

YOUR SOMERVILLE CHARTER

A Handbook for Somerville Residents

August 2022

Somerville Charter Review Committee



Table of Contents

Introduction to Charters

This chapter provides an overview of charters, charters in Massachusetts, and a history of Somerville's charter.

The Somerville Charter Review Committee

This chapter outlines the creation, goal, and mission of the Charter Review Committee.

Values & Process of the Charter Review Committee

This section explains how the committee conducted their process and came to agreement on recommendations.

The Proposed Somerville Charter

This chapter lays out the new charter and each proposed recommendation.

Introduction to Charters

A **charter** is the basic document that defines the organization, powers, functions, and essential procedures of a city government. It is for a city or town what the Constitution of the United States is for the country. A charter is the most important legal document for any city. Charters are granted by a state legislature. Many across the United States were first granted in the late 1800s when many cities were first formally created.

Charters in Massachusetts

A city or town's charter is the document which outlines the basic form, structure, and organization of a community. If elements of government aren't defined in the charter, it defaults to the general laws of Massachusetts. Cities and towns in Massachusetts can use specific types of government styles based on the number of residents.

No town with fewer than 12,000 inhabitants may adopt a city form of government. No town of fewer than 6,000 inhabitants may adopt a representative town meeting type of government.

In Massachusetts, the general laws established certain "plans" of charter that cities could adopt, which are variations of **mayor-council** or **council-manager** forms of government. Towns could choose to adopt a standard form of representative town meeting.

How to Change a Charter in Massachusetts

There are two ways in Massachusetts for cities and towns to make changes to their charters: 1) home rule charter or 2) a special act.

In 1966, the "Home Rule Amendment" was adopted as an amendment to the Massachusetts Constitution. The Home Rule Amendment allows cities and towns to adopt home rule charters through prescribed methods.

Home Rule Charter

The **Home Rule Amendment** allows communities to form a charter commission to adopt a new charter, revise an existing charter, or amend sections of a charter. The charter commission process is dictated by Massachusetts statute and requires a municipal voter petition, 18-24 months of work, and a final ballot initiative. Home Rule charters allow communities to independently make changes to their charter without requiring State approval.

This process is initiated when 15% of voters petition their city council or board of selectmen to order a local ballot question to adopt a new or revise an existing charter. At the next municipal election voters vote on whether to form the commission and simultaneously elect the nine members of the commission. If approved, the commission begins their work and must submit a preliminary report within 16 months to the attorney general, and final report within 18 months.

The recommendations of the commission are placed before the voters for approval or rejection.

Special Act

A community can also adopt, revise, or amend a charter by **Special Act** of the State Legislature. The city council or town meeting must approve the special act. Special act charters tend to move more quickly than home rule charters, and have more flexibility in their process, but require approval from the State Legislature and therefore can limit a communities autonomy.

State law does not outline a specific process for how a city or town arrives at the proposed recommendations when using a special act.

A common method is a study committee, which is often appointed by a city council or town meeting. The composition and scope of the committee's charge is up to the appointing authority. The appointing authority can define the scope of the committee - whether the review includes *all* aspects of local government or just a few chosen topics. The timeframe of the committee's work is also up to the appointing authority.

Once recommendations are proposed, the new, revised, or amended charter is drafted as a special act. It is then presented to the city council and mayor, or to the town meeting, for approval. If it is approved, it is then submitted to the State Legislature for approval or rejection.

Somerville's Charter Review Committee was created as a study committee to deliberate and submit recommendations for the City Council and Mayor to submit a **Special Act** for approval.

History of Somerville's Charter

The City of Somerville was established in 1871 as approved by the Governor and State Legislature in Chapter 182 of the Acts of the Legislature. The act was approved by the Somerville voters on April 27, 1871. This charter established Somerville's basic laws and government structure.

The 1871 charter was in effect until 1899 when voters accepted a revised charter at a special election, which the State Legislature approved by Chapter 240 of the Acts of 1899. This charter remains the basic law of the City of Somerville to this day. The State Legislature has approved several amendments to the revised charter over the last 120 years.

This 1899 Charter dictates that there will be an **executive department** (mayor) and a **legislative department** (city council). It outlines city systems for Somerville like being divided into seven wards, how and when elections will be held, the powers and responsibilities of the mayor, city council, and school committee, and the process for creating and passing the city budget.

