



CHARTER REVIEW COMMITTEE

COMMITTEE MEETING

~ AGENDA ~

Tuesday, July 18, 2023

5:30 PM

Remote Meeting

I. The Charter Review Committee

A communication was received from Anna Corning, Project Manager, transmitting the Agenda Packet for the Charter Review Committee.

A communication was received from Anna Corning, Project Manager, transmitting an updated Agenda Packet for the Charter Review Committee.



City of Cambridge

COF 2023 #124
IN CITY COUNCIL
July 18, 2023

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

July 18, 2023, @ 5:30 p.m.
 REMOTE ONLY – VIA ZOOM

Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge Charter Review Committee.

The zoom link is: <https://cambridgema.zoom.us/j/83253118929>

Meeting ID: 832 5311 8929

One tap mobile +13092053325,,83253118929# US

Agenda Items – Tuesday, July 18, 2023

- I. Roll Call 5:30 PM
- II. Introduction by Chair, Kathy Born
- I. Adoption of Meeting Minutes from the meeting of June 6, 2023, June 20, 2023 and June 27, 2023.
- III. Meeting Materials Submitted to the Committee to be placed on file
 - Communications from Committee Members
 - Communications from Council Members
 - Communications from the Public
 - i.* A communication from Annette LaMond, regarding support for an elected mayor form of government
 - ii.* A communication from Jim Dunn, regarding support for city manager form of government
 - iii.* A communication from Phil Rinehart, regarding several topics including city manager form of government, dismissing city councilors and mayoral election
 - iv.* A communication from Raul Mauricio Ripoll, regarding non-citizen voting
 - Other Meeting Materials
- IV. Public Comment
 - Members of the public are invited to share their ideas or comments with the committee.
- V. Draft Language Articles 1, 2, and 3 Review
 - **Facilitator:** Anna, Libby, Pat, Mike. **Goal:** Review drafted language for Article 1: Incorporation, Powers, etc, Article 2: Legislative Branch, Article 3: Executive Branch.

Charter Review Comment

Annette LaMond <annettelamond@gmail.com>

Tue 6/27/2023 12:06 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Dear Members of the Charter Review Committee,

Thank you for the time that you have committed to studying the City's charter. I have been following your discussions and appreciate your outreach efforts. I want to share my thoughts.

Consider where the current city councillors live by zip codes:

02138 – 1 councillor
 02139 – 5 councillors
 02140 – 2 councillors
 02141 – 1 councillor
 02142 – 0 councillors

The 02138 and 02139 zip codes are the largest by far in terms of population. According to the 2010 U.S. Census, the two zip codes were nearly equal in population (approximately 36,000 each). But 02138 has only 1 city councillor while 02139 has 5 councillors.

Why the disparity? It isn't that the residents of 02138 are not civic-minded. Residents of the 02138 zip code serve on City committees. Many are leaders of Cambridge nonprofit organizations, not just the ones based in 02138. Judged against other parts of the city, voter turnout rate in the 02138 wards is high.

So if residents of 02138 aren't running for City Council, why? The answer may be that the job of a city councillor precludes holding a full-time job. Being a city councillor involves attending long Monday evening meetings and weeks full of committee meetings. Many people are in the midst of careers that prevent such a time commitment. To be a councillor, you need a job that has flexible schedules, minimal travel requirements, and few hard deadlines. I realize that city councilors are compensated, but income considerations aside, service on the council should not require stepping off a career path – teaching, medicine, nursing, law – that required years of preparation.

The fact that people with full-time jobs (a large portion of the adult population in the city) would find it difficult to serve as a city councillor suggests that the position should be re-thought. The city needs a council that brings a wide range of experience to deliberations. Effective oversight of the city manager (under the current plan) requires no less.

Further, the current system does not produce a city council that is representative of the city as a whole, especially given the limited number of votes needed to win a seat. (In the 2021 election, the turnout was 22,074 out of 67,681 registered voters. The nine councillors elected received the following first choice votes: 4,124; 1,971; 1,764; 1,703; 1,539; 1,493; 1,379; 1,295; 1,220.) Campaigns are based on distributing flyers and knocking on doors. Candidates do not go through the rigors of debate with other candidates. As a result, elections do not clarify issues. Nor can the city manager draw effective guidance from a council elected by such a small number of voters. Would a change in the ranked choice voting system be helpful? I urge the committee to recommend a study.

We live in a city of 118,403 (2020 U.S. Census), nestled in a metropolitan region of nearly 5 million people. I don't think that the city council system (and ceremonial mayor) with an unelected city manager serves Cambridge well in the 21st century. It is time to move to a plan with an elected

mayor who manages departments directly and a city council (some councillors at-large and some district-based) that can advise the mayor and give attention to constituent issues.

Sincerely,

Annette LaMond

7 Riedesel Avenue
Cambridge, MA 02138

review

Jim D <jmcdu@yahoo.com>

Wed 6/28/2023 1:15 PM

To:Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Thank all of you for volunteering your time. I think the city manager model as it is now is a good one because it helps keep the day to day administration of the city somewhat above the political fray. While an annual review of their performance isn't a bad idea, I think they deserve the necessary independence to perform the job without having to be looking over their shoulder all the time.

Thank you,
Jim Dunn
15 Lawrence St.



Virus-free www.avast.com

Re: Please consider the following specific charter changes

Phil Rinehart <philonius1@gmail.com>

Thu 6/29/2023 2:12 PM

To:Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

One more:

5. If a council vote is tied owing to an absence or a vote of "present", the Mayor or current Acting Mayor shall be granted an additional tiebreaking vote.

On Jun 28, 2023, at 20:10, Phil Rinehart <philonius1@gmail.com> wrote:

I just received your postcard (thank you - nice idea!), and hadn't really realized your meetings have been proceeding for so long and are open for public comment. I will attend the in-person event in Central Square on July 25, but ahead of that, some thoughts:

1. I believe the existing charter requires the newly-elected council to be sworn in on the first Monday in the January following the election. But this day may fall on January 1 (as it will in 2024; after that, the next occurrence is 2046). Please fix this by including a clause delaying the swearing-in by one day or one week in years when the first Monday is a holiday.

2. There was discussion in your March meeting (when you interviewed CM Huang) about making the city manager somewhat more directly accountable to the citizenry. There is a simple fix for this **without** requiring a comprehensive change in the mayor/council/manager structure. It is to require the CM to be voted into office each 2 years by the new council at or before March 31 of the even-numbered year. Specifically: the existing process allowing negotiated-term CM contracts is abolished, and the elected CM can only serve till March 31 two years hence. The council may renew the CM for successive 2 year terms (no limit - one term at a time) but a failure to garner 5 votes for a CM by March 31 will trigger the following in sequence:

- (At any date up to March 31 of the even year) The council may appoint an acting manager for a 2 year term (till March 31) NON-RENEWABLE
- (At any date up to March 31 of the even year) if no affirmative (5) vote margin is achieved for an ACM, the following officials in sequence will be offered the acting CM position for 2 years (till March 31) NON-RENEWABLE:
 - The current deputy CM
 - Heads of various city departments in an order to be agreed upon by your committee (somewhat analogous to the Federal Government's presidential succession sequence)
- The council may at any time when an Acting CM is in office vote to appoint a permanent CM who may serve until March 31 two years beyond the next even numbered year (ie, if an acting CM is appointed by 5+ votes on March 2 2026, and a permanent CM is then elected on November 2 2026, that person may serve until March 31 2030).

