HOUSE DOCKET, NO. 4716 FILED ON: 5/19/2025

HOUSE . . . . . No. 4153

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

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.

PETITION OF:

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

HOUSE DOCKET, NO. 4716 FILED ON: 5/19/2025

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:

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

PREAMBLE

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

ARTICLE 1

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

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

SECTION 1-2: SHORT TITLE

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

SECTION 1-3: SEPARATION OF POWERS

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

SECTION 1-4: POWERS OF THE CITY

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

SECTION 1-5: CONSTRUCTION

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

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

SECTION 1-7: DEFINITIONS

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

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

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

(3) “City”, the City of Somerville.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2

LEGISLATIVE BRANCH

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

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

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

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

SECTION 2-2: PROHIBITIONS

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

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

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

SECTION 2-3: COMPENSATION

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

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

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

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

SECTION 2-4: GENERAL POWERS

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) determine the agenda for city council meetings;

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

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

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

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

SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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

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

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

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

SECTION 2-8: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

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

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

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

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

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

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

SECTION 2-9: ORDINANCES AND OTHER MEASURES

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

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

SECTION 2-10: ACCESS TO INFORMATION

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

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

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

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

SECTION 2-11: GROUP PETITIONS

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

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

SECTION 2-12: FILLING OF VACANCIES

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

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

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

ARTICLE 3

EXECUTIVE BRANCH

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

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

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

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

SECTION 3-2: PROHIBITIONS

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

SECTION 3-3: COMPENSATION

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

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

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

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

SECTION 3-4: EXECUTIVE POWERS

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

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

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

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

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

SECTION 3-5: APPOINTMENTS BY THE MAYOR

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

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

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

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

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

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

SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

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

SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

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

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

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

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

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

SECTION 3-8: TEMPORARY APPOINTMENTS TO MULTIPLE MEMBER BODIES

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

SECTION 3-9: APPROVAL OF MAYOR, VETO

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

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

SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

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

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

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

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

SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

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

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

SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

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

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

SECTION 3-13: FILLING OF PERMANENT VACANCY

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

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

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

ARTICLE 4

SCHOOL COMMITTEE

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

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

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

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

SECTION 4-2: PROHIBITIONS

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

SECTION 4-3: COMPENSATION

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

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

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

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

SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

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

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

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

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

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

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

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

SECTION 4-6: FILLING OF VACANCIES

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

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

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

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

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

SECTION 5-2: QUALIFICATIONS FOR APPOINTMENTS AND PROMOTIONS

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

ARTICLE 6

FINANCIAL PROCEDURES

SECTION 6-1: FISCAL YEAR

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

SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

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

SECTION 6-3: ANNUAL BUDGET MEETING

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

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

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

SECTION 6-5: ACTION ON THE OPERATING BUDGET

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

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

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

SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

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

The capital improvement program shall include:

(1) a general summary of its contents;

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

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

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

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

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

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

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

SECTION 6-7: INDEPENDENT AUDIT

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

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

SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

ARTICLE 7

ELECTIONS

SECTION 7-1: PRELIMINARY ELECTIONS

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

SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

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

(1) Mayor - at least 250 certified signatures;

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

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

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

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

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

(d) Determination of Candidates:

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

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

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

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

SECTION 7-3: REGULAR MUNICIPAL ELECTION

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

SECTION 7-4: BALLOT POSITION, REGULAR MUNICIPAL ELECTION

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

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

SECTION 7-5: NON-PARTISAN ELECTIONS

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

SECTION 7-6: WARDS

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

SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

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

ARTICLE 8

GENERAL PROVISIONS

SECTION 8-1: CHARTER CHANGES

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

SECTION 8-2: SPECIFIC PROVISION TO PREVAIL

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

SECTION 8-3: RULES AND REGULATIONS

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

SECTION 8-4: PERIODIC REVIEW OF CHARTER

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

SECTION 8-5: PERIODIC REVIEW OF ORDINANCES

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

SECTION 8-6: PERIODIC REVIEW OF MULTIPLE MEMBER BODIES

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

SECTION 8-7: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

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

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

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

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

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

SECTION 8-8: REFERENCES TO GENERAL LAWS

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

SECTION 8-9: COMPUTATION OF TIME

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

SECTION 8-10: OATHS OR AFFIRMATIONS

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

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

SECTION 8-11: LIMITATION ON OFFICE HOLDING

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

SECTION 8-12: FELONY CONVICTION

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

SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

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

ARTICLE 9

TRANSITION PROVISIONS

SECTION 9-1: CONTINUATION OF EXISTING LAWS

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

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

SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

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

SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

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

SECTION 9-4: CONTINUATION OF PERSONNEL

All city office holders and employees shall retain the office, position or

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

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

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

SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

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

(b) Certain Special Acts Recognized and Retained - The following special acts, including those which amended Chapter 240 of the Acts of 1899, relating to the organization of the city's government, are recognized and retained as follows, notwithstanding any reference to said c. 240: St. 1923, c.191, St. 1939, c.190, and St. 2018, c.410 relating to the Licensing Commission; St. 1928, c. 41 and c. 81, St. 2021, c. 63 relating to the Board of Appeals; St. 1928, c. 82, St. 2018, c. 410, and St. 2012, c. 400 relating to the Board of Election Commissioners; St. 1934, c. 294 relating to the Auditor, St. 1934, c. 295 relating to the Treasurer; St. 1953, c. 653, St. 1988, c. 94, ss. 40, 40A, B, C, and D, St. 2004, c. 317, and St. 2008, c.112 relating to the Department of Public Works; St. 1977, c. 644 relating to the School Committee; St. 1985, c. 23, and St. 2012, c. 400 relating to the Board of Assessors; St. 1991, c. 390 relating to the Disabilities

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

SECTION 9-7: TIME OF TAKING EFFECT

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

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

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

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

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

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

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

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

(2) a timeframe and strategy for implementation;

(3) infrastructure and equipment requirements;

(4) a cost analysis;

(5) a comparative analysis of other voting methods;

(6) an analysis of potential equity concerns; and

(7) a community education plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Section 2 shall take effect upon passage.

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

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