48, 49,
942 50, 56, 57, 58, 59 and 60 of c. 400 of the Acts of 2012 until such time as the city acts under
943 Article 5 of this charter to adopt 1 or more administrative orders.

944 SECTION 9-7: TIME OF TAKING EFFECT

945 (a) The provisions of section 3-6 of this charter relating to the appointment of the Chief
946 Administrative Officer shall take effect following the regular or special municipal election in
947 2025.

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

950 (c) The provisions of Article 6 relating to the operating budget, the capital improvements
951 program, and the municipal audit shall take effect for the fiscal year beginning July 1, 2026 (FY
952 2027).

953 (d) Within 180 days of the adoption of this charter, the mayor shall promulgate and
954 submit an administrative order pursuant to Article 5 establishing a selection process for a city
955 attorney. Any such selection process shall include the establishment of a special screening
956 committee to review candidates for the position of city attorney. Said special screening

957 committee shall include at least 1 member of the city council, designated by the city council
958 president. Nothing in this section shall be deemed to apply to the reappointment of a city
959 attorney.

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

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

976 (f) Creation of Ranked Choice Voting Implementation Committee - Within 6 months of
977 the adoption of this charter, the city council shall create a ranked choice voting committee to
978 propose a measure to adopt ranked-choice voting and submit a report on ranked-choice voting in

979 the city. A voting method shall be considered ranked choice voting if the voter ranks candidates
980 in order of preference. The committee's report shall include:

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

982 (2) a timeframe and strategy for implementation;

983 (3) infrastructure and equipment requirements;

984 (4) a cost analysis;

985 (5) a comparative analysis of other voting methods;

986 (6) an analysis of potential equity concerns; and

987 (7) a community education plan.

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

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

998 appointment of its full membership. The city council shall take action on the measure within 90
999 days of receipt.

1000 (g) Initial Periodic Review of Multiple Member Bodies - The mayor and the city council
1001 shall convene the first periodic review of multiple member bodies committee, pursuant to section
1002 8-6, within 6 months of the adoption of this charter. The committee's report should include:

1003 (1) an assessment of the functions and relevancies of the city's current multiple member
1004 bodies;

1005 (2) a review of activities of multiple member bodies from recent years;

1006 (3) the ability of the city to fill appointments to the body; and

1007 (4) recommendations for combining, terminating, or establishing new multiple member
1008 bodies.

1009 If the city council has already taken action consistent with this provision, no action is
1010 necessary.

1011 The committee shall consist of 5 members: 1 shall be the mayor or their designee, 1 shall
1012 be the city council president or their designee, 1 shall be the city clerk, 1 shall be a city resident
1013 appointed by the mayor, 1 shall be a city resident appointed by the city council.

1014 The committee shall submit a report to the city council. The city council shall respond to
1015 and vote on the recommendations within 90 days of receipt.

1016 (h) The city council shall consider the acceptance of section 91 of chapter 41 of the
1017 General laws within 120 days of the adoptions of this charter.

1018 SECTION 8. The city clerk shall cause the following question to be placed on the official
1019 ballot to be used in the city of Somerville at the next regular municipal election to be held on
1020 November 4, 2025 or the next regular municipal election at which the city can comply with the
1021 applicable commonwealth ballot requirements: Shall the city adopt Chapter XXX of the Acts of
1022 2025 that provides a special act charter for the city of Somerville? The city attorney shall prepare
1023 the summary of the proposed special act charter which shall appear on the ballot along with the
1024 question provided in this section and the city attorney shall submit the question and summary to
1025 the city clerk in accordance with section 42C of chapter 54 of the General Laws.

1026 SECTION 9. The city clerk shall cause the following question to be placed on the official
1027 ballot to be used in the city of Somerville at the next regular municipal election to be held on
1028 November 4, 2025 or the next regular municipal election at which the city can comply with the
1029 applicable commonwealth ballot requirements: Shall the term of office for the mayor of the city
1030 of Somerville be for 4 years?

1031 Upon acceptance by the majority of the voters of the city participating in the election
1032 voting in the affirmative, the term of office of the mayor shall be for 4 years for the term
1033 commencing in January 2028, but not otherwise. If the majority of the voters of the city
1034 participating in the election vote in the affirmative, the charter shall be amended in the sections
1035 relating to or referencing the term of the office of mayor.

1036 SECTION 10. Sections 1 through 7, inclusive, shall take effect upon acceptance by a
1037 majority of the voters of the city voting in the affirmative, but not otherwise.

1038 SECTION 11. Section 8 shall take effect upon passage.

1039 SECTION 12. Section 9 shall take effect upon passage.