



CHARTER REVIEW COMMITTEE

COMMITTEE MEETING

~ AGENDA ~

Tuesday, August 15, 2023

5:30 PM

Remote Meeting

The Charter Review Committee

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



City of Cambridge

COF 2023 #142
IN CITY COUNCIL
August 15, 2023

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

August 15, 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, August 15, 2023

- I. Roll Call 5:30 PM
- II. Introduction by Chair, Kathy Born
- III. Adoption of Meeting Minutes from the meeting of July 18, 2023
- IV. 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 Marilyn Frankenstein, regarding composition of city council
 - ii.* A communication from Heather Hoffman, regarding renters on City Council
 - iii.* A communication from Jameson Quinn, regarding elections and proportional representation
 - Other Meeting Materials
- V. Public Comment
 - Members of the public are invited to share their ideas or comments with the committee.
- VI. Review Drafted Language for City Council Goal Setting and Budget Priorities provisions
 - **Facilitator:** Anna, Pat, Mike. **Goal:** Review drafted language, discussion and vote
- VII. Discuss City Manager Review Provision
 - **Facilitator:** Anna, Pat, Mike. **Goal:** Review current charter language, discuss possible changes, vote.

- VIII. Review Draft Language for Article 1: Incorporation, Powers, Etc.
- **Facilitator:** Anna, Pat, Mike. **Goal:** Review drafted language, discussion, and vote
- IX. Discuss Resident Mechanisms: Free Petition, Initiative, Referendum, Recall
- **Facilitator:** Anna, Pat, Mike. **Goal:** Review provisions, discuss thresholds and benefits and challenges of including each, and vote.

**MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE
TUESDAY, JULY 18, 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, July 18, 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 – Absent*
Kevin Chen – Present
Max Clermont – Present
Jennifer Gilbert – Absent*
Kai Long – Present
Patrick Magee – Present
Mina Makarious – Absent*
Lisa Peterson – Present
Ellen Shachter – Present
Susan Shell – Absent*
Jim Stockard – Present
Kathleen Born – Present

Present – 10, Absent – 5. Quorum established.

***Members Nikolas Bowie and Jennifer Gilbert were marked present at 5:36p.m.**

***Member Mina Makarious was marked present at 5:48p.m.**

***Member Susan Shell was marked present at 6:31p.m.**

The Chair, Kathleen Born recognized Member Patrick Magee who made a motion to adopt the meeting minutes from June 6, 2023, June 20, 2023, and June 27, 2023.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

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.

The Chair, Kathleen Born recognized Member Ellen Shachter who made a motion to adopt the three communications received from the public, which were included in the Agenda Packet.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

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.

The Chair, Kathleen Born opened Public Comment.

Jameson Quinn shared that they read the current draft and noted that it was silent on the election methods. They shared that they look forward to the discussion around having an elected Mayor.

Committee members shared concerns and suggestions on how to organize and address comments and communications that come through the Charter Review website, highlighting the importance of responding to the residents that due submit comments.

Anna Corning, Project Manager, shared that the goal of the meeting today was to review and discuss the drafted language for Articles 1, 2, and 3. The draft language was provided in advance of the meeting and included in the Agenda Packet.

Member Kai Long shared concerns and frustrations about making sure that going forward there is more diversity as well as more democracy within government.

Elizabeth Corbo from the Collins Center reminded Committee members that there is plenty of opportunity going forward with the Charter to recognize and adjust the language involving citizen engagement and the change Committee members wish to see.

Member Lisa Peterson shared that she agreed with comments made by Kai Long and stressed that the Committee can make change, but to make sure they also identify what the purpose of that change is.

Member Ellen Shachter shared that it would be a good idea for the Committee to have more creative thinking moving forward and was open to suggestions on how the Committee can accomplish the goals they are setting.

Member Lisa Peterson asked The Collins Center if there was a campaign finance reform that could be put in place in the Charter. Elizabeth Corbo shared that this topic is something that is very difficult to address and would have to consult with the City Solicitor and the State regarding it. Lisa Peterson suggested that it is something that the Committee and Collins Center should investigate more to try and include in the Charter.

Member Mina Makarios offered comments and suggestions on Council turnover and shared they agreed with some of the comments made by previous members, but wants to be mindful in the language that is used as to not flood the candidate pool with an already confusing voting process and low voter turnout.