(The purpose of this whole procedure is to allow a voter to ask a candidate for council directly: "will you vote to reappoint the current CM in January?". It is also to allow straightforward reappointments every 2 years to ease the burden of each new council having to conduct a time-consuming search as was done in 2022)

3. Is there a current process to dismiss a councillor from office? I hope and expect it's never needed, but if there is none we should formalize the rules:

- One-third of the council may present to the City Clerk a petition to dismiss
- The clerk must schedule this for the council to discuss and vote within one of the next two council meetings
- An affirmative vote of two-thirds of the full council will result in a dismissal effective immediately

4. Mayoral election: Kathy Born will from her time on the council remember some contentious mayoral elections - I think the 2000 one lasted weeks. UGH! She may perhaps defend this open democratic process (something about sausage-making?) but I assuredly DO NOT! Remember that without a mayor, no council business can be transacted. While it's been unanimous recently, I suggest tightening up the process just in case:

- A councillor is only eligible to serve as Mayor or VM if they have previously served one or more complete terms on the council
- The council deserves a chance to elect a Mayor and ViceMayor (subject to above eligibility) from among their ranks, as now
- But if no majority vote (of the full membership - no quorum tricks please) is achieved after 2 formal votes in the first one or two council meetings, the following will be triggered
 - The highest number-one vote-getter will be appointed mayor.
 - Then a single vote for Vice will take place. If no majority is achieved, the second highest #1 vote-getter will be appointed
 - If neither of those councillors wishes to serve, the sequence will proceed in descending order of #1 votes
 - If there is a tie between more than one #1 vote-getter (vanishingly unlikely), those candidates will be voted by the full council. If no majority ensues after a single ballot, one name will be drawn from a hat for Mayor, then a second for VM
 - In the case where a #1 vote-getter becomes mayor (ie, the initial 2 council votes fail), the council may via a majority at any time during its term vote for reconsideration. This will trigger the above mayoral election process again, starting with the two allowed council votes.

Thank you for all your hard work and for this opportunity to weigh in!

Phil Rinehart
17 Otis St #504

Non-US citizens voting and running at local elections

Raul Mauricio Ripoll <ripoll.raul@gmail.com>

Mon 7/3/2023 12:05 PM

To:Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Good morning

I would like to bring one issue to your attention and that is the inability to vote or run at local elections for Cambridge residents who are non-US citizens. I'll put myself as an example but I know there are more like me in the City with the same problem.

I arrived in Cambridge 6 years ago with my family from South America. At the beginning it was a one-year project but some opportunities came up and we were able to stay and we decided to do so because we think Cambridge is a great place to raise our children.

To put it briefly, I'm a non-US citizen but I'm allowed to work. During this time I was able to buy a car and a house in Cambridge, and I pay taxes to the City for both assets like any other resident. Nonetheless, I'm not allowed to vote at local elections or run for local public office positions.

I firmly believe this is completely unfair on so many levels and should be addressed by the City. On this particular date I would like to remember that this same problem sparked the American Revolution ("No taxation without representation").

I know there are other ways to help democracy even if I can't vote, but I truly think Cambridge could do better in this sense, especially considering what I'm bringing up to your attention is already a practice in many countries and in other US Cities like New York.

Sincerely,

--

-Raul Ripoll Vera



City of Cambridge

COF 2023 #125
IN CITY COUNCIL
July 18, 2023

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

July 18, 2023, @ 5:30 p.m.
 REMOTE ONLY – VIA ZOOM

Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge Charter Review Committee.

The zoom link is: <https://cambridgema.zoom.us/j/83253118929>

Meeting ID: 832 5311 8929

One tap mobile +13092053325,,83253118929# US

Agenda Items – Tuesday, July 18, 2023

- I. Roll Call 5:30 PM
- II. Introduction by Chair, Kathy Born
- I. Adoption of Meeting Minutes from the meeting of June 6, 2023, June 20, 2023 and June 27, 2023.
- III. Meeting Materials Submitted to the Committee to be placed on file
 - Communications from Committee Members
 - Communications from Council Members
 - Communications from the Public
 - i.* A communication from Annette LaMond, regarding support for an elected mayor form of government
 - ii.* A communication from Jim Dunn, regarding support for city manager form of government
 - iii.* A communication from Phil Rinehart, regarding several topics including city manager form of government, dismissing city councilors and mayoral election
 - iv.* A communication from Raul Mauricio Ripoll, regarding non-citizen voting
 - Other Meeting Materials
- IV. Public Comment
 - Members of the public are invited to share their ideas or comments with the committee.
- V. Draft Language Articles 1, 2, and 3 Review
 - **Facilitator:** Anna, Libby, Pat, Mike. **Goal:** Review drafted language for Article 1: Incorporation, Powers, etc, Article 2: Legislative Branch, Article 3: Executive Branch.

**MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE
TUESDAY, JUNE 6, 2023**

COMMITTEE MEMBERS

Kathleen Born, Chair
Kaleb Abebe
Jessica DeJesus Acevedo
Mosammat Faria Afreen
Nikolas Bowie
Kevin Chen
Max Clermont
Jennifer Gilbert
Kai Long
Patrick Magee
Mina Makarios
Lisa Peterson
Ellen Shachter
Susan Shell
Jim Stockard

The Cambridge Charter Review Committee held a meeting on Tuesday, June 6, 2023. The meeting was called to order at approximately 5:30p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, this meeting was remote via Zoom.

At the request of the Chair, Clerk of Committees Erwin called the roll.

Kaleb Abebe – Present
Jessica DeJesus Acevedo – Absent*
Mosammat Faria Afreen – Present
Nikolas Bowie – Present
Kevin Chen – Present
Max Clermont – Present
Jennifer Gilbert – Present
Kai Long – Present
Patrick Magee – Present
Mina Makarios – Present
Lisa Peterson – Present
Ellen Shachter – Present
Susan Shell – Present
Jim Stockard – Absent
Kathleen Born – Present
Present – 13, Absent – 2. Quorum established.

*Jessica DeJesus was marked present at 5:36p.m.

The Chair, Kathleen Born recognized Member Lisa Peterson who made a motion to adopt the meeting minutes from May 9, 2023 and place them on file.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Absent

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Yes

Kai Long – Yes

Patrick Magee – Yes

Mina Makarious – Yes

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Absent

Kathleen Born – Yes

Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born recognized Member Patrick Magee who made a motion to adopt communications received from Committee Members and the Public and place them on file.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Absent

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Yes

Kai Long – Yes

Patrick Magee – Yes

Mina Makarious – Yes

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Absent

Kathleen Born – Yes

Yes – 13, No – 0, Absent – 2. Motion passed.

The Chair, Kathleen Born opened public comment.

John Hawkinson thanked the Committee and Law Department staff for responding to his communication and referenced some of the response from the Law Department's memo.

Valerie Bonds thanked Committee Members for the important decision that they will have to make and shared that some of their concerns with government are about accountability.

James Williamson shared that they were in support of a city-wide survey for residents on topics discussed in Charter Review.

Heather Hoffman offered comments on the form of government and noted that whatever form of government the Committee decides, it needs to promote transparency.

The Chair, Kathleen Born reviewed the letter received from the Law Department (Attachment A) regarding a legal opinion on voting for Charter Review Committee deliberations. Anna Corning, Project Manager, and Kathleen Born were available to clarify questions from Committee Members.

The Chair, Kathleen Born recognized Member Max Clermont who made a motion to move forward with the City Manager-Mayor-City Council form of government as part of the committee deliberation process.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – No

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – No

Kai Long – Yes

Patrick Magee – Yes

Mina Makarious – Yes

Lisa Peterson – Yes

Ellen Shachter – No

Susan Shell – No

Jim Stockard – Absent

Kathleen Born – Yes

Yes – 10, No – 4, Absent – 1. Motion passed.

Anna Corning introduced Elizabeth Corbo from the Collins Center who opened discussion on the Legislative Branch of government to Committee Members. Anna Corning noted that there should be three main points that Committee Members should focus on during conversation, which were:

1. Does the Committee want to recommend a change to how City Councillors represent the City? Adding some or all district representation to the current all-at-large structure.
2. Does the Committee want to change the length of terms for City Councillors (or include staggered terms)? Does the Committee want to establish term limits for City Councillors?
3. Role of Mayor/Chair of City Council. How is the Mayor/Chair elected? What should the power and duties of the Mayor/Chair of City Council be?

Member Ellen Shachter offered comments on ward representation and at large Councillors and shared that they believed a key problem with the system is making sure minorities get the proper representation.

Member Susan Shell shared that she agreed with comments made by Member Ellen Shachter and noted it is important that areas of the City are not left out in decision making, which could happen by having neighborhood representation.

