

# SENATE . . . . . No. 2604

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Senate, September 11, 2025 -- Text of the Senate amendment (Senator Jehlen) to the House Bill establishing a charter for the city of Somerville (House, No. 4445).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
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1           SECTION 1. Chapter 240 of the acts of 1899 is hereby repealed; provided, however, that  
2 sections 38, 39 and 43 of said chapter 240 shall remain in effect until such time as the city acts  
3 under article 5 of the charter established in this act 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 Chapter 656 of the acts of 1982 is hereby repealed.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 Chapter 355 of the acts of 1989 is hereby repealed.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 Chapter 90 of the acts of 2014 is hereby repealed.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 Chapter 355 of the acts of 2018 is hereby repealed.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. Chapter 312 of the acts of 2022 is hereby repealed.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. If any provision of this charter conflicts with any special act or  
43 law adopted by the city to the contrary, the provisions of this charter shall prevail.

44           SECTION 1-6: INTERGOVERNMENTAL RELATIONS

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

49           SECTION 1-7: DEFINITIONS

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

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

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

56 (3) “City”, the city of Somerville.

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

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

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

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

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

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

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

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

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

77 (13) “Regulatory body”, any multiple-member body responsible for establishing or  
78 enforcing rules or regulations.

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

81 (i) a change in the organization or the administrative structure of the city administration  
82 or organization; or (ii) a change in the way in which municipal services are delivered.

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

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

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

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

93 ARTICLE 2

94 LEGISLATIVE BRANCH

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

96 (a) Composition - There shall be a city council consisting of 11 members which shall  
97 exercise the legislative powers of the city. Four members of the city council shall be known as  
98 councilors at-large and shall be nominated and elected by the voters at large. Seven members of  
99 the city council shall be known as ward councilors and shall be nominated from and elected by  
100 the voters in each ward, with 1 ward councilor to be elected from each of the 7 wards into which  
101 the city is divided under section 7-6.

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

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

111 SECTION 2-2: PROHIBITIONS

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

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

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

## 122 SECTION 2-3: COMPENSATION

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

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

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

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

## 130 SECTION 2-4: GENERAL POWERS

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

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

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

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

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

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

145 (e) Special meetings of the city council shall be held at the call of the president or at the  
146 call of not less than 6 members for any purpose. Except in an emergency as declared by the city  
147 council president, notice of the meeting shall be delivered to the city clerk not less than 3  
148 business days in advance of the time set and shall specify the date, time, location and purpose for  
149 which the meeting is to be held. The city clerk shall post an agenda for such meeting not less  
150 than 2 business days in advance of the time set.

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

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

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

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

160 (a) Election and Term - As soon as practicable after the councilors-elect have been  
161 qualified following each regular municipal election, as provided in section 7-3, the city council  
162 shall elect from among its members a president and vice-president who shall serve for 1-year  
163 terms. The member of the council with the most years of service shall preside at the election. If 2  
164 or more members have the same term of service, the councilor with the last name that is first in  
165 alphabetical order from among such councilors shall preside. The conduct of all elections of the  
166 city council president and vice-president shall otherwise be prescribed within the rules of the city  
167 council.

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

169 (i) determine the agenda for city council meetings;

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

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

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

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

178 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

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

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

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

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

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

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

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

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

223 (2) In the event of a vacancy on a multiple-member body where the seat has remained  
224 vacant in excess of 1 year and the mayor has not referred to the city council any proposed  
225 appointees to fill the vacancy, the city council president may present to the mayor the names of  
226 not more than 3 persons as recommendations for appointment. The procedure for selecting  
227 names of persons for presentation to the mayor shall be established within the rules of the city  
228 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 for confirmation  
234 and simultaneously file with the city clerk, the name of each person the mayor desires to appoint  
235 or promote as a member or officer of the police department or the fire department. The city  
236 council 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 for the rejection,  
239 which shall be delivered to and placed on file with the city clerk within 30 days of the rejection.

240 The question on confirmation of any appointment submitted by the mayor shall not be subject to  
241 the procedure of charter objection provided in subsection (b) of section 2-9 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 at that time all debate pertaining to  
254 the item shall cease.