Member Jim Stockard asked for clarification on how much money can be donated by a person to a campaign and if there is a limitation on how much one person is able to donate. Patricia Llyod from the Collins Center shared that campaign financing is very heavily regulated by the State, making it difficult for municipalities to make policies that do not conflict with State law.

Member Jennifer Gilbert shared that they agree with comments made by Member Long and offered comments on government participation and leadership positions, noting that those in charge of decision making is an important discussion.

Member Jessica DeJesus Acevedo shared that a section in the draft Articles that they have been focusing on is communication, and offered suggestions on how the Committee can reach out to

specific communities and age groups to achieve the goals that are being set by Committee members to have a progressive conversation on what needs to be changed.

Member Nikolas Bowie referenced and offered comments from the Massachusetts Constitution that describes the powers that local governments have.

Anna Corning asked Committee members to share topics they wish to have more information on for future meeting discussions.

The Chair, Kathleen Born offered comments on the challenges of being on the City Council and running a campaign while also working full-time and suggested that City go back to having City Councillors be part-time positions.

Member Kevin Chen shared that they would like to have conversations around how to make elections more understandable to the public and would like to see more expansion on the communication and engagement side of elections. Member Chen suggested using municipal local media as a tool for outreach.

Member Ellen Shachter noted the importance of having data to help with the decision-making process.

Member Kai Long shared that running for City Council is limited to a selected group based on resources and privileges. Member Long suggested using language in the Charter that would reflect having different demographics be a part of City politics and having a town hall that could be broadcast to residents.

Member Mosammat Faria Afreen shared that she chose to be a part of the Charter Review Committee to represent the groups that they are a part of. Member Afreen shared concerns about the decision making and conversations within the Charter, noting that they feel some of the decisions that have been made are only making it easier for those already involved in government and not to help those who may want to pursue being involved. Member Afreen suggested that having a citizen's assembly could be beneficial for residents and noted that they would like to have Committee meetings that are not just through Zoom, but in person, to promote more engagement with the public.

Anna Corning reminded members that discussions have mostly been around the legislative and executive branches of the Charter and plans to have conversations about engagement and other Articles in the Charter have not been covered yet.

Member Patrick Magee offered suggestions and examples of ways to change the demographics of the government and promote more diversity.

Member Jessica DeJesus Acevedo noted they would like to see more conversation and information on property, facilities, and procurement (Article 3, Section 3-2) and shared their frustration with the cost of living in the City of Cambridge.

Elizabeth Corbo shared that community engagement is a topic that the Collins Center has been working on to provide information to the Committee to help with draft language. Elizabeth

Corbo also noted a tool that can be used for residents is a class or seminar on how a specific local government is run.

Member Nikolas Bowie summarized the frustrations that they are hearing from fellow Committee members, which were representative government and the representation of marginalized communities, and offered suggestions on how the Committee can work towards changing them and achieving other goals.

Member Kai Long offered the suggestion of having City Councillors mentor and educate those who are interested in running for City Council.

Member Mina Makarious offered suggestions on ways the Charter can reflect public participation.

Member Ellen Shacter shared comments on creating legislation and noted some of the challenges that can be faced when creating and proposing language.

The Chair, Kathleen Born suggested that there be more conversation on citizen assemblies and agrees that it could be beneficial for the City.

Member Jim Stockard offered comments on creating legislation and questioned what the political piece would be on why the Committee would receive a no from the State when bringing language forward. Member Ellen Shachter responded by sharing their own experience.

Anna Corning shared that moving forward it the Committee will start to prioritize conversations around topics they wish to change and implement to be mindful with time while creating smart goals.

Member Mosammat Faria Afreen asked for clarification on what the process would look like when discussing form of government again and making the final proposal to submit to the City Council. Anna Corning responded by sharing that there will be time before the Committee starts drafting the final proposal report, but noted that if anyone in the Committee is interested in revisiting the topic sooner rather than later, time can be made during a meeting for it. Anna Corning shared that they would create an updated timeline for future meeting discussions.

Member Max Clermont shared that they were in favor of having more conversations around citizen assemblies and what could be included in the Charter. Member Clermont suggested looking at town forms of government as a guide to help form town hall meetings and citizen assemblies.

