

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

November 14, 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, November 14, 2023

- I. Roll Call 5:30 PM
- II. Introduction by Chair, Kathy Born
- III. Adoption of Meeting Minutes from the meeting of November 7, 2023
- IV. Meeting Materials Submitted to the Committee to be placed on file
 - Communications from Committee Members
 - Communications from Council Members
 - i. A communication was received from Councillor Zondervan, regarding a transition document for Resident Assemblies
 - Communications from the Public
 - Other Meeting Materials
- V. Public Comment
 - Members of the public are invited to share their ideas or comments with the committee.
- VI. Legislative Article and Decision Points - Strong Mayor-Council
 - **Facilitator:** Anna, Pat, Mike. **Goal:** Review draft article and decision points.
 - i. Legislative Article Draft
- VII. Executive Article and Decision Points - Strong Mayor-Council
 - **Facilitator:** Anna, Pat, Mike. **Goal:** Review draft article and decision points.
 - i. Executive Article Draft

**MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE
TUESDAY, NOVEMBER 7, 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, November 7, 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 – Present
Mosammat Faria Afreen – Present
Nikolas Bowie – Absent*
Kevin Chen – Present
Max Clermont – Present
Jennifer Gilbert – Absent
Kai Long – Absent
Patrick Magee – Present
Mina Makarious – Absent
Lisa Peterson – Present
Ellen Shachter – Present
Susan Shell – Present
Jim Stockard – Present
Kathleen Born – Present

Present – 11, Absent – 4. Quorum established.

*Member Nikolas Bowie was marked present at 5:36p.m.

The Chair, Kathleen Born recognized member Jim Stockard who made a motion to adopt the meeting minutes from October 24, 2023.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Absent

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Absent

Kai Long – Absent

Patrick Magee – Present

Mina Makarious – Absent

Lisa Peterson – Yes

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 10, No – 0, Present – 1, Absent – 4. Motion passed.

The Chair, Kathleen Born noted that there were two communications received from Committee members. The Chair recognized member Susan Shell who offered additional comments relative to the communication they submitted.

The Chair, Kathleen Born recognized member Ellen Shachter who made a motion to adopt communications received from Committee members and the public.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Absent

Kai Long – Absent

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 opened Public Comment.

Stephen C shared their excitement for resident assemblies and even year elections and spoke in support of a Mayor-CAFO-Council form of government.

Anna Corning shared with Committee members that the beginning of the meeting was to reopen the discussion on Mayor-CAFO-Council versus City Manager-Mayor-Council form of government. Anna Corning recognized Committee members who offered comments and concerns. Anna Corning shared that Committee members Kai Long and Jennifer Gilbert, who were both absent, had submitted emails sharing they would be in favor of a strong Mayor form of government.

Anna Corning requested a straw poll be done on Mayor-CAFO-Council versus City Manager-Mayor-Council form of government. Seven members voted in favor of a Mayor-CAFO-Council form of government, five members voted in favor of City Manager-Mayor-Council form of government, and three members were recorded as absent.

Anna Corning recognized Committee members to share additional comments on form of government and the straw poll. Committee members shared concerns on what it would look like for the Committee during the remainder of the year based on the results of the straw poll. Michael Ward from the Collins Center and Anna Corning offered suggestions on how the Collins Center and the Committee could use their remaining time on the Committee to put together additional and new language with a Mayor-CAFO-Council form of government to submit to the Council. Michael Ward and Patricia Lloyd from the Collins Center made themselves available to respond to questions brought forward by members of the Committee.

Anna Corning shared on her screen the proposed draft language for the Charter that the Committee has been working on over the past months. Anna Corning reviewed what changes in the language would have to be made due to the Committee being more in favor of a Mayor-CAFO-Council form of government. Committee members were recognized for questions and comments. The team from the Collins Center were available to provide feedback and suggestions.

Anna Corning noted shared that there will most likely be votes that will have to be retaken based on the straw poll decision that was made tonight. Anna Corning shared that she would review which votes would have to be retaken and introduce them at upcoming meetings and noted that there was one vote that could be retaken at tonight's meeting.