255 SECTION 2-10: ACCESS TO INFORMATION

256 (a) In General - The city council may make investigations into the affairs of the city and  
257 into the conduct and performance of any city agency. Absent compelling circumstances or an  
258 emergency, which shall be declared on record and noted in the city council minutes, the city  
259 council shall give a notice of not less than 14 days to any person it may require to appear before  
260 it under this section; provided, however, that in the case of compelling circumstances or  
261 emergency, the notice period may be shortened to not less than 7 days. The notice shall include

262 specific questions on which the city council seeks information and any person called to appear  
263 before the city council under this section shall not be required to respond to any question not  
264 relevant or related to those questions presented in advance and in writing. The mayor shall  
265 receive a copy of any notice issued under this section at the same time as the person who is  
266 requested to appear before the council. A majority vote of the city council shall be required to  
267 issue notice under this section.

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

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

283 SECTION 2-11: GROUP PETITIONS

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

296           SECTION 2-12: FILLING OF VACANCIES

297           (a) Councilor At-Large - When a vacancy exists for an at-large city council seat and more  
298 than 180 days remain in the term for such seat, the city clerk shall notify the city council and the  
299 board of election commissioners of the vacancy within 7 days of such vacancy. Not less than 7  
300 days after notification, the chair of the board of election commissioners or a designee shall  
301 certify, in writing, to the city clerk that the defeated candidate for the office of councilor at-large  
302 with the next highest number of votes at the prior municipal election, if willing and able to serve,  
303 shall fill the remainder of the existing term. The city clerk shall administer the oath of office to  
304 such candidate within 15 days after certification and the person shall take the seat. If such  
305 candidate declines the office, is not eligible and willing to serve or fails to take the oath of office  
306 within the time period set forth in this section, then the candidate with the next highest number of

307 votes for councilor at-large at the prior municipal election who is eligible and willing to serve  
308 shall take the seat under the same circumstances as above. If no such candidate for the office can  
309 serve, the city council shall call a special election to fill the seat for the remainder of the term. If  
310 the vacancy occurs with not more than 180 days in the existing term, the vacancy shall be filled  
311 as above; provided, however, that if no candidate is available to take the seat, the seat shall  
312 remain vacant until the next regular municipal election and the person elected shall take office  
313 upon certification of the vote and serve for the remainder of the existing term as well as the term  
314 to which elected. The city clerk shall administer the oath of office to elected candidates at the  
315 next meeting of the city council.

316 (b) Ward Councilor - If a vacancy occurs in the office of ward councilor and more than  
317 180 days remain on the existing term, the city council shall immediately order a special election  
318 to fill the vacancy for the remainder of the unexpired term. If a vacancy occurs with nor more  
319 than 180 days before the end of the term, the seat shall remain vacant until the next regular  
320 municipal election for the office and the person elected shall fill the vacancy for the remainder of  
321 the unexpired term and the term to which elected. The city clerk shall administer the oath of  
322 office to the person at the next meeting of the city council.

### 323 ARTICLE 3

### 324 EXECUTIVE BRANCH

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

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

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

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

331 SECTION 3-2: PROHIBITIONS

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

340 SECTION 3-3: COMPENSATION

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

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

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

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

348 SECTION 3-4: EXECUTIVE POWERS

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

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

366 (c) Multiple-Member Bodies - The mayor shall be, by virtue of the office, a member of  
367 every appointed multiple-member body of the city. The mayor may attend any meeting of an  
368 appointed multiple-member body of the city, including executive sessions, to participate in the

369 discussions of that body; provided, however, that the mayor shall not have the right to vote on  
370 any matter before a multiple-member body which they serve on solely by virtue of their office.

371 SECTION 3-5: APPOINTMENTS BY THE MAYOR

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

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

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

391 expiration of the term of any member of a multiple-member body, a successor shall be appointed  
392 in a like manner. The mayor shall fill any vacancy for the remainder of the unexpired term of any  
393 member of a multiple-member body.

394 (d) Police and Fire Employees - The mayor may appoint and promote, subject to  
395 confirmation by the city council, members and officers of the police department and fire  
396 department subject to requirements of the commonwealth's civil service law.

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

399 SECTION 3-6: APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER

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

406 SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

407 If a temporary or permanent vacancy occurs in a city office that is appointed by the  
408 mayor under subsections (a) and (b) of section 3-5, the mayor may designate a person to perform  
409 the duties of the office on a temporary basis for not more than 180 days until the position can be  
410 filled as provided by law or by this charter. Persons serving as temporary officers under this

411 section shall have only those powers that are indispensable and essential to the performance of  
412 the duties of the office during the period of temporary appointment and no others.