Somerville has not comprehensively reviewed the city charter since the 1899 charter. There have been several attempts to amend the existing charter. Some successfully passed at the state legislature and others have not. A few of recent acts for revision are:

1982 - Board of Alderman passed and Mayor signed comprehensive charter revision. In the State Legislature, it passed the House of Representatives, but failed in the Senate.

1995 - Board of Aldermen submitted recommendations to mayor, no action was taken.

2008 - Mayor created an advisory committee to review the charter, recommendations included: general language clean up, adding an administrative code, adding a Chief Administrative Officer, changing the mayor's term from 2 to 4 years and several others. A few of the recommendations were submitted by the City Council in a Special Act, which passed the State Legislature and was signed by the Governor.

2018 - City Council submitted a special act to change the Board of Aldermen to City Council, which passed the State Legislature and was signed by the Governor.

2021 - City Council submitted a special act to amend the text in the current charter using gender neutral language, which is currently in committee at the State Legislature.

As apparent from these attempts at revising and modernizing Somerville's Charter the need for comprehensive reform was essential for the progress of the city, to support its residents and the city systems.

The 2021 Somerville Charter Review

Former Mayor Joe Curtatone and City Council President Matt McLaughlin jointly launched this comprehensive review effort in October 2020. The charge of this Charter Review Committee was to review the City's current charter and make recommendations for amendments to the Mayor and City

Council in an effort to improve and modernize the City’s structure and governance.

The creation of the committee stemmed from Somerville’s elected officials recognizing the need for a modernized charter which is reflective of the tremendous change Somerville has gone through over the last 100 years, alongside the roadblocks that the current charter structure creates in limiting productive governance.

As Mayor Curatone said:

“City Government must remain responsive to the challenges of the ever-changing world around us. Doing so often requires that we be flexible in our approach to the structure and rules of our government. Charter review – as technocratic as it sounds – allows us to do just that.”

Somerville’s current charter still has language such as “each ward [shall have] an equal number of male voters” and provisions for city roles including “fence viewer, wood and bark measurer and grain weigher”. In addition to language that is no longer relevant to the functions of present day Somerville, the current structure also requires the city to receive approval from the State Legislature each time there is an addition, removal, or revising of city administration structure, agencies, or department heads. For example, creating a 311 Director or combining the jobs of Health and Building Inspectors would require State Legislature approval. The charter has also been through numerous revisions and amendments, resulting in a document that is confusing and hard to follow.

From the outset, the Mayor and City Council President saw the goal of the charter review to create recommendations that support Somerville and its future by implementing robust community engagement, incorporating the innovative and modern nature of the City, and relying on solution oriented deliberations.

The committee consisted of 12 members: one designee of the Mayor, one designee the City Council President, one designee of the School Committee Chair, and nine community members. Three community members were appointed by the Mayor, three were appointed by the City Council President, two were appointed by the School Committee Chair, and one was jointly appointed by the Mayor and City Council.

Values & Process of the Charter Review Committee

During the 16-month process, the Committee met every other week from April 2021 to August 2022 to examine and review the existing Somerville charter, research best practices, consult experts, gather community and city official input, deliberate topics, and come to consensus on recommended changes.

At the outset of the review process, the committee defined mechanisms to ground them through their deliberations on issues at the core of city operations and government. The committee utilized a consensus based approach to decision making known as the “fist-to-five” voting method. The committee also adopted four key values to guide discussion and decisions: “We seek to revise the Somerville Charter to make our government more **just, empowering, responsive** and **innovative** for its residents.”

The committee worked with municipal government experts, city representatives, and the Somerville community to: 1) learn about charters in Somerville and other Massachusetts communities, 2) deliberate topic by topic the contents of the new proposed charter, and 3) draft and finalize recommendations.

Throughout this process the committee always sought community feedback, considered how various topics fit together in the larger picture of city government, expressed diverse viewpoints and ideas, and ultimately built consensus around each individual recommendation.

The Proposed Somerville Charter

Below you'll find the 36 recommendations the committee submitted in the final proposed charter. You can read more on each recommendation in the justification document in the Final Report.¹

GENERAL

Recommendation #1: Write a new and modernized Charter.

The committee wrote an entirely new charter that would be more accessible and clear; encompassing all recommended changes and existing provisions.

Recommendation #2: Maintain the Mayor-Council system of governance.

The committee recommends keeping a Mayor-Council form of government.

Recommendation #3: Change the start of term.

The committee recommends changing the start of term of office from the first Monday in January to the first business day in January.