The Chair, Kathleen Born recognized member Kaleb Abebe who made a motion to adopt drafting new Charter text.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Yes

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Absent

Kevin Chen – Yes

Max Clermont – Absent

Jennifer Gilbert – Absent
Kai Long – Absent
Patrick Magee – Yes
Mina Makarious – Absent
Lisa Peterson – Yes
Ellen Shachter – Yes
Susan Shell – Yes
Jim Stockard – Yes
Kathleen Born – Yes

Yes – 10, No – 0, Absent – 5. Motion passed.

The Charter Review Committee adjourned at approximately 7:47p.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:

https://cambridgema.granicus.com/player/clip/610?view_id=1&redirect=true&h=126c4ae8044c93e0cc8e3c079b199289

Resident Assemblies

Quinton Zondervan <qyz915@gmail.com>

Fri 11/3/2023 3:14 PM

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

Dear Charter Review Committee Members,

I'm really excited by the Resident Assemblies proposal and seeing it move forward. Some questions and suggestions for your consideration:

1. The sortition process can be open ended in the charter but will have to be nailed down in implementation. It might be helpful to give a guidance document separate from the charter language to assist the Council/Manager in future implementation. Questions that would need guidance include:

- a. How are eligible residents added to the pool (presumably the city census data?).
- b. What algorithms would be used to ensure diversity among those who are selected by the sortition process?
- c. Which department would be in charge of the sortition process? Election Commission? Someone else?
- d. How are selectees notified (U.S. mail)? How long would they have to respond before their seat is passed on to the next eligible selectee?
- e. I think a lower bound of 30 is good; is there a suggested upper bound? 100? .1% of the city's population (~120)? 200? 1% (~1,200) Something else?
- f. Should there be alternate members (I think yes because some turnover is likely during the course of a 2-year session).

2. Meeting process guidance would be good. Is there a chair? A facilitator? Roberts Rules of Order? Consensus Decision making (imho the best option but I understand not everybody is there yet). Is there Public Comment/other ways for non-members of the public to participate?

3. What are reasonable expectations for time commitment? Is it 2 hours a month (not enough imho)? 2 hours a week (might be the upper bound)? The city should provide on location childcare options. Will remote participation be allowed?

Again, I'm really excited about this. Thank you for your work on it and I hope it ends up moving forward.

Best,

Q

Quinton Zondervan

[Cambridge City Councilor](#)

617-901-2006

he, him, his

Cambridge adopted a [Green New Deal!](#)

Check out my [TEDx talk](#): Go Solar and Save!

Connect with me via [LinkedIn](#) or [Facebook](#).

ARTICLE 2

LEGISLATIVE BRANCH

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

(a) Composition - There shall be a city council of **nine members** nominated and elected by and from the voters **at-large** by proportional representation. The city council shall exercise the legislative powers of the city.

Commented [1]: decision point

Commented [2]: decision point

(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.

Commented [3]: decision point

(c) Eligibility - Any registered voter **shall** be eligible to hold the office of councilor. If a councilor moves 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 moved from the city.

Commented [4]: Do we need a decision point as to whether this includes the new definition of registered voter? Or perhaps indicate "any voter registered to vote in the city's municipal elections" to assume the new voting definition applies?

Commented [5]: Yes good idea

(d) Legislative Powers - The city council shall have and shall exercise all the legislative powers of the city, except as such powers are reserved by this charter to the school committee or to the qualified voters of the city.

SECTION 2-2: CITY COUNCIL OFFICERS

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 and vice president, who shall serve for a 2-year term. The method of election of the president/chair and vice-president/vice-chair shall be

determined by City Council rules. The member of the city council senior in length of consecutive service shall perform the duties of president/chair until members elect a president/chair.

(c) Powers and Duties of Council President –

(i) General Administration - The council president shall preside at all meetings of the council, shall regulate its proceedings and shall decide all questions of order. The council president shall perform any other duties consistent with the office that may be provided by charter, by ordinance, by council rules, or by other vote of the council.

(ii) No Veto Power – The city council president shall have no power to veto but shall have the same powers as any other member of either such body to vote on measures before it.