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

415 “I designate [name of person] to perform the duties of the office of [office in which  
416 vacancy exists] on a temporary basis until the office can be filled by [the regular procedure for  
417 filling the vacancy or when the incumbent shall return]. I certify that this person is qualified to  
418 perform the duties which will be required and that I make this designation solely in the interests  
419 of the city of Somerville.”

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

#### 424 SECTION 3-8: TEMPORARY APPOINTMENTS TO MULTIPLE-MEMBER BODIES

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

433 a vacancy on multiple-member bodies where such a vacancy would prevent the presence of a  
434 quorum, the temporary appointment shall remain in effect even without an extension, until a  
435 successor is qualified.

436 SECTION 3-9: APPROVAL OF MAYOR, VETO

437 Every ordinance or other measure as required by law adopted or passed by the city  
438 council, except any matters relating to the internal affairs of the city council, shall be presented  
439 to the mayor for approval. If the mayor approves the measure, the mayor shall sign it. If the  
440 mayor disapproves the measure, the mayor shall return it to the city council with the specific  
441 reason for disapproval attached in writing. The city council shall enter the objections of the  
442 mayor on its records and reconsider the measure at its subsequent regular meeting. If the city  
443 council, regardless of the disapproval by the mayor, again passes the identical measure by  
444 affirmative vote of not less than 8 members of the city council, the measure shall then be deemed  
445 in force. If the mayor has neither signed a measure nor returned it to the city council within 10  
446 days following the date it was presented to the mayor, the measure shall be deemed approved  
447 and in force.

448 SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

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

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

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

455 (b) Special Meetings of the City Council - The mayor may call a special meeting of the  
456 city council for any purpose. Unless the mayor designates an emergency, notice of the meeting  
457 shall be delivered to the city clerk not less than 3 business days in advance of the time set and  
458 shall specify the date, time, location and the purpose for which the meeting is to be held. The city  
459 clerk shall post an agenda for such meeting not less than 2 business days in advance of the time  
460 set.

#### 461 SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

462 (a) Acting Mayor - If the mayor is unable to perform the duties of the office, the president  
463 of the city council shall serve as acting mayor. If the city council president is unable to serve as  
464 acting mayor under this section, the city council shall elect a councilor to serve as acting mayor  
465 by majority vote from among its membership. The city council, by the affirmative vote of not  
466 less than 8 members, shall determine whether the mayor is unable to perform the duties of the  
467 office. Notwithstanding any general or special law to the contrary, the vote shall be taken in  
468 public session by a roll call vote.

469 (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the  
470 mayor that are indispensable and essential to conduct the business of the city and on which  
471 action may not be delayed. The acting mayor shall not have the authority to make a permanent  
472 appointment or removal from city service unless the absence of the mayor shall extend beyond  
473 60 days, nor shall the acting mayor approve or disapprove of any measure adopted by the city

474 council unless the time within which the mayor must act would expire before the return of the  
475 mayor. The city council president or another councilor serving as acting mayor shall not vote as  
476 a member of the city council.

477 SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

478 The mayor may authorize and subsequently remove authorization from a subordinate  
479 officer or employee of the city to exercise or perform a function or duty of the office of the  
480 mayor; provided, however, that all acts performed under any delegation of authority during the  
481 period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be  
482 construed to authorize the mayor to delegate the powers and duties of the mayor as a school  
483 committee member, the power of appointment to city office or employment or the authority to  
484 sign or return measures approved by the city council unless section 3-11 applies.

485 SECTION 3-13: FILLING OF PERMANENT VACANCY

486 If a permanent vacancy occurs in the office of mayor with not more than the 6 months  
487 until the next regular municipal election, the office shall be filled by the voters at that election;  
488 provided, however, that if a permanent vacancy occurs in the office of mayor with more than 6  
489 months until the next regular municipal election, the city council shall immediately order a  
490 special election to be held within 150 days following the date of the vacancy.

491 The city council president shall serve as acting mayor until the permanent vacancy is  
492 filled pursuant to this section. If the city council president is unwilling or unable to serve, the city  
493 council shall elect a councilor to serve as the acting mayor by majority vote from among its  
494 membership. If the councilor serving as the acting mayor chooses to run for mayor, such  
495 councilor shall not be entitled to have the words “candidate for reelection” printed with their

496 name on the election ballot. Any person serving as acting mayor shall receive the compensation  
497 then in effect for the position of mayor and shall not vote as a member of the city council. The  
498 resulting vacancy on the city council shall be filled in the manner provided in section 2-12.