Member Nikolas Bowie shared advantages of having a resident assembly.

Member Mina Makarious suggested Cambridge model the good things that come out of a citizen assembly and use language to stay away from things that would not benefit having an assembly.

Member Jennifer Gilbert shared that they agree with comments made by Committee members and noted she would be in favor of having more conversations around citizen assemblies and discussing representation.

Anna Corning thanked everyone for their participation and urged members to bring forward any information they would like to see in future discussions. Anna Corning also asked Committee members to provide any written feedback they may have regarding Articles 1, 2, and 3 of the drafted Charter language.

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. The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/547?view_id=1&redirect=true&h=19fedbcff01a6c472a317f6b537c4fa1

my thoughts about the charter issues

Marilyn Frankenstein <Marilyn.Frankenstein@umb.edu>

Mon 7/31/2023 4:22 PM

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

To the Charter Review Committee members:

I have lived in Cambridge for almost 40 years; I grew up and went to public schools in Brooklyn, NY, including Brooklyn College, which at that time was also totally public (i.e., tax-payer supported). I am a retired Professor from the University of Massachusetts/Boston, a "public" university with unaffordably high tuition. I developed and taught curricula in Quantitative Reasoning in Arguments, and Media Literacy. I own a home in Cambridge and love living here. I care about my adopted city. I am interested in helping make Cambridge a more inclusive, democratic city.

I am concerned about our city's system of representation and was distressed to read recently in Cambridge Day that we will still have all at-large city Councillors, elected by proportional representation, and still have a weak unelected Mayor and a powerful unelected City Manager.

<https://www.cambridgeday.com/2023/07/25/charter-reviewers-present-first-draft-changes-with-some-members-protesting-small-scope/>

To me, this situation is completely anti-democratic. Having 20-30 candidates running for 9 City Council seats precludes healthy democratic debate. No one can really run against anyone, because with a large number of candidates that would not be productive; each candidate must focus on their ideas. It is quite a heavy lift to ask each citizen to familiarize themselves with that many candidates ideas and positions. That means that we cannot more deeply examine most of the candidates ideas and positions. Most importantly, having that many candidates means that there are no productive debates about the issues. That means we cannot vote *against* candidates whose policies we oppose. Debating different ideas, and choosing among conflicting ideas, is at the heart of any democracy and at the heart of progress in any society. Voting to oppose policies is also an important part of a democracy. How can we do that if candidates cannot realistically debate those ideas?

Further, distributing the power to enact policy away from the elected officials to an appointed official obviously runs counter to democracy.

Finally, because of the at-large voting, I am never sure of the order in which I should vote for the candidates I do support. Sometimes I vote #1 for a new candidate who I hope will win, guessing that the incumbents I support have more name recognition, so I can vote for them someplace in my top choices. This, to me, is also anti-democratic as I am never sure exactly how to vote for the candidates I support.

I hope what the article in Cambridge Day described as a "current draft" means that the committee can revisit this current anti-democratic system of voting.

Sincerely,
Marilyn Frankenstein
75 Holworthy Street

correcting the record

Heather Hoffman <heather.m.hoffman.1957@gmail.com>

Tue 8/1/2023 6:03 PM

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

I am tired of hearing people say that there's only one renter on the City Council and not get corrected. There are three currently, Denise Simmons, Dennis Carlone and Burhan Azeem.

I would also point out that, given the mania for building big apartment buildings over the past several years and the apparent desire to build even bigger apartment buildings over the next several years, I'd like to know how we wouldn't have renters continue to be more numerous than owner-occupants. We will not have more owners if we do nothing to plan for that. I understand that's not within this Committee's purview, but it gets brought up often enough that I felt the need to say something.

Heather Hoffman

Re: Improving Cambridge Voting System

Jameson Quinn <jameson.quinn@gmail.com>

Fri 8/4/2023 11:40 AM

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

I want to be a little bit more explicit about my offer, in my previous email, to "talk with" the elections subcommittee.

* I'd like to be notified about any meetings they have, and to get any correspondence they have that's covered by open records rules.

* As a Cambridge voter with relevant expertise, I'd love to be able to speak in order to answer any questions they have about voting systems. This applies whether or not they are interested in my own suggestions.

* When/if they do resolve the basic outlines of the voting system they want, I'd be happy to help draft language that covers edge cases.