(iii) Goal-Setting – The council president shall coordinate, with the council, the development and prioritization of both short- and long-term council goals to support a strategic vision for the city, as provided for in section [2-12] at the beginning of each council term.

Commented [6]: decision point, in collaboration with the mayor?

(iv) Appointments of Committees - The council president shall appoint all members of all committees established by the rules of the council, whether special or standing.

(v) 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.

Commented [7]: decision point

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

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

Commented [8]: Common methods of filling vacancies for an elected office include special election or election of the body. Election of the body avoids the expense of a special election, but can be viewed as subrogation of voter intent. Some municipalities balance these concerns by providing a special election if the vacancy occurs in the first half of the term, and election by the body if it is in the second half of the term. This could be considered for mayor.

Commented [9]: Looks good, but might want to give a timeline since it apparently took the council a long time to choose the mayor.

SECTION 2-3: PROHIBITIONS

(a) Holding Other City Position – Except as otherwise provided by the charter and as 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 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.

SECTION 2-4: COMPENSATION

(a) Salary - The president and the members of the city council shall receive for their services such salary as the city council shall by ordinance determine, 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.

Commented [10]: Consideration: should the president receive additional compensation either by stipend or percentage?

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

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

(b) **Quorum** - 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 of Procedure - The city council shall adopt rules regulating the procedures of the city council, which shall include, but not be limited to, the following rules:

(i) The city council shall fix suitable times for its regular meetings. Except in the cases of executive sessions authorized by Massachusetts General Laws, all meetings of the city council shall be open to the press and to the public, and the rules of the city council shall provide that residents and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter **considered**;

(ii) special meetings of the city council shall be held at the call of the president, or the vice-president of the city council, or any three members, for any purpose; provided, however, that notice of the meeting shall state the time of holding such meeting and be signed by the person or persons calling the same. Except in an emergency as declared by the mayor, the notice shall be delivered at least 2 business days in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be **held**. A copy of each notice shall be immediately posted.

Commented [11]: Some charters provide that a majority of elected members is required to enact an ordinance and a majority of members present is sufficient to conduct business.

Commented [12]: If you have a city council of 9, a majority of members is 5 while a majority of members present could be as few as 3.

Commented [13]: Provides for public comment on any agenda item. Some charters allow reasonable limitations on public comment (such as duration)

Commented [14]: METHOD OF DELIVERY / PROPER NOTICE should be developed. Traditional it would be in hand or at residence, but a digital option may be preferred.

(iii) all sessions of the city council and of every committee or subcommittee of the council shall be open to the public, unless otherwise specified by law; and

(iv) a full, accurate, up-to-date account of the proceedings of the city council shall be maintained by the city clerk.

Commented [15]: We might want to add reference the tracking system here.

SECTION 2-6: CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

(a) Department Heads –

Commented [16]: New provision

(i) Prior to posting and beginning the search for a department head position, the mayor shall meet with the city council to discuss priorities for the department and desirable qualifications and qualities of candidates for the position.

(ii) The mayor shall refer to the city council and simultaneously file with the city clerk the name of each person the mayor desires to appoint as a department head. The city council shall have 30 days after the date on which notice of the proposed appointment was filed with the city clerk to vote to approve the appointment with approval not to be unreasonably withheld. An approved appointment shall be effective immediately. The city council shall accompany a rejection of the appointment with a written statement describing the reason, which shall be delivered to and placed on file with the city clerk within 30 days of filing. If the city council does not take up the appointment within 30 days, the appointment shall be deemed approved. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section ____ of this charter.

Commented [17]: decision point

(b) Multiple-Member Bodies - The mayor shall refer to the city council and simultaneously file with the clerk the name of each person the mayor desires to appoint or reappoint as a member of a

Commented [18]: Current language

multiple-member body. Appointment of a member of a multiple-member body made by the mayor will be effective upon a majority vote of the city council, which vote shall occur within 45 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 45 days. An appointment or reappointment shall take effect if the city council fails to act within those 45 days.

SECTION 2-7: CITY COUNCIL APPOINTMENTS

(a) City Auditor - The city council, by the affirmative vote of at least six members, 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) City Clerk - The city council, by the affirmative vote of a majority of members, shall appoint a city clerk. The city clerk shall be appointed solely based on qualifications and experience. The city clerk shall have such powers and duties as provided for clerks 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.