499 ARTICLE 4

500 SCHOOL COMMITTEE

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

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

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

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

515 SECTION 4-2: PROHIBITIONS

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

523 SECTION 4-3: COMPENSATION

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

- 527 (i) it is adopted by affirmative vote of 8 members of the city council;
- 528 (ii) it is adopted prior to the last 6 months of the school committee's term; and
- 529 (iii) it provides that the compensation is to take effect upon the organization of the city  
530 government following the next regular municipal election.

531 SECTION 4-4: SCHOOL COMMITTEE RULES AND PROCEDURES

532 The school committee shall determine the procedures for the election of school  
533 committee chair and vice-chair and adopt policies and procedures relating to conducting the  
534 business of the school committee.

535 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

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

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

542           (ii) adopting policies for the management of the public school system as deemed  
543 necessary or desirable;

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

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

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

552           SECTION 4-6: FILLING OF VACANCIES

553           If a vacancy on the school committee occurs with not less than 1 year remaining in the  
554 term, the city council shall order a special election to fill the vacancy. If a vacancy on the school  
555 committee occurs with less than 1 year before the end of the term but more than 120 days before  
556 any regular municipal election, the school committee shall appoint a replacement to serve for the

557 remainder of the term from the qualified voters of the ward. The school committee shall post  
558 notice of the vacancy and solicitation of nominations and appoint the replacement in accordance  
559 with school committee policy. If a vacancy occurs within 120 days of a regular municipal  
560 election, the vacancy shall be filled by the regular election and the newly elected school  
561 committee member's term shall begin following the certification of election results. The person  
562 elected shall be sworn to the office to fill the vacancy for the balance of the unexpired term as  
563 well as the term to which elected. The city clerk shall administer the oath of office to them at or  
564 before the next meeting of the school committee.

565           ARTICLE 5

566           ADMINISTRATIVE ORGANIZATION

567           SECTION 5-1: ORGANIZATION OF CITY AGENCIES

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

577           These proposed administrative orders shall be accompanied by a message from the mayor  
578 which explains the expected benefits and advises the city council if an administrative order shall

579 require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever  
580 the mayor proposes an administrative order, the city council shall hold at least 1 public hearings  
581 on the proposal and post notice.

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

#### 588 SECTION 5-2: QUALIFICATIONS FOR APPOINTMENTS AND PROMOTIONS

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

### 593 ARTICLE 6

#### 594 FINANCIAL PROCEDURES

##### 595 SECTION 6-1: FISCAL YEAR

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

##### 598 SECTION 6-2: COMMUNITY AND COUNCIL BUDGET INPUT

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

603           SECTION 6-3: ANNUAL BUDGET MEETING

604           Not later than March 1 of each year, the mayor shall call a joint meeting of the city  
605 council and school committee, including the superintendent of schools, to review the financial  
606 condition of the city, revenue and expenditure forecasts for not less than 3 years and other  
607 relevant information prepared by the mayor in order to develop a coordinated budget.

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

609           On or about May 30 of each year, the mayor shall submit to the city council a proposed  
610 operating budget for all city agencies for the next fiscal year. The proposed operating budget  
611 shall include the school budget, as adopted by the school committee, which shall be submitted to  
612 the mayor on or about May 15. The proposed operating budget shall be accompanied by a budget  
613 message and supporting documents. The budget message shall: (i) explain the operating budget  
614 in fiscal terms and in terms of work programs for all city agencies; (ii) outline the proposed fiscal  
615 policies of the city for the next fiscal year; (iii) describe important features of the proposed  
616 operating budget; and (iv) include any major variations from the current operating budget, fiscal  
617 policies, revenues and expenditures together with reasons for these variations. The proposed  
618 operating budget shall provide a complete fiscal plan of all city funds and activities and shall be  
619 in the form the mayor deems desirable; provided, however, that the budget proposals relative to  
620 elected officials shall identify the cost of compensation and the cost of benefits for such officials.

621 The mayor and the superintendent of schools shall coordinate the dates and times of the school  
622 committee's budget process under the General Laws.

623 SECTION 6-5: ACTION ON THE OPERATING BUDGET

624 (a) Public Hearing - The city council shall hold a public hearing on the proposed  
625 operating budget as submitted by the mayor. Not less than 7 days before such public hearing, the  
626 city council shall post a notice stating: (i) the times and places where copies of the entire  
627 proposed operating budget are available for inspection by the public; and (ii) the date, time and  
628 place when a public hearing on the proposed operating budget shall be held by the city council.  
629 The city council shall not act on the budget until after the public hearing has occurred.