Member Lisa Peterson offered comments on the possibility of district Councillors and shared it could be beneficial to some residents in the City, but found the City being broken up into three districts would be problematic for effective representation.

Member Mina Makarios noted that they have similar thoughts to Member Lisa Peterson, and shared concerns about what does not work for the current system with low turnout rates and low representation.

Member Jessica Acevedo shared that district representation is important to have individuals represent the diverse population and noted that they were in favor of staggered terms for Councillors.

Member Patrick Magee shared frustrations with the current City government on both the administration and government side. Member Magee offered comments on district representation and goal setting.

Member Kevin Chen shared that they were leaning towards the at large representation and noted they would be interested in exploring where to direct attention on the legislative side of government.

Member Nikolas Bowie shared that they felt very strongly about having the Mayor be called the Chair of the City Council to reflect what they actually are and also felt strongly against district based representation.

Member Jennifer Gilbert shared the importance of accountability and having a city-wide perspective when it comes to major changes in the City. Member Gilbert noted that they were not in favor of switching to district representation at this time.

Member Kai Long offered the suggestion of each Councillor having different responsibilities in representation to help direct community members who have concerns and noted that there should be term limits for Councillors and possibly the City Manager.

The Chair, Kathleen Born shared that she believes that proportional representation already allows for neighborhood representation. She is not in favor of districts. The Chair offered comments on term limits, noting that she is not in favor of term limits, in particular eight or ten year term limits or shorter.

Members of the Charter Review Committee continued their discussion on government by offering concerns and suggestions on ways the Committee can continue to move forward with topics they wish to address while forming a new Charter to propose to the Council. Anna

Corning, Elizabeth Corbo, and Michael Ward from the Collins Center were available to respond to Committee members. Anna Corning shared that if Committee members were interested in learning more information on the roles and power of duties of the Chair of City Council/Mayor, she and the Collins Center would be available to provide material for future discussions.

Member Lisa Peterson shared concerns from residents on whether the Mayor should be the Chair of the School Committee or if it should be someone that is specifically elected to be on the School Committee. Member Peterson noted that she was in favor of having the Mayor being the Chair, but also offered suggestions on how the Chair could be elected. Chair Born responded to comments made by Member Peterson, sharing that if a Mayor were to be elected there should be a discussion on what the roles and duties of the Mayor should be.

Member Patrick Magee asked if the Chair could go through the process of how the Mayor is currently elected and share her experience while being on the Cambridge City Council. Chair Born was available to respond and was happy to give an overview of the process.

Anna Corning reviewed the major themes that were discussed throughout the meeting and recognized Committee Members for comments. Elizabeth Corbo offered comments on theories on why officials are challenged less in district representation versus at large. Anna Corning shared suggestions from the public on how the districts could potentially be divided.

Anna Corning suggested that if Members do not feel strongly about changing something, going forward there should be votes taken in order to move on from certain discussions and topics.

Members of the Charter Review, the Collins Center, and Anna Corning discussed the City having a “311” informational telephone number similar to Somerville to assist residents with reporting various concerns and incidents and receiving a response in a timely manner.

Member Ellen Shachter shared concerns about term limits. Anna Corning, Michael Ward, and Elizabeth Corbo were available to respond and provide examples of term limits in other municipalities in Massachusetts and other States. Michael Ward noted that term limits are very rare in Massachusetts. Anna Corning shared that she would get more information on Massachusetts municipalities to provide to the Committee. Member Jennifer Gilbert asked the Collins Center why Massachusetts is different from other States regarding term limits. Michael Ward shared that he would look into it further.

Member Kai Long offered comments on term limits and noted that they would be in favor of term limits for various reasons, including having more diversity.

Anna Corning reminded Committee members and the public of future meet and greets with residents and noted that there will be no meeting on July 4, 2023.

The meeting was adjourned at approximately 7:30p.m.

Attachment A – Legal opinion from the Law Department.

Clerk’s Note: This is a permanent record.

The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/522?view_id=1&redirect=true&h=12abd6eeef3d616d2cfd6f99744013e2

**MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE
TUESDAY, JUNE 20, 2023**

COMMITTEE MEMBERS

Kathleen Born, Chair
Kaleb Abebe
Jessica DeJesus Acevedo
Mosammat Faria Afreen
Nikolas Bowie
Kevin Chen
Max Clermont
Jennifer Gilbert
Kai Long
Patrick Magee
Mina Makarious
Lisa Peterson
Ellen Shachter
Susan Shell
Jim Stockard

The Cambridge Charter Review Committee held a meeting on Tuesday, June 20, 2023. The meeting was called to order at approximately 5:30p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, this meeting was remote via Zoom.

At the request of the Chair, Clerk of Committees Erwin called the roll.

Kaleb Abebe – Present
Jessica DeJesus Acevedo – Absent
Mosammat Faria Afreen – Present
Nikolas Bowie – Present
Kevin Chen – Present
Max Clermont – Present
Jennifer Gilbert – Present
Kai Long – Present
Patrick Magee – Present
Mina Makarious – Absent
Lisa Peterson – Present
Ellen Shachter – Present
Susan Shell – Present
Jim Stockard – Present
Kathleen Born – Present
Present – 12, Absent – 3. Quorum established.

The Chair, Kathleen Born recognized member Jim Stockard who made a motion to adopt the meeting minutes from the May 23, 2023 Charter Review meeting.

At the request of the Chair, Clerk of Committees Erwin called the roll.

**Kaleb Abebe – Yes
 Jessica DeJesus Acevedo – Absent
 Mosammat Faria Afreen – Absent
 Nikolas Bowie – Yes
 Kevin Chen – Yes
 Max Clermont – Yes
 Jennifer Gilbert – Yes
 Kai Long – Yes
 Patrick Magee – Yes
 Mina Makarious – Absent
 Lisa Peterson - Yes
 Ellen Shachter – Yes
 Susan Shell – Yes
 Jim Stockard – Yes
 Kathleen Born – Yes
 Yes – 12, No – 0, Absent – 3. Motion passed.**

The Chair, Kathleen Born, recognized Elliot Veloso, First Assistant City Solicitor, who reviewed the memo that was included in the Agenda Packet from the Law Department to the Charter Review Committee regarding the response to Council Order No. O-4 of April 10, 2023, and made himself available to respond to questions and concerns from Committee members.

The Chair, Kathleen Born recognized member Lisa Peterson who made a motion to adopt the memo from the Law Department to the Charter Review Committee.

At the request of the Chair, Clerk of Committees Erwin called the roll.

**Kaleb Abebe – Yes
 Jessica DeJesus Acevedo – Absent
 Mosammat Faria Afreen – Absent
 Nikolas Bowie – Yes
 Kevin Chen – Yes
 Max Clermont – Yes
 Jennifer Gilbert – Yes
 Kai Long – Yes
 Patrick Magee – Yes
 Mina Makarious – Absent
 Lisa Peterson - Yes
 Ellen Shachter – Yes
 Susan Shell – Yes
 Jim Stockard – Yes
 Kathleen Born – Yes
 Yes – 12, No – 0, Absent – 3. Motion passed.**

Anna Corning, Project Manager, opened public comment.

Valerie Bonds thanked Anna Corning for hosting an event in the community room at 808 Memorial Drive and making herself available to questions from residents and offered comments and suggestions on term limits for Councillors.

Anna Corning shared that she would like to conduct a straw poll to help focus meeting discussions on topics the Committee members are most interested in and use the poll as a tool moving forward.

The first straw poll was to determine if Committee members were interested in keeping an at-large City Council, or continuing the discussion about adding district Councillors. Nine Committee members were in favor of maintaining at-large Councillors, three Committee members were in favor of continuing the discussion, and three members were recorded as absent.

The second straw poll was to determine if Committee members are interested in continuing the conversation on term lengths for City Councillors or if they are interested in keeping the current term length. The Committee members who were present chose unanimously to keep the current term length for City Councillors.

The final straw poll was to determine if the Committee was interested in discussing the addition of term limits for the City Councillors. Four Committee members were in favor of continuing the discussion of adding term limits and eight were not in favor of continuing the discussion.