(c) Clerk of the Council - The city council, by the affirmative vote of a majority of members, shall appoint a clerk of the council, who may be the city clerk. 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.

Commented [19]: QUESTION: these appointments are written to be mandatory (language from Watertown). What happens if the council doesn't make the appointment?

Commented [20]: Then the job remains vacant.

(d) **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 members, appoint staff to serve in those positions. All officials of the city shall cooperate with employees and consultants of the city council in the performance of their oversight functions.

Commented [21]: new

(d) Salaries - The officers appointed under Section 2-7 shall receive such salaries as set by ordinance.

(e) Supervision - The council president shall be responsible for day-to-day supervision of the city auditor, city clerk, and clerk of the council, including but not limited to the discipline of same up to and including an unpaid suspension of not more than five days; provided, however, that the council president may, at the council president's sole discretion, bring to the city council any personnel matter involving the city auditor or clerk of the council for appropriate action, and provided further that the affirmative vote at least six members of the city council shall be required to remove the city auditor or clerk of the council.

Commented [22]: This entire subsection is fraught with danger. Maybe put the removal in with the appointment subsection and get rid of the rest?

Commented [23]: Ok - this is Watertown's language. Is there someone who should be responsible for supervision of the positions appointed by the council? Wondering how that is typically handled? Leave it to ordinance? I guess it gets tricky if there is a council appointment someone has to be put on leave ASAP. Hopefully that doesn't happen but...

(f) Removal: Any person appointed or elected by the council may be removed by the council.

SECTION 2-8: 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) Mayor - The city council may, at any time, request from the mayor, specific information on any municipal matter within its jurisdiction and may request the mayor to be present to answer written questions relating thereto at a meeting to be held not earlier than 7-days from the date of receipt by the mayor of said questions. The mayor shall personally, or through the head of a

department or a member of a multiple-member body, 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 mayor may attend and address the city council in person or through the head of a department or a member of a multiple-member body, upon any subject and at any time.

(ii) Department Heads, Chair of Multiple-Member Bodies- The city council may require the chair of a city multiple-member body or a city department head 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.

(d) Notice: The council shall give not less than fourteen (14) days advance notice to any person it may require to appear before it under this section. The notice shall include specific questions on which the council seeks information, and no person called to appear before the council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by _____ . The mayor shall receive a copy of all such notices.

Commented [24]: Process for notice to be developed.

SECTION 2-9: 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 the council president and 5 members of the city council. 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 take effect on the date of their passage and shall be published at the earliest practicable moment.

SECTION. 2-12 GOAL SETTING

- (a) At the beginning of each council term, within the first six months, the council shall develop council goals for the upcoming term, in consideration of previous council goals, and the strategic needs and vision of the city.
- (b) The council shall seek input from the mayor, department heads, multi-member bodies and the public in the development of council goals.
- (c) The council shall consider intercity and regional issues in development and prioritization of council goals and strategic vision.
- (d) The council may develop both short- and long-term goals. To the extent practicable, goals shall be measurable, include timelines for implementation, and relevant budget requirements.
- (e) The council shall establish a broad public engagement process to incorporate public input into development of council goals. This shall include at least two public hearings at which public comment is accepted and such additional outreach efforts as the council deems appropriate. The goal-setting and public engagement process under this section shall be publicized via multiple media avenues available to the city, including on its website, social

Deleted: city manager

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.

- (f) The council shall publish its goals for the term in multiple media avenues available to the city, including on its website, social media pages, council newsletters and through direct electronic communications.
- (g) The council shall establish a public method of tracking progress in meeting the established goals

SECTION 2-10: FILLING OF VACANCIES

In all occurrences of a vacancy, the city clerk shall notify the city council and the chairperson of the board of election commissioners of the vacancy within 7 days. Within 7 days after notification, the chairperson of the board of election commissioners or a designee shall certify, in writing, to the city clerk the name of the defeated candidate for the office of councilor-at-large with the next highest number of votes at the municipal election at which councilors-at-large were elected for the term in which the vacancy occurs. If the person is eligible and willing to serve, the city clerk shall administer the oath of office to the person within 15 days after certification and the person shall serve. If the person who is eligible declines the office, is not eligible and willing to serve, or fails to take the oath of office within the time period set forth in this section, then the person with the next highest number of votes at the election who is eligible and willing to serve shall serve.