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

639 (c) Availability of the Operating Budget - In addition to any other posting requirements,  
640 immediately after the submission of the proposed budget to the city council, the mayor or a  
641 designee shall post the entire budget document on the city website, where it shall remain posted  
642 during the city council review process contained in this article. After the enactment of the

643 budget, the mayor or a designee shall post the final budget on the city website, where it shall  
644 remain throughout the fiscal year for which it is in effect. The final budget shall reflect any  
645 amendments made by the city council and approved by the mayor and shall indicate that it is the  
646 final budget.

647 SECTION 6-6: CAPITAL IMPROVEMENT PROGRAM

648 (a) Submission - The mayor shall submit a capital improvement plan to the city council  
649 not later than November 1 of each year. The mayor shall annually revise the information  
650 regarding the capital improvements still pending or in the process of being acquired, improved,  
651 or constructed.

652 The capital improvement plan shall include:

653 (i) a general summary of its contents;

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

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

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

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

661 (i) the times and places where entire copies of the capital improvements plan are  
662 available for the public; and

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

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

670 SECTION 6-7: INDEPENDENT AUDIT

671 The mayor shall annually provide for an outside audit of the books and accounts of the  
672 city in the form of an annual comprehensive financial report to be conducted by a certified public  
673 accountant or a firm of certified public accountants, which has no personal interest, direct or  
674 indirect, in the fiscal affairs of the city or any of its officers. The scope of the audit shall specify  
675 that each year of the audit engagement, a different department, division or program shall be  
676 subject to an expanded scope audit or internal control review. The city council may, by majority  
677 vote, determine the department, division or program to be subject to an expanded scope audit or  
678 internal control review. The award of a contract to audit shall be made by the mayor not later  
679 than September 15 of each year. The report of the audit and all accompanying documents,  
680 including a management letter so-called shall be filed in final form with the city council not later  
681 than March 1 in the year following its award. The certified public accountant or firm of certified  
682 public accountants shall make a presentation to the city council as soon as practicable after  
683 March 1 but not later than May 31 of each year. Not less than every 3 years, the mayor shall  
684 conduct a procurement process using sound business practices to retain these services.

685 SECTION 6-8: EXPENDITURES IN EXCESS OF APPROPRIATIONS

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

693 ARTICLE 7

694 ELECTIONS

695 SECTION 7-1: PRELIMINARY ELECTIONS

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

705 SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

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

708 (1) Mayor – not less than 250 certified signatures;

709 (2) At-Large City Councilor - not less than 100 certified signatures;

710 (3) Ward City Councilor – not less than 50 certified signatures, all of which shall be  
711 certified as being from the ward from which election is sought; and

712 (4) School Committee Member - not less than 50 certified signatures, all of which shall  
713 be certified as being from the ward from which election is sought.

714 (b) Forms - Signatures of voters shall be made on a form prescribed by the board of  
715 election commissioners and shall be made available not earlier than April 2 and not later than  
716 June 18 in each municipal election year. The forms shall be submitted to the board of election  
717 commissioners for certification of the signatures not later than the 14 days before submission to  
718 the city clerk. The forms shall be submitted to the city clerk not later than 5:00 p.m. on the forty-  
719 fifth day prior to the declared date of the preliminary election. An individual may appear on the  
720 ballot for only 1 office at any preliminary, regular or special municipal election.

721 (c) Ballot Position - The order in which names of candidates for each office appear on the  
722 ballot shall be determined by a drawing conducted by the city clerk not less than 40 days before  
723 the preliminary election. The drawing shall be open to the public.

724 (d) Determination of Candidates for election:

725 (1) Offices of Mayor, Ward Councilor and School Committee - the 2 candidates who  
726 receive the highest number of votes for nomination to each office at the preliminary election

727 shall, except as provided by subsection (e), be the candidates for that office. The candidates'  
728 names shall be printed on the official ballot to be used at the regular or special municipal election  
729 at which the office is to be voted upon and an acceptance of a nomination shall not be necessary  
730 to its validity.

731 (2) Offices of City Councilor At-Large - the 8 candidates who receive the highest number  
732 of votes for nomination to the office shall, except as provided by subsection (e) upon and an  
733 acceptance of a nomination shall not be necessary to its validity.