Any of the above apply separately or together.

Dr. Jameson Quinn

On Wed, 2 Aug 2023 at 16:43, Jameson Quinn <jameson.quinn@gmail.com> wrote:

In my previous written comments, I suggested certain changes to Cambridge's voting system. I realize now, however, that those comments got too deep in the technical weeds too quickly. So now I've written another document on the same idea, starting from WHY it's needed.

[Here's the new link.](#)

I'd also love to talk with the elections subcommittee that was discussed in the last meeting. Let me know anything I can do to help.

Sincerely,
Dr. Jameson Quinn
Cambridge voter: 412 Norfolk St #2.



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
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Memorandum

TO: Cambridge Charter Review Committee
FROM: The Collins Center Charter Project Team
DATE: August 8, 2023
RE: Sample Goal Setting and Budget Priority Language

As part of its discussion about accountability at the last meeting, the Committee discussed the drafting of charter language concerning council goal-setting generally and related to the budget process. These are important items, as agreed-upon and publicly available goals are critical for creating fair and effective accountability mechanisms. They are not included in the current Cambridge charter. The project team provides the following updated language for the Committee to discuss.

A. Council Goals

Section 2-3 PRESIDENT/CHAIR/MAYOR AND VICE PRESIDENT/VICE CHAIR/VICE MAYOR, ELECTION; TERM; POWERS

iv. Goal-setting - The council president/chair/mayor shall be responsible for coordinating the development of council goals and policies, as provided for in section [2-12] at the beginning of each council term. This shall include facilitating the development, periodic review, and updating of a long-term vision for the city, in collaboration with the council, the city manager, members of multiple-member bodies, and members of the public.

Section 2-12 – Goal Setting

- (a) Within remove 90 days of the beginning of each council term, the council shall develop council goals and policies for the upcoming term, in consultation with the city manager.
- (b) The council shall undertake a public engagement process to solicit public input into the development of these goals, including at least one public hearing at which public comment is accepted. This public engagement process shall be publicized via multiple media avenues available to the city, including on its website, social media pages, and through direct electronic communications. The council shall also review the results of any city-wide surveys or other public engagement tools undertaken in the prior term.
- (c) The council shall publish its goals for the term in multiple media avenues available to the city, including on its website, social media pages, and through direct electronic communications.
- (d) The council shall establish a public method of tracking progress in meeting the established goals.

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

(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. These goals shall take into account the council’s goals set pursuant to Section 2-12.

B. Budget Goals and Priorities

ARTICLE 5 SECTION [REDACTED]: BUDGETARY GOALS

The president/chair/mayor of the council shall call a meeting of the council prior to the commencement of the budget process, but not later than October 30, to review the financial condition of the city, revenue and expenditure forecasts, and other information relevant to the budget process. The president also shall invite the city's state legislative delegation and representatives of the school committee and library board of trustees to attend this meeting.

Subsequent to this meeting, the city council shall meet to set budgetary goals that align with the council goals created pursuant to Section 2-12, with input from the city manager and the community. There shall be at least one public hearing with an opportunity for public input into the setting of budgetary goals. The budget developed by the city manager will include a report outlining how the proposed budget aligns with the council’s budgetary goals.

Attachment: Cambridge Charter Review Agenda and Materials 8_15 (COF 2023 #142 : A communication was received from Anna Corning,

I. City Council Strategic Goals

Overview: Provision in the legislative article that enshrines a City Council process for establishing City Wide Strategic Goals for the Term.

This process would occur at the beginning of each city council term, (occurs every other year)

- Timeline - about February-March (at the beginning of the council term)

Potential Elements:

- Add responsibility to Mayor/Head of City Council powers and duties
- Include language that provides a public engagement process in the goal setting
- Include reviewing results from the recent city-wide survey in goal setting process
- Includes collaboration with the city manager
- Add responsibility for Council and CM to report on department head progress in meeting council goals
- Public tracking of the goals, meeting of benchmarks (online)

Sample Charter Language

Section 2-3 PRESIDENT/CHAIR/MAYOR AND VICE PRESIDENT/VICE CHAIR/VICE MAYOR, ELECTION; TERM; POWERS

Iv. Goal-setting - The council president/chair/mayor shall be responsible for coordinating the development of council goals and policies, as provided for in section [placeholder], at the beginning of each council term. This shall include 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.