Anna Corning shared that Chair Born, Member Max Clermont, and Member Lisa Peterson have been discussing ideas on adding additional elements for public engagement into the Charter. Anna Corning gave an overview of the discussions between the Committee members around engagement. Anna Corning shared that one thing that she would like the Committee to focus on is citizen participation mechanisms, which include free petitions and group petitions, and offered examples of both. Member Max Clermont noted that a free petition gives residents the opportunity to bring issues forward on the City Council Agenda by submitting the petition as a communication. Anna Corning shared with the Committee that a group petition needs a threshold of anywhere between 150-300 resident signatures or a percentage of the voters from the last municipal election, which could be around 2%-5%, once the petition has collected signatures it would then and require the City Council to hold a public hearing on the matter being brought forward through the petition. Committee members were recognized for questions and concerns and team members from the Collins Center Michael Ward and Elizabeth Corbo were available to respond and provide further information on petitions and public engagement. It was noted that if more public engagement were to be proposed in the Charter, the Committee should focus on language that would include goal setting for City Councillors and how information should be more accessible to the public.

Anna Corning shared that Chair Born, Member Clermont, and Member Peterson discussed two other potential provisions. The first was a resident assembly, which would include a large group of random, diverse individuals who are given questions and topics that they are to address. Anna Corning offered suggestions and examples of how a resident assembly could be used in

Cambridge. Member Nikolas Bowie and Member Jim Stockard shared that they strongly support resident assemblies. Member Jennifer Gilbert and Member Susan Shell offered comments and shared concerns about resident assemblies only having a short time together to focus on important topics and how participants in resident assemblies are selected. Anna Corning shared additional information on resident assemblies and made suggestions on how the Charter Review Committee can move forward with the addition on resident assemblies in the Charter.

The Charter Review Committee adjourned at approximately 7:30p.m.

Clerk's Note: This is a permanent record.

**MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE
TUESDAY, JUNE 27, 2023**

COMMITTEE MEMBERS

Kathleen Born, Chair
Kaleb Abebe
Jessica DeJesus Acevedo
Mosammat Faria Afreen
Nikolas Bowie
Kevin Chen
Max Clermont
Jennifer Gilbert
Kai Long
Patrick Magee
Mina Makarios
Lisa Peterson
Ellen Shachter
Susan Shell
Jim Stockard

The Cambridge Charter Review Committee held a meeting on Tuesday, June 27, 2023. The meeting was called to order at approximately 5:30p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, this meeting was remote via Zoom.

At the request of the Chair, Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent
Jessica DeJesus Acevedo – Present
Mosammat Faria Afreen – Present
Nikolas Bowie – Present
Kevin Chen – Absent*
Jennifer Gilbert – Absent
Kai Long – Absent
Mina Makarios – Present
Lisa Peterson – Present
Ellen Shachter – Present
Susan Shell – Present
Jim Stockard – Present
Kathleen Born – Present
Present – 11, Absent – 4. Quorum established.
***Member Kevin Chen was marked present at 6:04p.m.**

The Chair, Kathleen Born recognized Member Patrick Magee who made a motion to place the three communications from the public on file.
Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent
Jessica DeJesus Acevedo – Yes
Mosammat Faria Afreen – Yes
Nikolas Bowie – Yes
Kevin Chen – Absent
Jennifer Gilbert – Absent
Kai Long – Absent
Mina Makarios – Yes
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes
Yes – 11, Absent – 4. Motion passed.

Public Comment

Valerie Bonds offered comments on anti-bullying policy for Councillors in Boston, two-year terms for Councillors, and the process of electing a Mayor.

Anna Corning, Charter Review Committee Project Manager, explained to the Committee that the Council adopted a City Manager Agenda item at the June 26, 2023 City Council meeting making Charter Review Committee members Special Municipal Employees.

Anna Corning shared that she would like to continue the discussion from the previous meeting on term limits for City Councillors. Member Ellen Shachter offered comments on their experience with participating in a Board with term limits and how to balance democracy and participation, noting that new people will bring in new ideas.

Anna Corning recognized Member Susan Shell, Chair Kathleen Born, Member Jessica DeJesus Acevedo, Member Mina Makarios, Member Patrick Magee, Member Nikolas Bowie, Member Jim Stockard, Member Lisa Peterson, Member Mosammat Faria Afreen, Member Max Clermont, and Member Kevin Chen who offered comments on term limits. Discussion included Committee members sharing concerns and suggestions on term limits, with some members expressing that they would be in favor of staggered terms, while others were leaning towards not having term limits. Member Kevin Chen highlighted that the Committee should focus on what type of term limit would serve the public's interest the most. Committee members recognized the importance of encouraging younger residents to be more involved with government and noted how term limits could discourage them from pursuing their participation. It was also suggested that voting in a Cambridge election can be overwhelming, which can push residents away from going out to vote.

Anna Corning reminded members that the Committee took a straw poll at the previous meeting not to extend term limits for City Councillors and noted that it is always something the Committee can come back to in the future to see where everyone is standing.

Anna Corning brought forward that she would like to conduct a straw poll with Committee members sharing if they would like to continue the conversation on term limits or are content with ending the conversation. There were nine members who shared that they would no longer like to continue the discussion, three members that would like to continue discussion, and three members that were absent during the poll.

Anna Corning opened discussion to Committee members on the election and powers of the Mayor/Chair of the City Council. Committee members discussed whether the title of Mayor should be changed to Chair of the City Council, Head of the City Council, Speaker of the Council, or President of the City Council. Chair Born suggested that the Mayor should not be the Chair of the School Committee and that School Committee members should be able to elect their own Chair. Chair Born noted that she was in favor of having a member of the City Council participate as a member of the School Committee for the purposes of budgeting. Members of the Committee agreed that there should be a change of title as well as agreeing with comments about the School Committee. Member Lisa Peterson commented that the Charter should reflect having a goal setting process for every term regarding Councillors because it can have a positive effect towards the City.

Anna Corning recognized Michael Ward from the Collins Center who noted that President and Chair are titles that have been used in municipal bodies, but he was not familiar with Speaker being used in Massachusetts.

Committee members continued discussion on changing the title of the Mayor and what role the Mayor should play in the City.

Anna Corning shared with the Committee that she would like to take a straw poll on changing the title of Mayor to Chair of the City Council, Head of the City Council, or President of the City Council. There were eleven members that were in favor of changing the title, one member who shared they have no opinion, and three members that were absent during the poll.

Anna Corning opened discussion to Committee members on the appointment process for department heads and multi member bodies. Anna Corning noted that currently the City Council appoints the City Manager, the City Auditor, and the City Clerk and noted that the City has many multi member bodies, Boards and Commissions, and Committees. She noted that the City Manager is currently responsible for making those appointments and that some of the Boards and Commission require Council approval.

Anna Corning recognized member Jim Stockard who shared that he believes the City Manager should be able to pick their own team when it comes to the executive branch and department heads within the City. He noted that if the Council wants the City Manager to be effective, it is not unreasonable for them to pick the team which they trust will help make the City successful. Member Stockard also shared that the City Council approval of appointments to Boards and Commissions is reasonable because they are policy making bodies. Many members of the Committee shared that they agreed with the comments that were made by Member Stockard.

Anna Corning recognized Member Nikolas Bowie who suggested that the City Council should have the power to remove or discipline department heads and offered comments on appointments to Boards and Commissions and the importance of their role within the City. Member Ellen Schachter shared that she was not in favor of the City Council having the power to remove department heads. Member Max Clermont agreed. Member Kevin Chen offered suggestions on City Council removal of department heads.

Elliot Veloso, First Assistant City Solicitor, offered clarifying remarks on Boards and Commissions and the role some department heads play in those Boards. Elliot Veloso was available to respond to questions and concerns from the Committee. Michael Ward shared examples of how the City Council is involved with the hiring process from other municipalities.

The Charter Review Committee adjourned at approximately 7:30p.m.

Clerk's Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record.

Charter Review Comment

Annette LaMond <annettelamond@gmail.com>

Tue 6/27/2023 12:06 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Dear Members of the Charter Review Committee,

Thank you for the time that you have committed to studying the City's charter. I have been following your discussions and appreciate your outreach efforts. I want to share my thoughts.