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

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

747 SECTION 7-3: REGULAR MUNICIPAL ELECTION

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

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

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

756           SECTION 7-5: NON-PARTISAN ELECTIONS

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

759           SECTION 7-6: WARDS

760           The territory of the city shall be divided into 7 wards by the city clerk to consist of as  
761 nearly an equal number of inhabitants as it is possible to achieve, based on compact and  
762 contiguous territory, bounded as far as possible by the center line of known streets or ways or by  
763 other well-defined limits. Each ward shall be composed of voting precincts established under the  
764 General Laws. The city council shall review these wards to ensure uniformity in the number of  
765 inhabitants not less than once every 10 years.

766           SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

767           Except as otherwise expressly provided in this charter and authorized by law, all  
768 municipal elections shall be governed by the General Laws relating to the right to vote, the

769 registration of voters, the nomination of candidates, voting places, the conduct of preliminary,  
770 regular and special municipal election, the submission of charters, charter amendments and other  
771 propositions to the voters, the counting of votes, the recounting of votes and the determination of  
772 results.

## 773 ARTICLE 8

### 774 GENERAL PROVISIONS

#### 775 SECTION 8-1: CHARTER CHANGES

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

#### 778 SECTION 8-2: SPECIFIC PROVISION TO PREVAIL

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

#### 781 SECTION 8-3: RULES AND REGULATIONS

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

#### 787 SECTION 8-4: PERIODIC REVIEW OF CHARTER

788           The mayor and city council shall provide for a review to be made of the city charter not  
789 less than once every 10 years to determine the need, if any, for changes and prepare  
790 recommendations addressing any proposed changes. The manner of the review shall be  
791 established by ordinance and incorporate opportunities for community input. The report of the  
792 committee and accompanying recommendations, if any, shall be filed with the city clerk on a  
793 date specified by ordinance.

794           SECTION 8-5: PERIODIC REVIEW OF ORDINANCES

795           The mayor and city council shall provide for a review to be made of some or all of the  
796 city ordinances not less than once every 10 years to determine the need for amendments, if any.  
797 Such review shall be scheduled to follow the charter review as provided in section 8-4 of the  
798 charter by at least 1 year. The manner of the review shall be established by ordinance. The  
799 review of city ordinances shall be under the supervision of the city attorney and incorporate  
800 opportunities for community input. The recommendations shall be filed with the city clerk on a  
801 date specified by ordinance.

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

803           The mayor and the city council shall provide for a review to be made of all multiple-  
804 member bodies not less than once every 10 years; provided, however, that such bodies as are  
805 required in cities by the General Laws shall not be included in such review. This review shall be  
806 made by a special committee whose membership and term shall be determined by ordinance and  
807 the initial review shall be implemented as provided in subsection (d) of section 9-7. The special  
808 committee shall file its report with the city clerk on a date specified by ordinance. The  
809 committee's report should include an assessment of the function and relevance of multiple-

810 member bodies included in the review and may include recommendations to combine, dissolve  
811 or create multiple-member bodies to address redundancies or emerging concerns of the city.

812 SECTION 8-7: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER  
813 BODIES

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

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

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

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

829 (4) Voting - If requested by any member, a vote of an appointed multiple-member body  
830 shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes,

831 provided, however, that if the vote is unanimous only that fact need be recorded. Unless some  
832 other provision is made by the multiple-member body's own rules while a quorum is present,  
833 except on procedural matters, any action on a matter representing an exercise of the powers of  
834 the multiple-member body shall require a majority vote. General Laws related to a vote to meet  
835 in executive session shall always require a majority of members of the body.

836 SECTION 8-8: REFERENCES TO GENERAL LAWS

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

841 SECTION 8-9: COMPUTATION OF TIME

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

846 SECTION 8-10: OATHS OR AFFIRMATIONS

847 (a) Officials Elected in Regular Municipal Elections - On the first business day in January  
848 of each even-numbered year, the city council members-elect, the school committee members-  
849 elect and the mayor-elect, shall meet and take an oath or affirmation to faithfully discharge the  
850 duties of their office. The oath or affirmation shall be administered by the city clerk, the assistant  
851 city clerk, a judge of a court of record or by a justice of the peace. Each official taking the oath

852 or affirmation shall also sign a written version, which shall be kept in a bound book maintained  
853 by the city clerk. If the mayor-elect or any member-elect of the city council or school committee  
854 is absent on the day the oath is administered, the oath or affirmation shall be administered at any  
855 time within 10 days of the first business day of January, unless circumstances beyond the control  
856 of the officer-elect prevent such action, but in no instance shall the time period to be sworn to  
857 office extend beyond 30 days from the first business day of January.