II. City Council Budget Priorities

Overview: Provision in finance article to establish process for city council to set budget priorities in early Fall in collaboration with city manager

This process would occur every year in the fall.

- Timeline - about Sept/ Oct

Potential Elements:

- Include language that budget priorities should align with city-wide goals
- Includes collaboration with city manager
- Include a process for public engagement
- Requirement to written report on how proposed budget aligns with council budget priorities (and council strategic goals?)
- Public meetings for budget priorities

Language Examples from Other Municipalities

[Watertown](#)

WATERTOWN: BUDGET HEARING AND GOAL SETTING:

The president of the city council shall call a meeting of the city council prior to the commencement of the budget process, but not later than October 30, to review the financial condition of the city, revenue and expenditure forecasts, and other information relevant to the budget process. The president also shall invite the city's state legislative delegation and representatives of the school committee and library board of trustees to attend this meeting. Subsequent to this meeting, the city council shall meet to set policy goals with input from the city manager and the community. Based on these goals, the city manager will develop budgetary goals and the city budget.

III. City Manager Review

Overview: Currently in the charter to annually review the city manager.

Current Charter Language:

“Section 116(a). 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.”

Potential Elements:

- Could add a requirement to report on progress in meeting council goals
- Could add a public engagement element of the annual review

Language Examples from Other Municipalities

[Watertown](#)

SECTION 3-6 EVALUATION OF CITY MANAGER.

The city council shall conduct an annual review of the city manager's job performance in a manner provided by ordinance. This review shall include specific metrics for goals related to the powers and duties outlined in Section 3-2. The council shall provide opportunities for public participation in the review process.

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

DRAFT

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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]



CITIZEN RELIEF MECHANISMS IN MASSACHUSETTS CHARTERS

There are four procedural devices charters can include which increase the access of voters to local government decision-making: **(1) free petition, (2) initiative, (3) referendum, and (4) recall.** These enable residents to request actions, compel action, reverse unpopular decisions, or remove a person from office.

Initiative and referendum are utilized in respect to actions/lack of action of a city/town council or a school committee.

Some charters require a minimum percentage of voters (e.g., 20%, 30%) to participate in initiative, referendum, and recall elections for the results to be valid.

1. FREE PETITION

Allows an individual or group to present a measure to the city/town council or school committee for action. The council or school committee may take discretionary action on *individual* petitions. For group petitions (number of signatures determined in the charter), the council or school committee must hold a public hearing within three months of receiving the petition. Notice must be posted. Signature requirements for group petitions range from 50 (Gloucester) to 150 (Watertown).

Steps:

1. Certain number or percentage of voters submit petition to council or school committee
2. Clerk mails notice to certain number of petitioners as stated in the charter
3. Council or school committee holds a hearing within specified amount of time

Decision points for charter commission:

1. Number or percentage of voters required for petition
2. Whether there will be similar procedures (submission to clerk, attorney, etc.) as with other relief mechanisms
3. Specify timeline for council or school committee to take action

2. INITIATIVE

Allows a certain number or percentage of voters by signing a petition (number of signatures determined in the charter) to require the city/town council or school committee to take action. If the council/school committee does not act and voters collect additional signatures, the substance of the petition will appear on the municipal election ballot. If enacted by the voters, the action proposed by the petition will take effect. This is a multi-step process, usually taking months to complete.

Steps:

1. Filing petition with city clerk
2. Signatures by certain percentage (%) or number of the voters
3. Clerk certifies signatures
4. Petition referred to city solicitor for review
5. Council may hold public hearing and/or allow for public inspection of petitions.
6. Council or school committee takes action on petition; if enacted, process ends here.
7. Supplemental initiative petition if council fails to pass measure, or substitutes a measure in lieu of the measure as proposed by petition
 - a. Collect signatures from an additional percentage or number of voters
 - b. Special election for voters to consider the petition unless a regularly scheduled election will be held within 90-125 days OR petition can appear on ballot at the next regular municipal election.