ARTICLE 1: INCORPORATION; SHORT TITLE; DEFINITIONS

Recommendation #4: Require posting to the City website.

The committee recommends adding the city website to posting requirements and to affirm Open Meeting Law requirements in definitions of posting requirements.

ARTICLE 2: LEGISLATIVE BRANCH

Recommendation #5: Maintain the current composition of city council.

The committee recommends keeping the current city council composition: 7 ward and 4 at large councilors.

Recommendation #6: Keep city councilor terms at 2 years.

The committee recommends keeping city councilor terms at 2 years.

Recommendation #7: Allow city council to hire their own advisory legal counsel.

The committee recommends adding a provision that allows city council to hire their own advisory legal counsel, ensuring a funding mechanism and guardrails for the City are included.

Recommendation #8: Allow City Council to hire staff.

The committee recommends adding a provision that allows city council to hire their own staff.

Recommendation #9: Add city council approval process for department heads and members of multiple member bodies.

See Recommendation #15 and Recommendation #16 on the entire process below.

Recommendation #10: Add an access to information provision to the charter.

The committee recommends adding an Access to Information provision, which would allow city council to formally request that department heads or

¹ www.somervillema.gov/CharterReviewReport

the mayor appear before them in response to requests for information related to their department/city agency.

Recommendation #11: Add a group petition mechanism.

The committee recommends adding a group petition provision, which would require City Council to hold a public hearing on every petition submitted that is signed by at least 100 municipal voters within 3 months.

Recommendation #12: Maintain the vacancy process for at-large and ward city councilors.

The committee recommends keeping the current vacancy process for city councilors.

- *Ward: if a vacancy occurs more than 180 days until the next municipal election, a special election is held.*
- *At-large: if a vacancy occurs with more than 180 days until the next municipal election, the defeated candidate with the largest number of votes replaces them - if they decline or there isn't anyone, a special election is held.*

ARTICLE 3: EXECUTIVE BRANCH

Recommendation #13: Increase the mayoral term to 4 years.

The committee recommends increasing the mayoral term from 2 years to 4 years.

Recommendation #14: Add a Chief Administrative Officer (CAO) to the city administration.

The committee recommends adding a Chief Administrative Officer to the city administration who would be confirmed by city council as laid out in the department head process.

Recommendation #15: Change the department head structure.

The committee recommends six changes for department heads:

1. *Candidates have a conditional offer prior to city council confirmation;*
2. *City council must take up the appointment of a department head within 30 days of filing;*
3. *City council must provide an explanation for rejection of a department head appointment;*
4. *Temporary department head appointments have an initial 150-day limit with possible 60-day extensions if approved by city council;*
5. *Department heads serve at the discretion of the mayor and may be removed by the mayor, may no longer request reinstatement from city council; and*
6. *Removal of terms for department heads.*

Recommendation #16: Change the multiple member body (MMB) structure.

The committee recommends three changes for multiple member bodies:

- 1) *Holdovers and temporary appointments last 150 days, with an option for 60-day extensions with city council approval;*
- 2) *City council has 45 days from filing to confirm or reject mayoral appointments, and can have a single 15-day extension upon request; and*
- 3) *MMBs, their structures, and term lengths will be specified in Administrative Code. For MMBs governed by MGL, MGL takes precedence.*

The committee recommends keeping:

- 1) *Current procedures for removal of MMB appointments (the appointing authority is the removing authority);*
- 2) *Current practice that the mayor serves ex officio on all MMBs;*
- 3) *Use of uniform governing procedures for MMBs including following Open Meeting Law; and*
- 4) *MMB members are appointed for terms.*

Please see Recommendation #33 about the Periodic Review of MMBs.

Recommendation #17: Change the vacancy process for mayor.

The committee recommends changing the vacancy process for the mayor based on a 4-year term. If a vacancy occurs: in the first 17 months of the term there will be a special election, in months 18-21 there will be a mayoral election added to the regular city election, in months 22-42 there will be a special election, and in months 42-46 the mayoral election will be the regular scheduled election. The City Council President will serve as acting mayor until the election is decided in all cases.

ARTICLE 4: SCHOOL COMMITTEE

Recommendation #18: Maintain the current composition of school committee.

The committee recommends keeping the current school committee composition: 7 ward members, mayor and city council president serve ex-officio.

Recommendation #19: Keep school committee terms at 2 years.

The committee recommends keeping school committee members terms at 2 years.

Recommendation #20: Maintain the vacancy process for school committee members.