Commented [25]: Some charters have moved away from appointment of the "second place" candidate and simplify the process:
If a vacancy occurs:
(i) more than 180 days until the next municipal election here 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.

Commented [26]: Yes

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.

Commented [27]: Another option (and as provided in the current charter) is to have the vacancy filled by the council. A consideration would be whether 6 months prior to the election campaigning has begun and whether this would give an advantage to a declared candidate if that individual was selected by the council (a provision could be added prohibiting declared candidates from the temporary appointment).

ARTICLE 3

EXECUTIVE BRANCH

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

- (a) Role – The chief executive officer of the city shall be a mayor, elected by the registered voters at-large by proportional representation.
- (b) Term of Office – The term of office for mayor shall be two years, beginning on the first business day in January following the municipal election.
- (c) Eligibility – Any registered voter shall be eligible to hold the office of mayor.

Commented [28]: change this term

Commented [29]: decision point

SECTION 3-2: PROHIBITIONS

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

SECTION 3-3: COMPENSATION

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

- (i) it is adopted by a 2/3 vote of the full city council;
- (ii) it has been adopted on or before the 18th month of the mayor's term; and
- (iii) it provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election.

Commented [30]: depends on length of mayor term (42nd)

SECTION 3-4: EXECUTIVE POWERS

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

ordinances and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall supervise, direct, and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter.

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

(c) Multiple-Member Bodies - The mayor shall be, by virtue of the office, an *ex officio* member of every appointed multiple-member body of the city. The mayor may, as an *ex officio* member, attend any meeting of an appointed multiple-member body of the city, including executive sessions, to participate in the discussions of that body, but shall not have the right to vote.

SECTION 3-5: APPOINTMENTS BY THE MAYOR

(a) Chief Administrative and Financial Officer (CAFO): The mayor shall appoint a chief administrative and financial officer to coordinate and direct the operations and functions of the city government. The CAFO shall be appointed by the mayor, subject to review by the city council under section _____. The appointee shall be appointed on the basis of strong administrative and executive qualifications and a combination of education, training and/or municipal experience to

Commented [31]: decision point

perform the duties of the office. The CAFO shall devote full time to the duties of this position and shall not engage in any other business or occupation during their term, **except as permitted herein.**

Commented [32]: necessary?

(b) Department Heads - The mayor shall appoint, subject **to the provisions contained in Section _____**, all department heads for whom no other method of appointment or selection is provided by this charter. Department heads serve at the discretion of the mayor subject to the limitations and requirements imposed by federal and state laws, rules, and/or regulations.

Commented [33]: city council confirmation

(c) City Solicitor: The mayor shall appoint the city solicitor to be the chief legal adviser of, and attorney for, the city and all divisions and offices thereof in matters relating to their official powers and duties. It shall be the city solicitor's duty, either personally or by such assistants as may be designated, to perform all services incident to the legal department; to give advice in writing when so requested to the mayor, to prosecute or defend, as the case may be, all suits or cases to which the municipality may be a party, and to provide other legal support as requested by the mayor or required by ordinance. The city solicitor shall be appointed on the basis of having strong legal qualifications and shall be especially fitted by education, training, and experience to perform the duties of the office.

(d) Multiple-Member Bodies – The mayor shall appoint, **subject to the provisions of Section _____**, all members of multiple-member bodies for whom no other method of appointment or selection is provided by the **General Laws**. All members shall serve terms as defined by ordinance, this charter or General Laws.

Commented [34]: city council confirmation

Commented [35]: should this just be "for who no other method of appointment or election is provided". Removing by general laws, assuming there are ordinances, admin orders, etc that might provide different appointment methods

(f) The mayor may also appoint such ad hoc committees or working groups as the mayor deems appropriate to advise the mayor on matters affecting the city.