Decision points for charter commission:

1. Percentage or number of voter signatures to commence
 - a. Potentially minimum number from each ward
2. Number of voters on “petitioners committee” (Usually 10 voters)
3. Percentage or number of voters’ signatures on petition
4. Number of days to certify signatures (e.g., 20 -30)
5. Number of days council or school committee has to act on initiative
6. Number of days to collect signatures for potential supplemental initiative petition
7. Percentage or number of voters required to sign supplemental initiative petition
11. Require a special election to be held?
12. Timeline for initiative to appear on the ballot

Most Massachusetts city charters include an initiative process, although it has not been used frequently.

3. REFERENDUM

Allows voters to petition for the repeal of a measure enacted by the city/town council, or require that a certain council action be affirmed by the voters before taking effect. The measure is put on “pause” until the vote.

Steps:

1. Council or school committee approves a measure
2. Within certain time period, percentage or number of voters submit signed petition opposing the measure

3. Measure is temporarily suspended
4. Council or school committee “immediately reconsiders” its vote
5. If not rescinded:
 - a. Council provides for submission of question to voters either at a special election or a next regular election
 - b. Until such election, measure is suspended

Decision points for charter commission:

1. Time available to initiate referendum
2. Percentage or number of voters to petition for referendum vote
3. Time limit for the collection of such signatures (e.g., 20 days)
4. Whether to require a special election to be held (usual practice)

The charter may include a listing of items which **cannot** be subject to a referendum. Examples:

- Emergency measure adopted in conformity with the charter
- Town budget or school committee budget as a whole
- Revenue loan orders
- Appropriation for debt service
- Appropriation to implement collective bargaining agreement
- Proceedings relating to personnel actions (appointment, removal, discharge, etc.)
- Repeal of measure which is subject of referendum proceedings
- Measures enacted by the council which include a referendum provision within the measure itself (i.e., you can't have a referendum on whether or not to allow a referendum)
- Measures relating to internal organization of council or school committee

Most Massachusetts city charters include a referendum provision, although it has not been used frequently.

4. RECALL

The recall procedure allows voters to consider the removal of an elected official from office prior to the completion of his or her term. A recall provision requires very careful consideration of numerous factors to assure that it will not be used frivolously, but can be used if the need arises.

Steps:

1. Only applicable if officer has more than a certain amount of time remaining in his or her term; may be times in the term (e.g., 1st 6 months, final 6 months) when recall cannot be used.
2. Percentage or number of voters to submit signed affidavit. Affidavit states the specific “grounds” for recall; there are no defined standards and/or conditions relating to “grounds.” Each recall is based on individual community factors and concerns.
3. Clerk gives petitioners blanks to collect signatures on “recall petition.”
4. Recall petition with additional percentage or number of voter signatures must be returned within certain time period (e.g., 21, 28 days)
5. Clerk verifies signatures within given time frame

6. Council gives notice to officer whose recall is sought
7. Officer has opportunity to resign within certain period, if he or she doesn't resign, recall election is scheduled.
8. Recall election is scheduled unless recall provision provides that regular municipal election may be used if it is to be held within a certain number of days after recall election is scheduled
9. If voters recall officer, office is vacated. Special election held to fill vacancy pursuant to charter provisions.*

**some earlier recall provisions provided that the vote to recall and the vote to fill the vacancy be held at the same election. This approach is now not favored.*

Decision points for charter commission:

1. Will any elected officials be exempt from recall?
2. How many signatures to require for a recall affidavit (first step in the process)?
3. How many signatures to require for a recall petition?
4. Should provision require that a minimum number of signatures come from each ward/precinct in the city/town if the officer is elected by the voters at large?
5. How much time to allow for the collection of petition signatures (e.g., 20 – 28 days)
6. How will the recall election be scheduled (within 65, 90, 120 days unless another municipal election will be held within 100 -120 days)?
7. If officer resigns will recall election still go forward? (only if replacement is to be chosen)
8. Will recall be prohibited at certain times (e.g., first three months, last six months of the term)?

Recall has not been used often in cities.

OTHER OPTIONS

Non-Binding Public Opinion Advisory Questions

In addition to these four procedures, the charter could also include a provision allowing the council and/or the school committee to include non-binding public opinion advisory questions on the ballot at regular city elections to assess voter response to certain issues. It is probably best to limit the number of such questions to two or three so that voters will be able to focus on the major issues on which the council or school committee would appreciate voter guidance. See also: MGL, c. 53, s. 18A.