Consider where the current city councillors live by zip codes:

02138 – 1 councillor
 02139 – 5 councillors
 02140 – 2 councillors
 02141 – 1 councillor
 02142 – 0 councillors

The 02138 and 02139 zip codes are the largest by far in terms of population. According to the 2010 U.S. Census, the two zip codes were nearly equal in population (approximately 36,000 each). But 02138 has only 1 city councillor while 02139 has 5 councillors.

Why the disparity? It isn't that the residents of 02138 are not civic-minded. Residents of the 02138 zip code serve on City committees. Many are leaders of Cambridge nonprofit organizations, not just the ones based in 02138. Judged against other parts of the city, voter turnout rate in the 02138 wards is high.

So if residents of 02138 aren't running for City Council, why? The answer may be that the job of a city councillor precludes holding a full-time job. Being a city councillor involves attending long Monday evening meetings and weeks full of committee meetings. Many people are in the midst of careers that prevent such a time commitment. To be a councillor, you need a job that has flexible schedules, minimal travel requirements, and few hard deadlines. I realize that city councilors are compensated, but income considerations aside, service on the council should not require stepping off a career path – teaching, medicine, nursing, law – that required years of preparation.

The fact that people with full-time jobs (a large portion of the adult population in the city) would find it difficult to serve as a city councillor suggests that the position should be re-thought. The city needs a council that brings a wide range of experience to deliberations. Effective oversight of the city manager (under the current plan) requires no less.

Further, the current system does not produce a city council that is representative of the city as a whole, especially given the limited number of votes needed to win a seat. (In the 2021 election, the turnout was 22,074 out of 67,681 registered voters. The nine councillors elected received the following first choice votes: 4,124; 1,971; 1,764; 1,703; 1,539; 1,493; 1,379; 1,295; 1,220.) Campaigns are based on distributing flyers and knocking on doors. Candidates do not go through the rigors of debate with other candidates. As a result, elections do not clarify issues. Nor can the city manager draw effective guidance from a council elected by such a small number of voters. Would a change in the ranked choice voting system be helpful? I urge the committee to recommend a study.

We live in a city of 118,403 (2020 U.S. Census), nestled in a metropolitan region of nearly 5 million people. I don't think that the city council system (and ceremonial mayor) with an unelected city manager serves Cambridge well in the 21st century. It is time to move to a plan with an elected

mayor who manages departments directly and a city council (some councillors at-large and some district-based) that can advise the mayor and give attention to constituent issues.

Sincerely,

Annette LaMond

7 Riedesel Avenue
Cambridge, MA 02138

review

Jim D <jmcdu@yahoo.com>

Wed 6/28/2023 1:15 PM

To:Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Thank all of you for volunteering your time. I think the city manager model as it is now is a good one because it helps keep the day to day administration of the city somewhat above the political fray. While an annual review of their performance isn't a bad idea, I think they deserve the necessary independence to perform the job without having to be looking over their shoulder all the time.

Thank you,
Jim Dunn
15 Lawrence St.



Virus-free www.avast.com

Re: Please consider the following specific charter changes

Phil Rinehart <philonius1@gmail.com>

Thu 6/29/2023 2:12 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

One more:

5. If a council vote is tied owing to an absence or a vote of "present", the Mayor or current Acting Mayor shall be granted an additional tiebreaking vote.

On Jun 28, 2023, at 20:10, Phil Rinehart <philonius1@gmail.com> wrote:

I just received your postcard (thank you - nice idea!), and hadn't really realized your meetings have been proceeding for so long and are open for public comment. I will attend the in-person event in Central Square on July 25, but ahead of that, some thoughts:

1. I believe the existing charter requires the newly-elected council to be sworn in on the first Monday in the January following the election. But this day may fall on January 1 (as it will in 2024; after that, the next occurrence is 2046). Please fix this by including a clause delaying the swearing-in by one day or one week in years when the first Monday is a holiday.

2. There was discussion in your March meeting (when you interviewed CM Huang) about making the city manager somewhat more directly accountable to the citizenry. There is a simple fix for this **without** requiring a comprehensive change in the mayor/council/manager structure. It is to require the CM to be voted into office each 2 years by the new council at or before March 31 of the even-numbered year. Specifically: the existing process allowing negotiated-term CM contracts is abolished, and the elected CM can only serve till March 31 two years hence. The council may renew the CM for successive 2 year terms (no limit - one term at a time) but a failure to garner 5 votes for a CM by March 31 will trigger the following in sequence:

- (At any date up to March 31 of the even year) The council may appoint an acting manager for a 2 year term (till March 31) NON-RENEWABLE
- (At any date up to March 31 of the even year) if no affirmative (5) vote margin is achieved for an ACM, the following officials in sequence will be offered the acting CM position for 2 years (till March 31) NON-RENEWABLE:
 - The current deputy CM
 - Heads of various city departments in an order to be agreed upon by your committee (somewhat analogous to the Federal Government's presidential succession sequence)
- The council may at any time when an Acting CM is in office vote to appoint a permanent CM who may serve until March 31 two years beyond the next even numbered year (ie, if an acting CM is appointed by 5+ votes on March 2 2026, and a permanent CM is then elected on November 2 2026, that person may serve until March 31 2030).

(The purpose of this whole procedure is to allow a voter to ask a candidate for council directly: "will you vote to reappoint the current CM in January?". It is also to allow straightforward reappointments every 2 years to ease the burden of each new council having to conduct a time-consuming search as was done in 2022)

3. Is there a current process to dismiss a councillor from office? I hope and expect it's never needed, but if there is none we should formalize the rules:

- One-third of the council may present to the City Clerk a petition to dismiss
- The clerk must schedule this for the council to discuss and vote within one of the next two council meetings
- An affirmative vote of two-thirds of the full council will result in a dismissal effective immediately

4. Mayoral election: Kathy Born will from her time on the council remember some contentious mayoral elections - I think the 2000 one lasted weeks. UGH! She may perhaps defend this open democratic process (something about sausage-making?) but I assuredly DO NOT! Remember that without a mayor, no council business can be transacted. While it's been unanimous recently, I suggest tightening up the process just in case:

- A councillor is only eligible to serve as Mayor or VM if they have previously served one or more complete terms on the council
- The council deserves a chance to elect a Mayor and ViceMayor (subject to above eligibility) from among their ranks, as now
- But if no majority vote (of the full membership - no quorum tricks please) is achieved after 2 formal votes in the first one or two council meetings, the following will be triggered
 - The highest number-one vote-getter will be appointed mayor.
 - Then a single vote for Vice will take place. If no majority is achieved, the second highest #1 vote-getter will be appointed
 - If neither of those councillors wishes to serve, the sequence will proceed in descending order of #1 votes
 - If there is a tie between more than one #1 vote-getter (vanishingly unlikely), those candidates will be voted by the full council. If no majority ensues after a single ballot, one name will be drawn from a hat for Mayor, then a second for VM
 - In the case where a #1 vote-getter becomes mayor (ie, the initial 2 council votes fail), the council may via a majority at any time during its term vote for reconsideration. This will trigger the above mayoral election process again, starting with the two allowed council votes.

Thank you for all your hard work and for this opportunity to weigh in!

Phil Rinehart
17 Otis St #504

Non-US citizens voting and running at local elections

Raul Mauricio Ripoll <ripoll.raul@gmail.com>

Mon 7/3/2023 12:05 PM

To:Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Good morning

I would like to bring one issue to your attention and that is the inability to vote or run at local elections for Cambridge residents who are non-US citizens. I'll put myself as an example but I know there are more like me in the City with the same problem.

I arrived in Cambridge 6 years ago with my family from South America. At the beginning it was a one-year project but some opportunities came up and we were able to stay and we decided to do so because we think Cambridge is a great place to raise our children.

To put it briefly, I'm a non-US citizen but I'm allowed to work. During this time I was able to buy a car and a house in Cambridge, and I pay taxes to the City for both assets like any other resident. Nonetheless, I'm not allowed to vote at local elections or run for local public office positions.