The committee recommends the following process:

- 1) If more than 1 year remains in the term, there will be a special election;*
- 2) If less than 1 year remains in the term the school committee will appoint a replacement, however the seat will not be filled if the next city election is within 120 days, the newly elected member will start immediately.*

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

Recommendation #21: Organize the City via Administrative Code.

The committee recommends two changes:

- 1) The City should be organized via Administrative Code; and*
- 2) Removing all city organization from the charter.*

Recommendation #22:: Add a periodic review of compensation of all city employees to ensure compensation is distributed equitably and to the greatest extent possible compensation is sufficient to live in the city.

See Recommendation #35 on the periodic review process below.

ARTICLE 6: FINANCIAL PROCEDURES

Recommendation #23: Change Somerville's timeline for drafting the City budget.

The committee recommends four changes:

- 1) Adding an Annual Budget Meeting prior to April 1;*
- 2) Requiring the mayor to submit the budget to city council "on or about" 30 days before the end of the fiscal year;*
- 3) Requiring the school committee to submit their budget to the mayor "on or about" 15 days prior to the date the mayor submits their budget; and*
- 4) Requiring city council to take action on the budget prior to the beginning of the new fiscal year.*

Recommendation #24: Change Somerville's mechanics for drafting the City budget.

The committee recommends five changes for the budget drafting process:

- 1) Requiring a public budget hearing on or before February 15th;*
- 2) Adding a framework that allows city council to submit their budget priorities to the mayor prior to budget drafting;*

- 3) Continuing with Massachusetts General Law that allows city council only to delete or decrease budget items;
- 4) Adding at least one public hearing on the budget prior to city council cuts; and
- 5) Requiring the budget to be posted on the city website.

Recommendation #25: Implement a Capital Improvement Plan.

The committee recommends three changes to the capital improvement program:

- 1) Moving the date the mayor submits the Capital Improvement Plan to city council to “on or about” October 15;
- 2) Requiring a public hearing on the capital improvement plan “on or about” December 1; and
- 3) Moving the date the city council adopts by resolution the Capital Improvement Plan to “on or about” December 1.

Recommendation #26: Change the appointment of the independent auditor to city council and mandate the appointment.

The committee recommends moving the independent auditor appointment to city council and mandating the appointment annually.

ARTICLE 7: ELECTIONS

Recommendation #27: Expand municipal voting rights to include non-citizen residents.

The committee recommends expanding municipal voting rights to include all non-citizen residents of Somerville who are otherwise eligible to vote.

Recommendation #28: Expand municipal voting rights to include 16- and 17-year-old residents.

The committee recommends expanding municipal voting rights to include 16- and 17-year-olds who are otherwise eligible to vote.

Recommendation #29: Maintain current eligibility requirements to run for office.

The committee recommends no change to eligibility requirements to run for municipal office.

Recommendation #30: Update signature requirements for all elected offices.

The committee recommends keeping the mayoral signature requirement at 250 signatures, lowering the at-large city councilor signature requirements to 100 signatures, and lowering the ward city councilor and school committee member signature requirements to 50 signatures.

ARTICLE 8: GENERAL PROVISIONS

Recommendation #31: Establish a Periodic Review of Charter.

The committee recommends requiring a periodic review of the charter at least every 10 years.

Recommendation #32: Establish a Periodic Review of Ordinances.

The committee recommends requiring a periodic review of ordinances at least every 10 years.

Recommendation #33: Establish a Periodic Review of Multiple Member Bodies.

The committee recommends adding a 10-year review of all multiple member bodies to the charter, with the first review happening immediately after the charter is passed.

ARTICLE 8: TRANSITION PROVISIONS

Recommendation #34: Establish a Public Financing of Municipal Campaigns Study Committee.

The committee recommends creating a study committee to explore public financing of municipal campaigns.

Recommendation #35: Establish an Equitable Compensation Committee.

The Committee recommends the creation of an Equitable Compensation Committee to research, develop and create an implementation strategy to address goals of economic justice for municipal employees.

Recommendation #36: Establish a Ranked Choice Voting Study Committee.

The committee recommends the creation of a Ranked Choice Voting Commission to explore ranked-choice voting, propose a measure to adopt ranked-choice voting, and outline an implementation strategy for Somerville.

Recommendation #37: Establish a Participatory Budgeting Study Committee

The committee recommends establishing a Participatory Budgeting Study Committee in the transition provisions.