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

862 SECTION 8-11: LIMITATION ON OFFICE HOLDING

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

866 SECTION 8-12: FELONY CONVICTION

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

869 SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS

870 It shall be the duty of the mayor to see that this charter is faithfully followed and  
871 complied with by all city agencies and employees. If it appears to the mayor that a city agency or  
872 employee is not following this charter, the mayor shall, in writing, cause notice to be given to

873 that agency or employee directing compliance with this charter. If it appears to the city council  
874 that the mayor is not following this charter, the city council shall, by resolution, direct the  
875 attention of the mayor to those areas in which it believes there is a failure to comply with this  
876 charter. The procedures made available in chapter 231A of the General Laws may be used to  
877 determine the rights, duties or other legal relations arising under this charter, including any  
878 question of construction or validity which may be involved in that determination.

879 ARTICLE 9

880 TRANSITION PROVISIONS

881 SECTION 9-1: CONTINUATION OF EXISTING LAWS

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

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

894 continue to be subject to the provisions of said chapter 31 in the classification held at the time of  
895 the effective date of this charter.

896 SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

903 SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY

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

907 SECTION 9-4: CONTINUATION OF PERSONNEL

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

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

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

921 SECTION 9-6: DISPOSITION OF CERTAIN SPECIAL ACTS

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

934 (b) Certain Special Acts Recognized and Retained - The following special acts, including  
935 those which amended Chapter 240 of the Acts of 1899, relating to the organization of the city's

936 government, are recognized and retained as follows, notwithstanding any reference to said c.  
937 240: St. 1923, c.191, St. 1939, c.190, and St. 2018, c.410 relating to the Licensing Commission;  
938 St. 1928, c. 49 and c. 81, St. 2021, c. 63 relating to the Board of Appeals; St. 1928, c. 82, St.  
939 2018, c. 410, and St. 2012, c. 400 relating to the Board of Election Commissioners; St. 1934, c.  
940 294 relating to the Auditor, St. 1934, c. 295 relating to the Treasurer; St. 1953, c. 650, St. 1988,  
941 c. 94, St. 2004, c. 317, and St. 2008, c.112 relating to the Department of Public Works; St. 1977,  
942 c. 644 relating to the School Committee; St. 1985, c. 23, and St. 2012, c. 400 relating to the  
943 Board of Assessors; St. 1991, c. 390 relating to the Disabilities Commission; St. 2008, c. 106  
944 establishing the Municipal Hearing Officer; St. 2012, c. 381, and St. 2016, c. 142 relating to the  
945 Alcoholic Beverages Commission; St. 2018, c. 364 relating to the Redevelopment Authority; St.  
946 1978, c. 397, St. 2012, c. 400 relating to the Traffic Commission; and ss. 1-10, 26, 43, 47, 48, 49,  
947 50, 56, 57, 58, 59 and 60 of c. 400 of the Acts of 2012 until such time as the city acts under  
948 Article 5 of this charter to adopt 1 or more administrative orders.

949 SECTION 8. (a) The provisions of section 3-6 of the charter of the city of Somerville, as  
950 appearing in section 7, relating to the appointment of the chief administrative officer shall take  
951 effect following acceptance at a regular or special municipal election in 2025 by a majority of the  
952 voters of the city voting in the affirmative pursuant to section 9.

953 (b) The provisions of article 7 of said charter relating to municipal elections shall be in  
954 effect for the preliminary and regular or special municipal elections to be held in 2027 if said  
955 charter is accepted by a majority of the voters of the city voting in the affirmative pursuant to  
956 section 9.

957 (c) The provisions of article 6 of said charter relating to the operating budget, the capital  
958 improvements program and the municipal audit shall take effect for the fiscal year beginning  
959 July 1, 2026 if said charter is accepted by a majority of the voters of the city voting in the  
960 affirmative pursuant to section 9.