(g) The mayor shall strive, to the extent practicable, to seek appointees to such committees, multiple-member bodies and/or offices from the entire city, reflecting both demographic and geographic diversity of membership.

Commented [36]: new?

Commented [37]: Did you add this? Perhaps add economic?

Commented [38]: I think libby had added this. Wasn't sure if we should keep it

SECTION 3-7: TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a temporary or permanent vacancy occurs in a city office that is appointed under Section __, the mayor may designate a person to perform the duties of the office on a temporary basis for up to 150 days until the position can be filled as provided by law or by this charter. Persons serving as temporary officers under this section shall have only those powers indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others.

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

“I designate (name of person) to perform the duties of the office of (office in which vacancy exists) on a temporary basis until the office can be filled by (the regular procedure for filling the vacancy or when the incumbent shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Cambridge.”

(b) Extension of Temporary Appointments - If an extension of a temporary appointment is necessary, the mayor may seek additional extensions in 60-day increments, which shall be authorized by a majority vote of the city council. If an extension is not approved, the position shall be deemed vacant.

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

Whenever a temporary or permanent vacancy occurs on a multiple-member body that is appointed under Section __, the mayor may designate a person to perform the duties of the office on a temporary basis for up to 150 days until the position can be filled as provided by law or by this charter. If an extension of a temporary appointment is necessary, the mayor may seek additional extensions in 60-day increments, which shall be authorized by a majority vote of the city council. If an extension is not approved, the position shall be deemed vacant, except on multiple-member bodies where such vacancy would prevent a quorum. In such instances, a temporary appointment shall be permitted to remain until a successor is qualified, however, the authority of the temporary appointment shall be limited to matters where failure to act by the multiple-member body may have adverse consequences to the city.

SECTION 3-9: APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution, or vote adopted or passed by the city council, except any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 days of such adoption or passage. If the mayor approves the measure, the mayor shall sign it; if the mayor disapproves the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure in writing to the city council. The city council shall enter the objections of the mayor on its records and reconsider the same measure after 14 days but before 30 days from the date of its return to the city council. If the city council, regardless of the disapproval by the mayor, shall again pass the identical measure by a 2/3 vote of the full council, it shall then be deemed in force. If the mayor has neither signed a measure nor

Commented [39]: decision point

returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-10: COMMUNICATIONS; SPECIAL MEETINGS

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

- (i) recommend to the city council for its consideration measures as the needs of the city require; and
- (ii) keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate any fiscal, financial, or administrative issues facing the city.

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

SECTION 3-11: TEMPORARY ABSENCE OF THE MAYOR

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

Commented [40]: This strikes me as odd / older language. Is there something else newer charters are using?

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

SECTION 3-12: DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize and subsequently remove authorization from a subordinate officer or employee of the city to exercise or perform a power, function, or duty of the office of the mayor, provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize the mayor to delegate the powers and duties of a school committee member, the power of appointment to city office or employment, or to sign or return measures approved by the city council unless the provisions of Section 3-11 (b) apply.

SECTION 3-13: FILLING OF VACANCY

Whenever a vacancy occurs in the office of mayor by death, removal, resignation, or any other reason, the process for filling of the vacancy shall be determined by the month of the mayoral term in which the vacancy occurs. Following an election to fill a mayoral vacancy, the winning candidate shall begin immediately and serve the remaining unexpired term.

(a) Whenever a vacancy occurs during:

Commented [41]: This means the candidate elect would immediately take office and not wait until January to be sworn.

(i) Months 1 through 17: The city council shall call a special election to be held within 90 days following the date of the vacancy.

(ii) Months 18 through 21: A special election need not be held and the position shall be filled by vote at the upcoming regular city election.

(b) The city council president shall serve as the acting mayor in all cases until the vacancy is filled. In the event that the city council president is unable to serve as the acting mayor under this section, the city council shall elect a councilor to serve as the acting mayor from among its membership. If the councilor serving as the acting mayor under this section chooses to run for mayor, they shall not be entitled to have the words “candidate for reelection” printed with that person’s name on the subsequent election ballot. Any person serving as the mayor under this section shall receive the compensation then in effect for the position of mayor and shall not vote as a member of the city council.