I firmly believe this is completely unfair on so many levels and should be addressed by the City. On this particular date I would like to remember that this same problem sparked the American Revolution ("No taxation without representation").

I know there are other ways to help democracy even if I can't vote, but I truly think Cambridge could do better in this sense, especially considering what I'm bringing up to your attention is already a practice in many countries and in other US Cities like New York.

Sincerely,

--

-Raul Ripoll Vera

**WORKING DRAFT
NEW PROPOSED CHARTER
CITY OF CAMBRIDGE**

Last Revised: 07.05.2023

The purpose of this working draft is to put in one place the tentative directions that the Cambridge Charter Review Committee is considering taking in its recommendations to the City Council. None of the text in here should be considered a final recommendation in any way. This is a working draft only.

TABLE OF CONTENTS

PREAMBLE 3

ARTICLE 1: INCORPORATION, POWERS, ETC. 4

 SECTION 1-1: INCORPORATION 4

 SECTION 1-2: SHORT TITLE 4

 SECTION 1-3: DIVISION OF POWERS 4

 SECTION 1-4: POWERS OF THE CITY 4

 SECTION 1-5: CONSTRUCTION 4

 SECTION 1-6: INTERGOVERNMENTAL RELATIONS 4

 SECTION 1-7: DEFINITIONS 4

ARTICLE 2: LEGISLATIVE BRANCH 5

 SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY 5

 SECTION 2-2: GENERAL POWERS 5

 SECTION 2-3: PRESIDENT/CHAIR AND VICE PRESIDENT/VICE CHAIR, ELECTION; TERM; POWERS... 5

 SECTION 2-4: PROHIBITIONS 6

 SECTION 2-5: COUNCIL SALARY; EXPENSES 6

 SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES 6

 SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL 7

 SECTION 2-9: ACCESS TO INFORMATION 7

 SECTION 2-10: ORDINANCES AND OTHER MEASURES 8

 SECTION 2-11: FILLING OF VACANCIES (current language as adapted from GL c. 54A, s.13)..... 9

ARTICLE 3: EXECUTIVE BRANCH 10

 SECTION 3-1: CITY MANAGER APPOINTMENT; QUALIFICATIONS AND ELIGIBILITY; TERM OF OFFICE; COMPENSATION; EVALUATION; GOAL-SETTING 10

 SECTION 3-2: POWERS AND DUTIES 10

 SECTION 3-3: APPOINTMENTS AND REMOVALS 12

 SECTION 3-4: ACTING CITY MANAGER 13

 SECTION 3-5: REMOVAL 13

PREAMBLE

[Not started]

DRAFT

ARTICLE 1: INCORPORATION, POWERS, ETC.**SECTION 1-1: INCORPORATION**

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

SECTION 1-2: SHORT TITLE

This document shall be known and may be cited as the "Cambridge Charter."

SECTION 1-3: DIVISION OF POWERS

All legislative powers of the city shall be vested in a city council. The administration of all city fiscal, prudential, and municipal affairs shall be vested in an executive branch headed by a city manager.

SECTION 1-4: POWERS OF THE CITY

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

SECTION 1-5: CONSTRUCTION

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

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth, Cambridge may exercise any of its powers or perform any of its functions, and may participate in their financing, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political subdivision of the Commonwealth, or with the United States government or any of its agencies.

SECTION 1-7: DEFINITIONS

[Not started; to be completed late in the process]

ARTICLE 2: LEGISLATIVE BRANCH**SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY**

- (a) Composition - There shall be a city council of nine members nominated and elected by and from the voters at large by proportional representation as provided by in section [placeholder]. The city council shall exercise the legislative powers of the city.
- (b) Term of Office - City councilors shall be elected for terms of two years each beginning on the first business day of January in the year following their election, and until successors have been qualified.
- (c) Eligibility - Any registered voter shall be eligible to hold the office of councilor. If a councilor removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section [placeholder]. The city council shall determine whether a councilor has removed from the city.

SECTION 2-2: GENERAL POWERS

Except as otherwise provided by law or by this charter, all powers of the city shall be vested in the city council that shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law.

SECTION 2-3: PRESIDENT/CHAIR AND VICE PRESIDENT/VICE CHAIR, ELECTION; TERM; POWERS

- (a) Election and Term - As soon as practical after the councilors-elect have been qualified following each regular city election, as provided in section [placeholder], the members of the city council shall elect from among its members a president/chair and vice president/vice chair, who shall serve for a [placeholder] term. The method of election of the president/chair and vice-president/vice-chair shall be determined by City Council rules.
- (b) Reorganization of City Council Officers – Upon motion and vote of at least six members, City Council may reorganize and elect new officers.
- (c) Powers and Duties - The following shall be the powers and duties of the council president/chair:
 - i. Head of the city - The council president/chair shall be recognized as the official head of the city for all ceremonial purposes and shall be recognized by the courts for the purposes of serving civil process.
 - ii. Presiding officer of the council - The council president/chair shall be the presiding officer of the city council. The council president shall have no power of veto but shall have the same powers as any other member of the city council to vote upon all measures before it.
 - iii. Appointment of committees - The council president/chair shall appoint members of, and oversee, all committees of the council, whether standing or ad hoc.
 - iv. Goal-setting facilitation - The council president/chair shall be responsible for coordinating the development of council goals and policies, as provided for in section [placeholder], and for facilitating the development, periodic review, and updating of a long-term vision for the city, in collaboration with the council, the city manager, and members of the public.
 - v. State of the city - The council president/chair shall, together with the city manager, address the city council, school committee, officers of the city, and the public on the state of affairs of the city.
 - vi. Other duties - The council president/chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by vote of the city council.

Commented [MW1]: Does the Committee want to consider recommending a timeline and/or contingency selection method?

vii. Chair/member of the school committee - The council president/chair shall also be chair of/serve as a member of the school committee and shall update the council regularly on school committee matters.

(d) Temporary absence - During a temporary absence of the president/chair, the duties of president/chair shall be performed by the vice president/vice chair. If there shall be neither a president/chair nor a vice president/vice chair, the member of the city council senior in length of consecutive service shall perform the duties of president/chair until there is no longer an absence.

(e) Permanent Vacancy - If there is a permanent vacancy in the office of president/chair or vice president/vice chair, the city council shall elect within 21-days by majority vote one of its members to fill such office for the unexpired term.

SECTION 2-4: PROHIBITIONS

(a) Prohibition against holding multiple City positions - Except as otherwise provided by the charter and permitted by the Massachusetts General Laws, no member of the city council shall hold any other compensated city position. No former member of the city council shall hold any compensated appointed city position until 1 year following the date on which the former member's service on the city council has terminated unless such appointment is affirmed by six (6) members of the city council. This section shall not prevent a city employee who vacated a position to serve as a member of the city council from returning to the same position upon the expiration of the term for which that person was elected.

(b) Prohibition against city council service after felony conviction - Any person who has been convicted of a state or federal felony shall not be eligible to be elected to the city council. Any councilor who has been convicted of a state or federal felony shall be deemed to have vacated said office and shall be disqualified from serving on the city council for [placeholder] years or until such time as the conviction has been overturned or the individual has been pardoned for the convicted offenses..

SECTION 2-5: COUNCIL SALARY; EXPENSES

(a) Salary - The president/chair and the members of the city council shall receive for their services such salary as the city council shall determine by ordinance, and they shall receive no other compensation from the city. No increase or reduction in the salaries of city councilors shall take effect during the year in which such increase or reduction is voted, and no change in such salaries shall be made between the election of a new council and the qualification of the new council.

(b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

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

(b) Quorum - A majority of all the members elected to the city council shall constitute a quorum. Except as otherwise provided by General Laws or by this charter, the affirmative vote, taken by a roll call vote, of a majority of members of the city council shall be required to adopt any ordinance, order, resolution or vote, except that the affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the city council.

(c) Rules - [placeholder]

Commented [EC2]: Discuss application to all elected officials

Commented [MW3]: How is this currently handled?