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

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

974 The committee shall consist of 9 members: 1 shall be the chair of the board of elections  
975 commissioners or a designee; 1 shall be the city council president or a designee; 1 shall be the  
976 chair of the school committee or a designee; 2 shall be city residents appointed by the city  
977 council; 2 shall be city residents appointed by the school committee; and 2 shall be city residents  
978 appointed by the mayor. The committee shall elect a chair and establish the schedule of its

979 meetings. The committee shall issue recommendations to the city council within 12 months of  
980 the appointment of all of the members. The city council shall take action on the  
981 recommendations within 90 days of receipt. If the city council has already taken action  
982 consistent with this provision, no action is necessary.

983 (f) Within 6 months of the adoption of said charter, the city council shall create a ranked  
984 choice voting committee to propose a measure to adopt ranked-choice voting and submit a report  
985 on ranked-choice voting in the city. A voting method shall be considered ranked choice voting if  
986 the voter ranks candidates in order of preference. The committee's report shall include:

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

988 (ii) a timeframe and strategy for implementation;

989 (iii) infrastructure and equipment requirements;

990 (iv) a cost analysis;

991 (v) a comparative analysis of other voting methods;

992 (vi) an analysis of potential equity concerns; and

993 (vii) a community education plan.

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

998           The committee shall consist of 9 members: 1 shall be the chair of the board of elections  
999 commissioners or a designee; 1 shall be the city council president or a designee; 1 shall be the  
1000 chair of the school committee or a designee; 2 shall be city residents appointed by the city  
1001 council; 2 shall be city residents appointed by the school committee; and 2 shall be city residents  
1002 appointed by the mayor. The committee shall elect a chair and establish the schedule of its  
1003 meetings. The committee shall propose a measure to the city council within 18 months of the  
1004 appointment of its full membership. The city council shall take action on the measure within 90  
1005 days of receipt.

1006           (g) Within 6 months of the adoption of said charter, the mayor and the city council shall  
1007 convene the first periodic review of multiple-member bodies committee, pursuant to section 8-6  
1008 of said charter. The committee's report should include:

1009           (i) an assessment of the functions and relevancies of the city's current multiple-member  
1010 bodies;

1011           (ii) a review of activities of multiple-member bodies from recent years;

1012           (iii) the ability of the city to fill appointments to the body; and

1013           (iv) recommendations for combining, terminating or establishing new multiple-member  
1014 bodies.

1015           If the city council has already taken action consistent with this provision, no action shall  
1016 be necessary.

1017           The committee shall consist of 5 members: 1 shall be the mayor or a designee; 1 shall be  
1018 the city council president or a designee; 1 shall be the city clerk; 1 shall be a city resident  
1019 appointed by the mayor; and 1 shall be a city resident appointed by the city council.

1020           The committee shall submit a report to the city council. The city council shall respond to  
1021 and vote on the recommendations within 90 days of receipt.

1022           (h) Within 120 days of the adoptions of said charter, the city council shall consider the  
1023 acceptance of section 91 of chapter 41 of the General laws.

1024           SECTION 9. The city clerk shall cause the following question to be placed on the official  
1025 ballot to be used in the city of Somerville at the next regular municipal election to be held on  
1026 November 4, 2025 or the next regular municipal election at which the city can comply with the  
1027 applicable commonwealth ballot requirements: “Shall the city adopt Chapter XXX of the Acts of  
1028 2025 that provides a special act charter for the city of Somerville?” The city attorney shall  
1029 prepare the summary of the proposed special act charter which shall appear on the ballot along  
1030 with the question provided in this section and the city attorney shall submit the question and  
1031 summary to the city clerk in accordance with section 42C of chapter 54 of the General Laws.

1032           SECTION 10. The city clerk shall cause the following question to be placed on the  
1033 official ballot to be used in the city of Somerville at the next regular municipal election to be  
1034 held on November 4, 2025 or the next regular municipal election at which the city can comply  
1035 with the applicable commonwealth ballot requirements: “Shall the term of office for the mayor  
1036 of the city of Somerville be for 4 years?”

1037           Upon acceptance by the majority of the voters of the city participating in the election  
1038 voting in the affirmative, the term of office of the mayor shall be for 4 years for the term

1039 commencing in January 2028, but not otherwise. If the majority of the voters of the city  
1040 participating in the election vote in the affirmative, the charter shall be amended in the sections  
1041 relating to or referencing the term of the office of mayor.

1042 SECTION 11. Sections 1 to 7, inclusive, shall take effect upon acceptance by a majority  
1043 of the voters of the city voting in the affirmative pursuant to section 9, but not otherwise.

1044 SECTION 12. Sections 9 and 10 shall take effect upon passage.