Commented [EC4R3]: This can be made more specific or narrowed by ordinance. For example, ordinance could clarify what "necessary" expenses include or specifically exclude items from reimbursement as not necessary. If the Committee chooses to defer to ordinance a line would be added here saying, "which may be further defined by ordinance"

Commented [MW5]: How is this currently handled?

Commented [EC6R5]: Language can be inserted here: "Rules for operation of City Council shall be established by City Council at the beginning of each term."

SECTION 2-7: APPOINTMENTS OF THE CITY COUNCIL

- (a) City Auditor - The city council, by the affirmative vote of a majority of members present, shall appoint a city auditor for an indefinite term of office. The city auditor shall be appointed solely based on the candidate's professional qualifications and experience. The city auditor shall keep and have charge of the accounts of the city and shall from time to time audit the books and accounts of all city agencies. The city auditor shall have such other powers and duties as provided for auditors and accountants by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or by any other vote of the city council.
- (b) Clerk of the Council - The city council shall appoint by the affirmative vote of at least six (6) members and may remove at its discretion by affirmative vote of at least six (6) members, a person nominated by the council president/chair, who may be the city clerk, to serve as clerk for a term of three (3) years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be provided by ordinance or by other vote of the city council.
- (c) Additional Staff - The council may establish additional council support positions and consultants by ordinance as the council deems necessary and may, by the affirmative vote of at least six (6) members, appoint staff to serve in those positions.
- (d) Salaries - The officers appointed under Section 2-7 shall receive such salaries as set by ordinance.
- (e) Supervision, discipline and removal of city council employees - The council president / chair shall be responsible for supervision of any employee appointed by city council, including the city auditor and clerk of the council. The council president / chair shall be able to impose discipline up to and including an unpaid suspension of not more than five days, however removing an employee appointed by city council shall require an affirmative vote of at least six council members.

(f) SECTION 2-8: CITY COUNCIL ROLE IN CERTAIN APPOINTMENTS

- (a) Department heads – Prior to posting and beginning the search for a department head position, the city manager shall meet with the city council to discuss priorities for the department and desirable qualifications and qualities of candidates for the position.
- (b) Multiple-member bodies - The city manager shall refer to the city council and simultaneously file with the clerk the name of each person the city manager desires to appoint or reappoint as a member of a multiple-member body. Appointment of a member of a multiple-member body made by the city manager will be effective upon a majority vote of the city council, which vote shall occur within 60 days after the date on which notice of the proposed appointment was filed with the city clerk. The appointment may be approved or rejected by a majority of the full city council before 60 days. An appointment or reappointment shall take effect if the city council fails to act within those 60 days.

SECTION 2-9: ACCESS TO INFORMATION

- (a) In general - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.
- (b) Information requests:
 - i. City manager - The city council may, at any time, request from the city manager specific information on any municipal matter within its jurisdiction and may request the manager to be present to answer written questions relating thereto at a meeting to be held not earlier than seven (7) days from the date of receipt by the city manager of said questions. The city manager shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The city

Commented [MW7]: Flag for discussion

Commented [EC8]: Process for notice to be developed.

- manager may attend and address the city council in person or through the head of a department or a member of a board, on any subject and at any time.
- ii. Employees, members of multiple-member bodies - The city council may require a member of a multiple-member body or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers, or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee. The city council shall give a minimum of seven (7) days' notice to a person it may require to appear before it under this section. Notice shall be by _____. The notice shall include specific questions on which the city council seeks information and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those questions presented in advance and in writing. The city manager shall receive a copy of any notice issued under this section at the same time as the person who is requested to appear before the council.

SECTION 2-10: ORDINANCES AND OTHER MEASURES

- (a) Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon, and receiving the affirmative vote of a majority of members present. No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege of any kind or nature, shall be passed as an emergency measure, and except as provided in General Laws Chapter 166, Sections 70 and 71, no such grant, renewal or extension shall be made otherwise than by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.
- (b) General Measures - Every adopted measure shall become effective upon adoption or at such later time as it may specify. An ordinance shall not be amended or repealed except by another ordinance adopted in accordance with this charter.
- (c) Charter Objection - On the first occasion that the question on adoption of a measure is put to the city council, a single member present may object to the taking of the vote, and postpone the vote until the next regular or special meeting of the city council. If two or more present members object, the vote shall be postponed until the next regular meeting. This procedure shall not be used more than once for any specific matter regardless of whether it has been amended. A charter objection shall have privilege over all motions but shall be raised prior to or at the call for a vote by the presiding officer and all debate shall cease. The charter objection process shall not apply to emergency measures as defined in this section.
- (d) Publication - Every proposed ordinance, or loan order, except emergency ordinances and revenue loan orders, shall be published once in full in at least one local newspaper, on the city website and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage, the ordinance as amended and completed, shall again be published once in the aforesaid manner; provided that if any ordinance or proposed ordinance, or codification thereof, shall exceed in length eight pages of ordinary book print, then there shall be no requirement to advertise as aforesaid if the same is published by the city council in a municipal bulletin or printed pamphlet, but otherwise in conformity with said provisions, except for zoning ordinances or amendments thereto, a summary of which shall be published at least two times in a local newspaper. The publication of such zoning summaries shall include a statement indicating where copies of the ordinance may be examined and obtained and a statement that claims of invalidity by reason of any

defect in the procedure of adoption may only be made within ninety days after the posting or the second publication. Emergency ordinances shall be published at the earliest practicable moment.

SECTION 2-11: FILLING OF VACANCIES (current language as adapted from GL c. 54A, s.13)

- (a) Vacancy to be filled by next highest vote-getter - In all occurrences of a vacancy on the city council, the city clerk shall notify the city council and the chairperson of the board of election commissioners of the vacancy within 7 days.
- (b) Within 7 days after notification, there shall be a public recount of the ballots credited at the end of the original count to the candidate elected thereby whose place has become vacant. Except for the following special rules, the provisions governing the original count shall be in effect:
 - i. All choices marked for candidates theretofore elected or who have become ineligible or have withdrawn shall be disregarded;
 - ii. The ballots shall be sorted each to the earliest choice marked on it for any of the eligible candidates.
 - iii. If any candidate has to their credit more than half of the ballots which show any preference among the eligible candidates they shall be declared elected to the vacant place.
 - iv. If no candidate receives more than half of such ballots, the candidates lowest on the poll shall be declared defeated one after another and after each candidate is defeated their ballots shall be transferred among the continuing candidates.
 - v. The process hereinbefore provided shall be continued until one candidate is credited with more ballots than all the other undefeated candidates together, when they shall be declared elected to the vacant place.

If a vacancy in an elective body occurs for which no regularly nominated candidate remains it shall be filled for the unexpired term by a majority vote of the remaining members; and if but a single member remains or if a majority vote of the remaining members is not obtained within thirty days after the vacancy occurs, it shall be filled by a special election, in the case of a single vacancy, by preferential voting or, in case two or more vacancies exist at the same time, by proportional representation.

Commented [EC9]: ALTERNATIVE LANGUAGE: If neither of the next highest vote-getters are able to serve - Where no defeated candidate is eligible and/or willing to serve, the process for filling the vacancy shall be determined by the number of days remaining until the next municipal election. If a vacancy occurs:

- i. More than 180 days until the next municipal election, there shall be a special election.
- ii. 180 days or less prior to any regular municipal election in the office of councilor at-large, then the seat remains vacant until the next regular municipal election. The person elected shall fill the vacancy for the remainder of the unexpired term and the term to which elected. The city clerk shall administer the oath of office to them at the next meeting of the city council.

ARTICLE 3: EXECUTIVE BRANCH

SECTION 3-1: CITY MANAGER APPOINTMENT; QUALIFICATIONS AND ELIGIBILITY; TERM OF OFFICE; COMPENSATION; EVALUATION; GOAL-SETTING

- (a) Appointment - The city council shall appoint a city manager who shall be sworn to the faithful performance of the duties and who shall be the chief executive officer of the city and shall be responsible for the administration of all departments, multiple member bodies, commissions, boards and officers of the city, except those employees appointed by city council, the school committee, and any official appointed by the governor or elected official.
- (b) Qualifications and Eligibility - The city manager shall be appointed on the basis of administrative and executive qualifications only and need not be a resident of the city or commonwealth when appointed. No member of the city council shall, during their term of office, be chosen as city manager, and no person who has within two years been elected to or served in any elective office in the city shall be chosen as city manager.
- (c) Term of Office - The city manager shall hold office during the pleasure of the city council. The city council shall enter into an employment agreement with the city manager for a term not to exceed five (5) years; the city manager may, however, serve consecutive successive terms upon a vote by city council to renew or extend the employment agreement. The terms of the employment agreement shall be consistent with the provisions of this charter.
- (d) Compensation - The city manager shall receive such compensation as the city council shall fix by ordinance. The city manager shall not receive any other compensation from the city other than that fixed by city council.
- (e) Evaluation - Annually the city council shall prepare and deliver to the city manager a written review of the city manager's performance in a manner provided by ordinance.
- (f) Goal-setting - The council president/chair and city manager shall collaboratively develop goals for the city manager that shall be used to measure the city manager's performance during the evaluation process and to provide guidance to the city manager.

SECTION 3-2: POWERS AND DUTIES.

The city manager shall be the chief executive officer of the city and shall be responsible to the city council for the proper administration of all city affairs placed under the city manager's charge by or under the charter. The city manager shall be responsible for implementation of policies established by the city council, as reflected in the city council's votes and resolutions and in ordinances, appropriation orders, and loan authorizations.

The powers and duties of the city manager shall include, but are not intended to be limited to, the following:

General:

- a) Supervise, direct, and be responsible for the efficient administration of all city activities placed under the manager's control by the charter, by ordinance, or otherwise, including all officers appointed by the manager and their respective agencies.
- b) Be responsible for the coordination of the activities of all agencies under his or her control with the activities of all other city agencies, including those elected by the voters of Cambridge and those appointed by other elected officials.

c) Ensure that all the provisions of the General Laws, the city charter, city ordinances, and other votes of the city council that require enforcement by the manager or by officers or employees subject to the manager's supervision are faithfully carried out and enforced.

d) Make such recommendations, from time to time, to the city council that, in the manager's judgment, are deemed necessary or desirable.

e) Determine the existence of a public emergency or danger and shall assume responsibility for the maintenance of public safety, public order, and enforcement of laws. The manager shall notify the council president as soon as practical, but within 24 hours, of such a public emergency or danger and of the actions taken. Should the public emergency continue more than 24 hours, the city council may meet to review, ratify, or terminate said public emergency.

f) Authorize any subordinate officer or employee to exercise any power or perform any function that the city manager is authorized to exercise or perform, provided, however, all acts performed under any such delegation shall be deemed to be the acts of the city manager.

g) Pursuant to section 3-3, appoint all members of multi-member bodies for whom no other method of appointment is provided by General Law, the charter, ordinance, or city council resolution. Appointments made by the city manager to multi-member bodies shall be subject to confirmation by the city council, as provided by ordinance.

Appointment, personnel, hiring, and bargaining

h) Pursuant to section 3-3, appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, city officers, and employees of city agencies under the direction and supervision of the city manager. Prior to posting and beginning the search for a department head position, the city manager shall meet with the city council to discuss priorities for the department and desirable qualifications and qualities of candidates for the position.

i) Administer personnel related matters, including bargaining with municipal employees, and fix the compensation of all municipal employees appointed by the manager within the limits established by appropriation and any ordinance or collective bargaining agreement.

j) Inquire at any time into the conduct of office of any officer, employee, or department under the City Manager's supervision.

Financial:

k) Prepare and submit an annual operating budget under the policy guidance of, and taking into account the goals set by, the council.

l) Assure that a full and complete record of the financial and administrative activities of the city is kept and shall render a complete written report to the city council at the end of each fiscal year and at such times as the city council may reasonably require.

m) Execute contracts, subject to such prior city council approval as may be prescribed by ordinance.

Property, facilities, and procurement:

n) Have full jurisdiction over the rental and use of all city facilities, except school and library buildings and grounds. The City Manager shall be responsible for the maintenance and repair of all city-owned property, including, if authorized by an ordinance establishing a central city maintenance department, school and library buildings and grounds.

o) Ensure that a full and complete inventory of all property owned by the city, both real and personal, is kept.

p) Execute all deeds conveying city real property, but that any such conveyance shall have been previously authorized by the vote of the city council pursuant to the applicable provisions of the General Laws.

Communication:

q) Publish an annual report comprising the complete statistical record of the operations of every city department, commission, and committee for the preceding year. Said report shall be published annually and made available for distribution to the public not later than four months after the end of the period on which the report is based.

r) Be responsible for city government communications, including, but not limited to, developing a timely and comprehensive communication strategy, coordinating the announcements and messages from department heads, communicating regularly, via all available media avenues, with residents, ensuring that all aspects of the city's website are kept up to date, and soliciting recommendations for greater communication from residents.

s) Maintain a public-facing data and performance management initiative that periodically monitors, reports, and benchmarks on 1) progress on the implementation of the council's strategic priorities key performance measures 2) the activities of the city as a whole and city departments, commissions, and committees, and 3) any other subject matter that, in the discretion of the manager, focuses on improving the efficiency and effectiveness of city services.

Additional duties:

t) Perform such other functions as necessary or as may be assigned to the office of city manager by the General Laws, by this charter, by ordinance or other vote of the city council, or otherwise.

SECTION 3-3: APPOINTMENTS AND REMOVALS

The city manager shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration the city manager is responsible, except as otherwise provided in this charter.

(a) Department Heads – the city manager shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, city officers, and employees of city agencies under the direction and supervision of the city manager. Prior to posting and beginning the search for a department head position, the city manager shall meet with the city council to discuss priorities for the department and desirable qualifications and qualities of candidates for the position.

(b) Multiple Member Bodies – the city manager shall appoint all members of multi-member bodies for whom no other method of appointment is provided by general law, the charter, ordinance or city council resolution. Appointments made by the city manager to multi-member bodies shall be subject to confirmation by the city council, as provided by ordinance.

(c) Notification to city council - The city manager shall report every appointment and removal made to the city council at the next meeting thereof following such appointment or removal. The city manager may authorize the head of a city agency, for whose administration the city manager is responsible, to appoint and remove subordinates in such city agency, subject to the provisions of this charter.

(d) Interference by City Council Prohibited – Except as provided in Section 2-6 and by this charter, neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible.

SECTION 3-4. ACTING CITY MANAGER.

- (a) Temporary absence - The city manager shall, by letter filed with the city council and a copy filed with the city clerk, designate a qualified city officer or administrative employee to exercise the powers and perform the duties of the office during temporary absence. During the first ten working days of a temporary absence of the city manager, the city council may revoke such designation by a two-thirds vote and, after the expiration of ten working days, by a majority vote, whereupon it may appoint another qualified city officer or employee to serve as acting city manager until the city manager shall return and resume the manager's duties.
- (b) Vacancy - Any vacancy in the office of city manager shall be filled as soon as possible by the city council, but pending such appointment the city council shall designate a qualified city officer, administrative employee or former city manager to exercise the powers and perform the duties of the city manager on an acting basis. The appointment of an acting city manager shall be for a term not to exceed four (4) months; provided, however, one renewal, not to exceed a second four (4) months, may be permitted.
- (c) Powers and Duties -The powers of a temporary or acting city manager shall be limited to matters not admitting of delay; provided, however, no temporary city manager under (a) above shall have authority to make any permanent appointment to, or removal from, any office or position under the city.

SECTION 3-5: REMOVAL

Before the city manager may be removed prior to the end of the contract term, the city manager shall have the right to be heard publicly at a meeting of the city council prior to the final vote on the question of removal, but before and during such hearing the city council may suspend the city manager from office. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the city council.

Article 4: School Committee

[Not started]

Article 5: Financial Policies and Procedures

[Not started]

Article 6: Administrative Organization

[Not started]

Article 7: Elections and Citizen Relief Mechanisms

[Not started]

Article 8: General Provisions

[Not started]

Article 9: Transition Provisions

[Not started]

DRAFT